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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 60/82; Case No. 3552
Session: Fifty-Eighth Session (16 - 24 November 1982)
Title/Style of Cause: Davlin Morris v. Jamaica
Doc. Type: Resolution
Decided by: Chairman: Marco Gerardo Monroy Cabra;
First Vice-Chairman: Cesar Sepulveda;
Second Vice-Chairman: Luis Demetrio Tinoco Castro;
Members: Andres Aguilar; Carlos A. Dunshee de Abranches; Tom J. Farer;
Francisco Bertrand Galindo
Dated: 23 November 1982
Citation: Morris v. Jam., Case 3552, Inter-Am. C.H.R., Report No. 60/82,
OEA/Ser.L/V/II.61, doc. 22 rev. 1 (1982-1983)

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BACKGROUND:

1. On November 14, 1977, Mr. Davlin Morris, a Jamaican citizen acting on his own behalf, submitted a communication to the Inter-American Commission on Human Rights in which he stated that on July 3, 1973 he was arrested by the police of Mandeville, in the Parish of Manchester, and charged with a murder he denied having committed. On February 14, 1974, he was "unfairly" tried in the Manchester Circuit Court, "unjustly" convicted and subsequently sentenced to death. He appealed his conviction and sentence. On May 21, 1975, he lost his appeal before the Supreme Court.

By letter of March 14, 1978, the Commission acknowledged receipt of the communication and, in accordance with Articles 38, 39 and 54 then in force, requested that the plaintiff supply additional information to satisfy the requirements of the Regulations.

2. By letter of January 24, 1979, the Commission transmitted to the Government of Jamaica the pertinent parts of the communication and informed the Government that because of the difficulties that the complainant might encounter in satisfying the requirements of the Regulations, it wished to request copies of the transcripts of the trials of the Criminal Court and the Court of Appeals. The Commission further requested additional information to verify not only the legal foundation and justification of the complaint, but also whether the internal legal procedures and remedies had been duly applied and exhausted. The plaintiff was advised of this request by letter of January 24, 1979.

3. The Government of Jamaica, by note of July 20, 1979, replied to the Commission's request and furnished copies of the transcripts of the Manchester Circuit Court trial and Judgement of the Court of Appeals regarding the case of Davlin Morris. The Commission informed the plaintiff of this submission of the Government of Jamaica by a letter of September 25, 1979.

WHEREAS:

1. A study of the notes of evidence of the Jamaican Courts and the conduct of the trial of Davlin Morris show that the rules of criminal procedure of Jamaica were observed and that the plaintiff received a fair trial.
2. The plaintiff was assisted by defense counsel;
3. The plaintiff, Davlin Morris, lost his appeal on his conviction and sentence on May 21, 1975, therefore it is apparent that all legal remedies 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.
2. To communicate this resolution to the Government of Jamaica and to the plaintiff, and
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.

This case is illustrative of a number of virtually identical resolutions adopted by the IACHR this year. The other case numbers are: 3553, 3554, 7500, 7503, 7506, 7507, 7509 and 7514. In all of these the Commission recommended the suspension of the executions of the convicted persons and the abolition of the death penalty in Jamaica.