

**JAMAICA** Kevin Mykoo  
**Leroy Lamey**

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The government of Jamaica has scheduled the hangings of Kevin Mykoo and Leroy Lamey for 8 December 1998 despite the fact that both men have petitions pending before an international human rights body.

Kevin Mykoo was convicted of murder in February 1996 and sentenced to death. His appeal to the Court of Appeal was dismissed in April 1997.

On 1 December 1997, Kevin Mykoo filed a petition with the Inter-American Commission on Human Rights (IACHR). On 3 November 1998, the IACHR declared the petition admissible, stating that the claim showed, *prima facie*, that his human rights, as recognized in the American Convention on Human Rights, had been violated. Full consideration of this petition is pending.

Kevin Mykoo has claimed that he did not receive a fair trial because his right to immediate access to legal counsel was violated - he did not have access to lawyers until he had been in custody for two months. He also claims that police officers forced him to sign a confession by beating him, giving him electric shocks and on one occasion putting his head through a car window and raising it round his neck to strangle him. The petition claims that his right to trial within a reasonable time was violated - his trial took place almost two years after arrest - and that the conditions of detention were inhumane.

Leroy Lamey was convicted of two capital murders, in September and October 1993, and sentenced to death for both convictions. Subsequent appeals reduced both convictions to non-capital murder, but under Jamaican law, with two convictions for non-capital murder, he remained under sentence of death.

In October 1997 Leroy Lamey filed a petition with the IACHR. On 3 November 1998, the IACHR ruled that his petition, like Kevin Mykoo's, raised a *prima facie* case that his rights had been violated. Leroy Lamey claimed that his right to a fair trial had been violated because following his conviction there was no hearing to determine whether the death penalty should be imposed. He also claimed that he was treated inhumanely while in prison.

Both men claim that by unilaterally imposing time limits on the IACHR's consideration of petitions brought by people under sentence of death the Jamaican government violates the American Convention; and that their right to life will be violated if the government executes them while their petitions are pending before the IACHR.

**BACKGROUND INFORMATION**

Jamaica is a member of the Organisation of American States (OAS) and a state party to the American Convention On Human Rights. The Jamaican Government is therefore obliged to cooperate with OAS bodies, including the IACHR, which safeguards the human rights of individuals enshrined in the American Declaration on the Rights and Duties of Man and the American Convention on Human Rights. The IACHR considers claims by individuals that OAS member states have violated their human rights.

In August 1997, the Jamaican Government unilaterally set strict time limits for the IACHR to consider 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.

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

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

- expressing deep concern that Kevin Mykoo and Leroy Lamey are scheduled to be hanged on 8 December 1998, especially since their petitions are still pending before the Inter-American Commission on Human Rights;
- urging that the death sentences of Kevin Mykoo, Leroy Lamey and all others under sentence of death in Jamaica be commuted;
- pointing out that to execute Kevin Mykoo and Leroy Lamey while their petitions to the IACHR are still pending would violate their fundamental human rights, undermine this regional mechanism for the protection of human rights and violate the Jamaican Government's obligations as a member of the Organisation of American States and a party to the American Convention on Human Rights;
- calling on the Jamaican government to repeal the time limits it has imposed on the IACHR when considering petitions from persons sentenced to death;
- 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, as proclaimed in Article 5 of the Universal Declaration of Human Rights;
- stating the death penalty has never been shown to deter crime more effectively than other punishment and brutalizes all involved in its application;
- stating that imposing the death penalty does not necessarily alleviate the suffering caused to 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

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

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

**Fax: + 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**

**Fax: + 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**

**Fax: + 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  
**Fax: + 1 876 929 6733**

and to diplomatic representatives of Jamaica accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**

Visit the Amnesty International UDHR campaign website on <http://www.amnesty.excite.com>