

EXTRA 05/99

DEATH PENALTY

21 January 1999

**JAMAICA Patrick Taylor**  
**Anthony McLeod**  
**Christopher Brown**

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The government of Jamaica has defied its international human rights obligations by scheduling the hangings of Patrick Taylor, Anthony McLeod (on 26 January 1999) and Christopher Brown (on 28 January).

After the dismissal of their respective appeals, petitions on behalf of each man were filed with the United Nations Human Rights Committee (HRC), alleging their rights to a fair trial and other human rights, as protected by the International Covenant on Civil and Political Rights (ICCPR), had been violated.

Patrick Taylor was convicted of murder and sentenced to death in 1994. In July 1997, the HRC concluded that his rights under the ICCPR had been violated. The authorities failed to notify Patrick Taylor of the charges against him for 26 days following arrest and detention; they failed to bring him before a court promptly after his arrest; and the authorities failed to bring him to trial within a reasonable time. The HRC also concluded that the failure to grant legal aid to Patrick Taylor to enable him to file a constitutional motion violated his rights under the ICCPR, as did the conditions in which he was held on death row at St. Catherine's District Prison. On the basis of these findings, the HRC recommended that imposition of the death penalty on Patrick Taylor violated his internationally protected right to life and recommended the commutation of his death sentence.

Anthony McLeod was convicted of murder and sentenced to death in 1995. In March 1998, the HRC concluded that his right to counsel, protected by the ICCPR, had been violated during the course of his appeal. It also concluded that the conditions in which he was imprisoned on death row in St. Catherine's District Prison were so poor as to violate his right to be treated with humanity and respect for the inherent dignity of the human person. On the basis of these findings the HRC recommended that Anthony McLeod be granted a new appeal, or failing that, that he be released.

Despite the fact that Jamaica is obliged under international law to provide an effective remedy to a person whose rights under the ICCPR have been violated, the Jamaican authorities have refused to implement the recommendations of the HRC in either Patrick Taylor's or Anthony McLeod's case. Rather than redressing the violations of their human rights, the authorities intend to hang them.

Christopher Brown was convicted of murder and sentenced to death on 28 October 1993. On 18 July 1994, the Court of Appeal of Jamaica ordered a re-trial. On 23 February 1996, at the re-trial, he was again convicted of murder and sentenced to death. In November 1997 a petition was filed with the HRC seeking redress for alleged violations of his internationally protected rights guaranteed by the ICCPR. This petition is scheduled to be considered when the HRC meets in March - April 1999. If Christopher Brown is hanged while his petition is pending, he will be irremediably denied his right to seek redress for violations of his internationally protected human rights.

In August 1998, the Inter-American Commission on Human Rights (a regional inter-governmental human rights body) recommended that the government commute

the death sentences of Patrick Taylor, Anthony McLeod and Christopher Brown on humanitarian grounds.

#### **BACKGROUND INFORMATION**

The Human Rights Committee is a body of independent experts which monitors governments' implementation of the ICCPR. They also consider petitions brought by individuals alleging that their rights under the ICCPR have been violated by states which are party to the (First) Optional Protocol to the ICCPR (Optional Protocol). In October 1997, Jamaica became the first country ever to withdraw from the Optional Protocol. Although this withdrawal became effective in January 1998, the HRC still has jurisdiction to consider those cases which were submitted before January 1998. The government of Jamaica is still obliged to implement the recommendations of the HRC and in accordance with Article 2 of the ICCPR, to provide an effective remedy to violations of the ICCPR; and under Article 6 of the ICCPR, not to execute a person whose rights under the ICCPR have been violated.

Nathan Foster and Stanford Dinnal were the last people to be executed in Jamaica, in February 1988.

#### **RECOMMENDED ACTION: Please send telegrams/e-mails/faxes/express/airmail letters in English or your own language:**

- expressing deep concern that Anthony McLeod and Patrick Taylor are scheduled to be hanged on 26 January 1999 and Christopher Brown is scheduled to be hanged on 28 January 1999.
- urging that the death sentences of the three men, and all others under sentence of death in Jamaica, be commuted;
- reminding the government that to execute Patrick Taylor and Anthony McLeod following the Human Rights Committee's findings and recommendations in each case, would violate Article 6 of the ICCPR.
- reminding the government that it is still obliged to implement the Human Rights Committee's recommendations in individual cases including its recommendations to commute the death sentence of Patrick Taylor and to release Anthony McLeod if a new appeal is not brought;
- urging the government not to hang Christopher Brown while his petition is still pending before the Human Rights Committee and pointing out that to do so would irremediably deprive him of his right to seek redress for alleged violations of his fundamental human rights, undermine the international mechanism for the protection of human rights and violate the Jamaican government's continuing obligations under the First Optional Protocol to the International Covenant on Civil and Political Rights;
- expressing sympathy for the victims of violent crime and their relatives, but voicing opposition to the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment;
- stating the death penalty has never been shown to deter crime more effectively than other punishment and brutalises all involved in its application;
- stating that imposing the death penalty does not necessarily alleviate the suffering of the victims of violent crime;
- stating that execution is irrevocable and, despite the most stringent judicial safeguards, can be inflicted on the innocent.

#### **APPEALS TO:**

Prime Minister The Rt Hon P. J. Patterson, PC, QC, MP, Office of the Prime Minister, Jamaica House, 1 Devon Road, Kingston 6, Jamaica

**Telegrams:** Prime Minister, Kingston, Jamaica

**E-mails:** jis@jamaica-info.com

**Faxes: + 1 876 929 0005**

**Salutation: Dear Prime Minister**

Attorney General The Hon A. J. Nicholson, Attorney General's Department  
79-83 Barry St., PO Box 456, Kingston, Jamaica

**Telegrams: Attorney general, Kingston, Jamaica**

**Faxes: + 1 876 922 5109**

**Salutation: Dear Attorney General**

Governor General H E The Most Honourable Sir Howard Cooke, ON, GCMG, GCVD, CD, Office  
of the Governor General, King's House, Hope Road, Kingston 6  
Jamaica

**Telegrams: Governor General, Kingston, Jamaica**

**Faxes: + 1 876 927 4561**

**Salutation: Your Excellency**

**COPIES TO: Minister of Foreign Affairs** The Hon Seymour Mullings, Ministry of Foreign  
Affairs, 21 Dominica Drive, Kingston 5, Jamaica

**Faxes: + 1 876 929 6733**

and to diplomatic representatives of Jamaica accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**