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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 25/81; Case No. 3102
Session:	Fifty-Third Session (22 June – 2 July 1981)
Title/Style of Cause:	Noel Riley v. Jamaica
Doc. Type:	Resolution
Decided by:	Chairman: Tom J. Farer; First Vice Chairman: Marco Gerardo Monroy Cabra; Second Vice Chairman: Francisco Bertrand Galindo; Members: Carlos A. Dunshee de Abranches; César Sepúlveda
Dated:	25 June 1981
Citation:	Riley v. Jam., Case 3102, Inter-Am. C.H.R., Report No. 25/81, OEA/Ser.L/V/II.57, doc. 6 rev. 1 (1980-1981)
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BACKGROUND:

1. In the morning of March 14, 1974, in the Parish of Saint Andrew, Leo Horatio Henry was assaulted by two individuals and murdered while leaving his car parked on Slip Road in Kingston. About March 27, 1974, two men were arrested in connection with this crime.

2. By letter dated May 29, 1978, Mr. Noel Riley, a Jamaican citizen acting on his own behalf, complained to the Commission that he had been arrested together with Anthony Forbes and charged of the murder of Leo Horatio Henry, a crime he says he has not committed, tried, innocently convicted and sentenced to death on March 7, 1975. The claimant describes his complaint as follows:

“We have not been given a fair trial in the Circuit Court neither was there evidence that an impartial panel of jury could use as material enough for bringing about our conviction. There was grossly conflicting evidence given, but we both fell victims of class prejudice tempered with the anger of an outraged brotherhood at the top of the social-economic strata.”

3. By letter of October 2, 1978, the Commission, in accordance with Articles 38, 39 and 54 of the Regulations then in force, requested that the complainant supply additional information to satisfy the requirements of the Regulations.

4. On January 24, 1979, the Inter-American Commission on Human Rights sent to the Government of Jamaica the following note:

“The Inter-American Commission on Human Rights has received numerous communications regarding alleged violations of rights of certain individuals accused of murder who have been tried, convicted and sentenced to death by the tribunals of your country. These individuals are at present in the death row of St. Catherine District Prison awaiting the execution of the death penalty imposed upon them.

The Inter-American Commission on Human Rights requested that the plaintiffs furnish some specific and pertinent information to verify not only the legal foundation and justification of their complaints, but also whether the Internal legal procedures and remedies of the country have been duly applied and exhausted. Because of the prevailing circumstances, the plaintiffs have not been able to supply the information requested from them, but they have submitted to the Commission the names of persons and institutions that could provide such information.

The Inter-American Commission on Human Rights, aware of the possible difficulties that the complainants may encounter to satisfy the requirements of the Regulations, wishes to request the Honorable Government of Your Excellency to supply copies of the notes of evidence of the trial court as well as those of the appeal court if such procedure took place in the cases of Noel Riley and Anthony Forbes, and any other information which would enable the Commission to determine whether the internal legal procedures and remedies have been exhausted in these cases.

This request for information does not constitute a decision as to the admissibility of the communication.”

5. By a note of August 30, 1979, the Government of Jamaica replied to the Commission's request and submitted a transcript of the notes of evidence of the Circuit Court trial of Noel Riley and Anthony Forbes, as well as a copy of the judgment handed down by the Court of Appeal in respect to the application for leave to appeal against the conviction and sentence of the plaintiff Noel Riley. The Commission informed the plaintiff of this submission by letter of September 26, 1979.

WHEREAS:

1. A study of the notes of evidence of the Jamaican Court and the conduct of the trial of Noel Riley show that the rules of criminal procedures of Jamaica were observed and that the claimant received a fair trial;
2. Noel Riley had the service of a defense counsel of two attorneys;
3. Noel Riley informed the Commission that he lost his appeal and therefore the internal legal remedies in this case have been exhausted;

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. To declare that there exists no evidence of the violation of any of the rights set forth in the American Convention on Human Rights in this case.
2. To communicate this resolution to the Government of Jamaica and to the claimant.
3. To recommend that the Government of Jamaica suspend the execution of those persons sentenced to death and consider the abolition of the death penalty.