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WEEKLY UPDATE SERVICE 13/93

Contained in this weekly update is an external item on Jamaica.

War Crimes Tribunals

Please refer to Weekly Update NWS 11/42/92, item index: EUR 63/WU 03/92, to answer queries about Bosnia-Herzegovina - War Crimes tribunals. When more details are given about the proposed tribunals, we will prepare a weekly update item covering AI's position on this.

NEWS INITIATIVES

INTERNATIONAL NEWS RELEASES

Japan - 0500 hrs gmt, 17 March

(New Information)

Please note the embargo is confirmed for 0500 hrs gmt, 17 March for this document on refugee issues and we anticipate a high level of media interest in this news release.

The Japanese Section is holding a press conference in Tokyo to launch the report on 17 March. IS staff member, David Petrasek, who wrote the report, is going to Tokyo to help with media there. The Japanese Section will be inviting international media to attend the press conference and the IS will also inform international media of the launch. Details of the conference will shortly be available from the IS press office if you need them.

An Electronic News Release (ENR) is being prepared at the last minute to go with the report. Unfortunately, resources and time will not allow the IS to distribute it to sections. However, it will be given to Japanese TV at the press launch and the IS is giving it to WTN, VISNEWS, BBC World Service TV and CNN - so please refer your media to these. The master copy is held at Dubbs, 25-26 Poland Street, London W1V 3DB - Tel: +44 71 629 0055. Media who urgently require the full ENR may order copies direct from Dubbs, paying the copying costs only.

Chad - 21 April**(New Information)*****Please Note***

The document to go with this campaign has been sent out to sections dated February. Please inform your section campaign coordinators and anyone else who may receive it that it is EMBARGOED FOR 21 APRIL.

Campaign, document, news release, Q&A and ENR. More details to follow shortly.

TARGETED AND LIMITED NEWS RELEASES**Algeria - 2 March**

An embargoed document on human rights violations under the state of emergency has been sent to section press officers by the Research Department. To go with this is item: MDE 28/WU 01/93, in weekly update NWS 11/10/93.

Section Initiatives**French Section - European Press Officers' Meeting**

The second European Press Officers' meeting will take place in Paris this year. The registration forms have not arrived yet, but when they do please send them to Luisa de Soriano or Josette Debord at the French Section Press Office before the end of February. The date of this meeting is now fixed for 15 and 16 May as the majority of you asked for. It will be focused on two themes: Audiovisual work (production and TV experiences) and how to improve it; and the UN World Conference on Human Rights in Vienna. The French Section Press Office will send the program to all participants during the last week of February. Many thanks.

2. AMR 38/WU 02/93 EXTERNAL

23 February 1993

JAMAICA: CONSTITUTIONAL MOTION DELAYS RESUMPTION OF HANGINGS

The following updates information in an external document issued by Amnesty International, JAMAICA - Moves to resume hangings: Amnesty International's concerns, AI Index: AMR 38/01/93, published January 1993.

The document described Amnesty International's concerns about the fairness of procedures under a new death penalty law passed in Jamaica in October 1992. Under this law, prisoners already sentenced to death for murder had their offences reclassified into new categories of "capital" and "noncapital" murder. A final review of prisoners' capital murder classifications would be made by a panel of three appeal court judges, and this was expected to lead to an imminent resumption of executions.

The Jamaica Court of Appeal has now agreed to postpone the reviews of the cases of all prisoners whose offences have been reclassified "capital murder" under the new death penalty law. The postponement has been granted pending the hearing of a constitutional motion challenging the fairness of the reclassification process.

The motion is due to be heard by the Jamaica Supreme Court on 1 March 1993. If it is denied, an appeal will be lodged with the Jamaica Court of Appeal and the case could, ultimately, be heard by the Judicial Committee of the Privy Council (JCPC) in London - the final appeal court for Jamaica. Thus, the review process could be delayed for some time and it is not now expected that warrants for executions will be issued in the immediate future.

The constitutional motion is a test case filed on behalf of several named prisoners, but the issues raised are relevant to all those whose offences have been reclassified "capital murder". The motion argues that prisoners' fundamental rights to the protection of law and to a fair hearing under the Jamaica Constitution were violated. Among the reasons given are: failure to inform prisoners of the grounds on which their offence was reclassified, or to provide legal representation at that time. It is also argued that the finding of "capital murder" in such cases meant determining issues not determined at trial or necessary to the jury's verdict of murder. For example, the new law provides that, in cases involving "common design", only the actual killer will receive the death sentence, with accomplices receiving life prison sentences. However, this distinction did not apply when most death row prisoners were tried and the record in many cases is unclear.

The last executions in Jamaica were in February 1988. At the time the new law came into effect in October 1992, there were more than 270 prisoners under sentence of death. Since last October more than 60 prisoners have had their death sentences commuted to life imprisonment under the new law, and more than 100 have had their death sentences reclassified as "capital murder".

In four of the cases classified as "capital murder" under the new law - those of Paul Kelly, Carlton Reid, Leroy Simmonds and Clifton Wright - the United Nations Human Rights Committee has adopted the view that the prisoners should be released on the ground that their rights to a fair trial under the International Covenant on Civil and Political Rights (ICCPR) have been violated. The UN Human Rights Committee has recommended commutation of the death sentences imposed in the cases of Ivan Morgan and Earl Pratt on the ground that their rights also have been violated under the ICCPR. Although Jamaica has ratified the ICCPR, it has not acted on the recommendations in these six cases and the prisoners remain under sentence of death.

Amnesty International continues to appeal for the commutation of the death sentences of all prisoners, some of whom have been on death row for as long as 15 years. Amnesty International also calls upon the Jamaican Government to act on the recommendations of the UN Human Rights Committee in the above cases, in keeping with its obligations as a State Party to the ICCPR.