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Jamaica: A return to hanging will not solve public security crisis

As Jamaican Parliamentarians are due to vote shortly a motion on whether to retain the death penalty, Amnesty International calls on the Jamaica authorities to reject the death penalty and instead prioritize reforms to the police and justice system in order to tackle the country's violent crime epidemic.

The vote has emerged in the light of discussion around the new Charter of Rights and Freedoms Bill, which seeks to replace Chapter III of the Jamaican Constitution dedicated to the protection of fundamental rights and freedom of persons. The purpose of the vote is to decide whether provisions creating the death sentence exceptions to the right to life and to protection from torture or inhuman or degrading punishment or other treatment, should be retained or deleted from the Charter. This vote also comes at a time of spiralling violent crime in a country with one of the highest per capita murder rates in the world.

Amnesty International understands that high levels of criminality create victim after victim and welcomes the Jamaican government's commitment to addressing violent crime. However, the organization strongly believes that the use of the death penalty, as well as constituting a cruel, inhuman and degrading punishment, is not an effective method of preventing crime.

Given the unlikelihood of ever being brought before the courts, it is highly implausible that before committing a crime a criminal would consider the risk of being hung and would refrain from wrong-doing. On the contrary, the retention of the death penalty spreads across the society the message that killing is permitted. The death penalty also runs the risk of irrevocable error. Country after country, including Jamaica, has inflicted the death penalty upon those innocent of the crime for which they were condemned. Numerous studies have also shown that it tends to be applied discriminatorily on grounds of race and class. In a country like Jamaica, where the criminal justice system is deeply flawed and corruption is rife throughout different institutions, how can the public have confidence that the state will not kill innocent people?

Amnesty International believes that the true solution to the appalling crime situation does not lie with the death penalty. The answers can be found instead be prioritizing reforms to the police and justice system that are already under way. These include implementing recommendations from the strategic review of the Jamaica Constabulary Force and the Justice Sector Reform Review and expediting the passage of legislation to establish an independent commission to investigate police abuses and an Office of Coroner to examine alleged police killings.

The world is turning away from the use of death penalty. Since 2003, the United States has been the only country in the Americas to carry out executions and a dramatic decrease in the number of executions there has taken place in recent years. One hundred and thirty seven have now abolished the death penalty in law or practice and only 24 nations carried out executions in 2007. Huge swathes of the world are now free from executions.

As we approach the 60th anniversary of the Universal Declaration of Human Rights, Amnesty International calls on Jamaica to join the international trend that executions serve no useful purpose and have a brutalising effect upon any society that uses them. Jamaica's decision-makers urgently need to de-politicise the issue of capital punishment and take concrete steps to conceive and implement effective measures to decrease the alarming levels of violent crime. The death penalty is a symptom of a culture of violence, not a solution to it.

Background

The last execution in Jamaica was carried out on 18 February 1988. There were more than a 190 prisoners under sentence of death at the end of 1988. Currently there are nine prisoners on death row. The reduction is principally attributable to three events. In 1992 the Jamaican Parliament amended the Offences Against the Person Act to classify some murders as non-capital. The amendment applied retroactively and resulted in the commutation of sentences to life imprisonment of a number of people who had been previously mandatorily sentenced to death. In 1993 the Judicial Committee of the Privy Council (currently Jamaica's highest court which sits in England) decided, in the case of Pratt and Morgan v. the Attorney General of Jamaica, that executing a person who has spent a prolonged period on death row violates Section 17 of the Constitution of Jamaica, which prohibits "inhuman or degrading punishment or other treatment". In compliance with the guidance set out in this case, sentences of death of people who have served five years on death row in Jamaica are commuted to life imprisonment. As a result of the 2004 decision of the JCPC in Lambert Watson v The Attorney General of Jamaica, mandatory sentences of death are no longer allowed in Jamaica. Following this decision, new sentencing hearings were held and many death row prisoners had their sentences commuted.

Jamaica, along with the rest of the English-speaking Caribbean nations, voted against a global moratorium on the death penalty at the 62nd UN General Assembly in December 2007.

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