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Jamaica schedules hangings while petitions are pending before an international human rights body

The execution of three men whose petitions are pending before an international human rights body would undermine the regional and international system of human rights built over the past 50 years, Amnesty International said today.

The Government of Jamaica has scheduled the hanging of Peter Blaine and Milton Montique on the 26 November 1998 and Dalton Daly on 27 November 1998. All three men currently have petitions pending before the Inter-American Commission on Human Rights (IACHR).

"To execute these men whilst their petitions are pending would contravene Jamaica's obligations as a state party to the American Convention on Human Rights," Amnesty International added.

By ratifying the Convention, the government has undertaken to allow all people in its jurisdiction to file petitions with the IACHR asking it to examine whether their Convention-protected rights have been violated. The Convention also obliges the government not to execute a person while a petition for amnesty, pardon or commutation is pending.

The government seeks to justify these execution warrants on the basis of time limits it is trying to impose on the IACHR's consideration of petitions brought by people under sentence of death.

The validity of these time limits has been challenged in a petition currently pending before the IACHR. "As a member of the OAS and state party to the American Convention, the government of Jamaica does not have the authority to dictate to the IACHR its working methods and procedures," Amnesty International said.

The organization calls on the Jamaican government to:

- Stay the executions of Peter Blaine, Dalton Daly and Milton Montique, in keeping with its obligations as a state party to the American Convention on Human Rights, and to commute their death sentences.
- Repeal the time limits unilaterally imposed by Jamaica on the IACHR when considering petitions brought by people sentenced to death have been violated and comply with its obligations under the American Convention.
- Abide by its obligation to ensure that *all* people in Jamaica, including those sentenced to death, have full and effective recourse to petition the IACHR when they believe that their rights under the American Convention have been violated.

- Implement the recommendations of the IACHR for individual cases and systemic changes.

Background

The death penalty is the mandatory punishment in Jamaica for treason and murder in the following cases : murder of security force members; murders of witnesses in trial proceedings; murder in the course or in the furtherance of robbery, burglary, sexual offences, arson or an act of terrorism.

There are about 43 people currently on death row in Jamaica. The last execution took place on 18 February 1998 when Stanford Dinnal and Nathan Foster were hanged.

Peter Blaine was convicted of murder on 14 October 1994 and sentenced to death. His appeal to the Court of Appeal and his petition for special leave to appeal to the Judicial Committee of the Privy Council (JCPC) were rejected on 31 July 1995 and 2 May 1996, respectively. On 17 July 1997, the Human Rights Committee concluded that Peter Blaine's rights under the ICCPR to be treated with humanity and respect for the inherent dignity of the human person while in detention had been violated and recommended that the Jamaican government pay him compensation.

As permitted under national and international law, Peter Blaine filed a petition with the Inter-American Commission on Human Rights on 29 September 1997, seeking redress for violations of his rights under the American Convention. On 23 July 1998, the Jamaican government informed the IACHR that, in line with its unilaterally imposed time limits, it would not stay Peter Blaine's execution after 22 October 1998, if it had not received the IACHR's recommendations by then. The IACHR is still considering the petition.

Dalton Daley and Milton Montique were convicted of murder on 7 November 1994 and sentenced to death. Their appeals to the Court of Appeal and the JCPC were dismissed on 23 October 1995 and 8 December 1997, respectively. On 3 November 1998, the IACHR declared petitions filed by the two men admissible, stating that the petitions raised a *prima facie* claim that their human rights recognized in the American Convention had been violated. Full consideration of these petitions is pending. On 11 September 1998, however, the Government of Jamaica informed the IACHR that it would not stay executions after 24 September 1998, if the IACHR had not issued its recommendations on Dalton Daley and Milton Montique's petitions.

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