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EXTRA 57/99 Death Penalty / Legal Concern 6 May 1999

**JAMAICA Deon McTaggart
Andrew Perkins**

Andrew Perkins and Deon McTaggart are scheduled to hang on 13 May 1999. The government has scheduled their executions even though the Human Rights Committee (HRC) has ruled that their internationally protected human rights were violated in proceedings against them, and that the government has not redressed these violations.

Andrew Perkins was convicted and sentenced to death in 1995 for the murder of William and Marian Burrell. Deon McTaggart was convicted and sentenced to death the same year for the murder of Errol Cann.

In 1996, after all appeals in the national courts had been exhausted, a petition was filed on behalf of Andrew Perkins to the HRC claiming that his rights, as guaranteed by the International Covenant on Civil and Political Rights (ICCPR), had been violated. In April 1997, after all appeals in the national courts were exhausted, a petition was also filed on behalf of Deon McTaggart with the HRC. In July 1998, the HRC ruled that Andrew Perkins's rights had been violated and recommended that his death sentence be commuted. In March 1998, the HRC ruled that Deon McTaggart's rights had also been violated.

The HRC ruled that the 21 months Andrew Perkins spent in detention before going to trial violated his right to be brought to trial within a reasonable time or else released. The HRC ruled that the conditions of detention before and after conviction violated his right to be treated with humanity and respect for the inherent dignity of the human person. Before conviction he had been held in a cell with up to 23 others in conditions so crowded he had to stand for much of the time. After being convicted he was held in a solitary cell, with only a foam mattress to sleep on and a slop bucket for sanitation. He was also bullied by warders who told him that the hangman was on his way and that he would be the next to go to the gallows.

The HRC ruled that Deon McTaggart's human rights were violated because he was detained in very poor conditions before and after conviction. Before conviction he was kept in a crowded cell with no sanitation facilities or even a slop bucket and after conviction he experienced similar conditions on death row to Andrew Perkins. The HRC also ruled that his rights had been violated in March 1997, when he and other death row prisoners were beaten by guards at St. Catherine's District Prison who burnt his belongings, including letters to lawyers and other legal papers. The HRC recommended that the government provide an effective remedy for these violations, including compensation.

BACKGROUND INFORMATION

The HRC is an international human rights body which monitors states parties implementation of the ICCPR. The HRC has jurisdiction to consider petitions brought by individual citizens of Jamaica seeking redress for violations of their rights guaranteed under the ICCPR. The HRC may however only consider petitions which were filed before January 1998 because in October 1997 the government took the unprecedented step of withdrawing from the Optional Protocol to the ICCPR (effective in January 1998) and so revoked the HRC's jurisdiction to consider individual petitions.

The Jamaican government must take into account the recommendations of the HRC and provide an effective remedy to people, including Andrew Perkins and Deon McTaggart, 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 Deon McTaggart and Andrew Perkins are scheduled to be hanged on 13 May 1999;
- urging the government to commute the death sentence of Andrew Perkins in accordance with the recommendations of the Human Rights Committee, and reminding the government that not to do so would violate Article 6 of the ICCPR;
- urging the government to commute the death sentence of Deon McTaggart on humanitarian grounds, reminding the government that the Human Rights Committee ruled that his rights had been violated;
- reminding the government that it is still obliged to provide an effective remedy to people whose rights under the ICCPR have been violated, and to take account of the Human Rights Committee's recommendations in individual cases;
- 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 brutalizes 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 Honorable 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.