

I. Communication No. 252/1987, C. J. v. Jamaica
(Decision adopted on 26 July 1988 at the
thirty-third session)

Submitted by: C. J. [name deleted]

Alleged victim: The author

State party concerned: Jamaica

Date of communication: 9 September 1987 (date of initial letter)

The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights,

Meeting on 26 July 1988,

Adopts the following:

Decision on admissibility

1. The author of the communication (initial letter dated 9 September 1987; further letters dated 28 December 1987 and 25 May 1988) is C. J., a Jamaican citizen awaiting execution at St. Catherine District Prison, Jamaica.

2.1 The author states that he was arrested on 5 April 1984, while travelling to work. Local police questioned him about various crimes, including the murder he was later accused of, and although he forcefully claimed his non-involvement in any of the crimes, he was kept in detention. After being identified by a person unknown to him, the author requested an explanation of the charges against him. This allegedly prompted the police officers to maltreat him.

2.2 The author affirms that he did not realize that he would be charged with murder until 7 May 1984, when he was told that he would stand trial. He was convicted and sentenced to death on 26 September 1985 and lost his appeal on 18 May 1987.

2.3 The author claims to be innocent and seeks assistance "before the Privy Council here robs me of my basic human and legal rights"; this appears to be a reference to the Jamaica Privy Council. He offers to provide further information, should it be requested of him.

3. By a decision of 12 November 1987, the Human Rights Committee requested C. J., under rule 91 of the Committee's provisional rules of procedure, to furnish clarifications on a number of issues pertaining to his communication and transmitted the communication for information to the State party, requesting it, under rule 86 of the provisional rules of procedure, not to carry out the death sentence against the author before the Committee had had an opportunity to consider further the question of the admissibility of his communication. By a letter dated 28 December 1987, the author requested an extension of the time-limit for submission of the clarifications sought by the Committee. On 26 February 1988, a London-based law firm informed the Committee that it was willing to assist C. J. in preparing a petition for leave to appeal to the Judicial Committee of the Privy Council.

4. By a decision of 22 March 1988, the Working Group of the Human Rights Committee requested the author to provide the information sought by the Committee in its decision of 12 November 1987 not later than 31 May 1988. It further requested the State party, under rule 91 of the provisional rules of procedure, to provide information and observations relevant to the question of the admissibility of the communication and to provide details of the effective remedies available to the author if domestic remedies had not been exhausted. By a note dated 4 May 1988, the State party objected to the admissibility of the communication on the grounds that the author had not exhausted all available domestic remedies as required by article 5, paragraph 2 (b), of the Optional Protocol, without specifying which remedies had not been exhausted. On 25 May 1988, however, C. J. confirmed that his legal representatives in London were in the process of preparing a petition for leave to appeal to the Judicial Committee of the Privy Council on his behalf.

5.1 Before considering any claims contained in a communication, the Human Rights Committee must, in accordance with rule 87 of its provisional rules of procedure, decide whether or not it is admissible under the Optional Protocol to the Covenant.

5.2 The Committee has ascertained, as it is required to do under article 5, paragraph 2 (a), of the Optional Protocol, that the same matter is not being examined under another procedure of international investigation or settlement.

5.3 With respect to the requirement of exhaustion of domestic remedies under article 5, paragraph 2 (b), of the Optional Protocol, the Committee has noted both the State party's submission, dated 4 May 1988, holding the communication to be inadmissible because of non-exhaustion of domestic remedies (unspecified), and the author's letter dated 25 May 1988, indicating that his legal representatives are preparing a petition for leave to appeal to the Judicial Committee of the Privy Council on his behalf. The Committee assumes that the State party and the author are referring to the same remedy and concludes that one available remedy has not been exhausted. Article 5, paragraph 2 (b), however, precludes the Committee from considering a communication prior to the exhaustion of all available domestic remedies.

6. The Human Rights Committee therefore decides:

(a) That the communication is inadmissible under article 5, paragraph 2 (b), of the Optional Protocol;

(b) That, since this decision may be reviewed under rule 92, paragraph 2, of the Committee's provisional rules of procedure upon receipt of a written request by or on behalf of the author containing information to the effect that the reasons for inadmissibility no longer apply, the State party shall be requested, taking into account the spirit and purpose of rule 86 of the Committee's provisional rules of procedure, not to carry out the death sentence against the author before he has had a reasonable time, after completing the effective domestic remedies available to him, to request the Committee to review the present decision;

(c) That this decision shall be transmitted to the State party and to the author.