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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 7/84; Case No. 7604
Session: Sixty-Second Session (11 – 18) May 1984
Title/Style of Cause: Roosevelt Edwards v. Jamaica
Doc. Type: Resolution
Decided by: Chairman: Mr. Cesar Sepúlveda
First Vice Chairman: Mr. Luis Demetrio Tinoco Castro;
Members: Mr. Andrés Aguilar; Mr. Marco Gerardo Monroy Cabra; Mrs. Gilda Maciel Russomano; Mr. Luis Adolfo Siles Salinas; Mr. Bruce McCole.
Dated: 11 May 1984
Citation: Edwards v. Jam., Case 7604, Inter-Am. C.H.R., Report No. 7/84, OEA/Ser.L/V/II.63, doc. 10 (1983-1984)

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BACKGROUND:

1. In December 1980, Roosevelt Edwards, a Jamaican citizen acting on his own behalf, submitted a communication to the Inter-American Commission on Human Rights in which he stated that in January 1975 he was tried, convicted and sentenced to death for the murder of Percival Wilshire on March 16, 1974, in the Parish of Kingston, a crime of which he claimed he was innocent.

It was alleged that in March 1974, Roosevelt Edwards rode a bicycle along Spanish Town Road and fired several shots at another man, one of them hitting and crippling this man and another killing a bystander. The shooting was witnessed by dozens of persons but none of them came forward as witnesses. Only the crippled man, his girlfriend and a policeman gave evidence at the trial. None of them knew the plaintiff before the trial but the crippled man, who, admittedly was shot from behind, had no or little opportunity to see the gunman.

Following the trial, a witness for the defense was found, and in July 1975 the Court of Appeal granted permission for the witness to give evidence before them. In May 1976, the witness was finally heard by the Court of Appeal and the appeal was rejected. Roosevelt Edwards complains of unfair trial.

2. The Commission, by Note of January 8, 1981, transmitted to the Government of Jamaica the pertinent parts of the communication and, taking into consideration the fact that the plaintiff, because of his status--being kept on Death Row--cannot furnish the necessary information and documentation to satisfy the requirements of the Regulations and also to prove his allegations, requested that the Government of Jamaica provide information regarding the allegations contained in the denunciation together with any other information which would permit the Commission to determine whether the internal legal remedies and procedures had been duly applied and exhausted in this case. The plaintiff was advised of this request by letter of the same date.

3. By letter dated March 19, 1981, the plaintiff informed the Commission that the Court of Appeal had dismissed his appeal against the conviction and sentence on February 4, 1981. He also stated that he was tried in the "absence of his defense counsel," therefore, without being duly represented before the Court and also that "the very same Judge who presided over his trial and conviction on January 15, 1975 at the St. Thomas Circuit Court, sat on the Court of Appeal."

4. The Commission acknowledged receipt of this letter and at the same time, by Note of March 20, 1981, transmitted the additional information to the Government of Jamaica and advised it that because of the new elements introduced in the case, the Commission urgently requested that it take whatever measures it deemed necessary so that all information relevant to the case including the transcripts of the proceedings of the St. Thomas Circuit Court as well as those of the Circuit Court of Appeal proceedings be received as soon as possible. The plaintiff was informed of this request.

5. Because the Commission received no answer to its Notes of January 8 and March 20, by Note of August 4, 1982, it reiterated its requests for information and documentation and informed the Government of Jamaica of the possible application of Article 39 of the Regulations if such request was not satisfied within a reasonable time. The plaintiff was advised of this action.

6. By Note No. 6/80/1 dated August 27, 1982, the Government of Jamaica responded to the Commission's Note of August 4, 1982 advising it that the information would be provided as soon as the appropriate investigation undertaken by the Ministry of National Security and Justice had been completed. The plaintiff was informed of these developments by letter of September 1, 1982.

7. By Note No. 6/80/1 dated September 22, 1982, the Government of Jamaica provided a copy of the transcripts of the trial in the Home Circuit Court and the application for leave to appeal the conviction and sentence of Roosevelt Edwards.

8. By letter of October 2, 1982, the plaintiff informed the Commission that he had been granted a stay of execution, that he had a "witness willing to come forward and testify as to his innocence and also that his case would soon be reviewed".

9. The Commission, by Note of May 3, 1983 informed the Government of Jamaica that it had additional information with regard to the case, and that this information as well as a review of the Court's transcripts of the initial trial led the Commission to believe that the plaintiff had possibly not enjoyed the full benefit of a fair trial guaranteed by the American Convention on Human Rights. The Commission therefore, requested that the Government provide copies of the transcripts of the Court of Appeal hearing held on June 26, 1976, together with the results of the Ministry of National Security and Justice's investigation regarding the case of Roosevelt Edwards and any other information which would enable the Commission to reach a conclusion in this case. This request was reiterated on September 27, 1983.

10. By Note No. 6/80/1 of March 6, 1984, the Government of Jamaica provided a copy of the transcripts of the Court of Appeal hearings and the review of the case held on May 14, 1976 and December 3, 1982 respectively.

WHEREAS:

1. The information and documentation submitted to the Commission indicate that all domestic legal remedies have been exhausted and none of the conditions of inadmissibility established in the American Convention on Human Rights were present, therefore, there exists no reason not to declare this case admissible.

2. The documents submitted by the Government of Jamaica show that Mr. Justice White before whom the case of Roosevelt Edwards was tried in the Home Circuit Court of Kingston was not a member of the panel of judges of the Court of Appeal which heard the appeal of the case on April 5 and 6 and May 14, 1976, contrary to the allegations contained in the plaintiff's letter of March 19, 1981 to the Commission;

3. The case of Roosevelt Edwards was reviewed and the evidence of his witnesses received by the Court of Appeal on October 13, 15 and 19 and December 3, 1982;

4. A study of the transcripts of the Home Circuit Court and the Court of Appeal as well as of the conduct of the trial of Roosevelt Edwards and review of his case show that the rules of criminal procedure were observed and that the plaintiff received a fair trial;

5. During his trials, Roosevelt Edwards was assisted by defense counsel,

6. The documents submitted to the Commission show that the requirements of due process have been fulfilled.

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, commute the sentence of Roosevelt Edwards and consider the abolition of the death penalty.