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| Institution: | Inter-American Commission on Human Rights |
| File Number(s): | Report No. 27/86; Case No. 7505 |
| Session: | Sixty-Seventh Session (8 – 18 April 1986) |
| Title/Style of Cause: | Lynden Champagnie v. Jamaica |
| Doc. Type: | Resolution |
| Decided by: | Chairman: Luis Adolfo Siles Salinas; First Vice Chairman: Gilda Russomano; Second Vice Chairman: Marco Tulio Bruni Celli; Members: Dr. Marco Gerardo Monroy Cabra; Dr. Bruce McColm; Ms. Elsa Kelly; Messrs. Oliver Jackman |
| Dated: | 16 April 1986 |
| Citation: | Lynden Champagnie v. Jam., Case 7505, Inter-Am. C.H.R., Report No. 27/86, OEA/Ser.L/V/II.68, doc. 8 rev. 1 (1985-1986) |
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BACKGROUND:

1. On March 1, 1980, Mr. LYNDEN CHAMPAGNIE, 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 10, 1977, he was arrested by the police and taken to the police station of Hunt Bay for investigation about a murder which had occurred on July 9, 1977 in the parish of St. Andrew. There, he was interrogated and "mercilessly beaten" on the back, feet and face, was "forced to sign a statement, and was charged, along with four other men, with the murder of Cecil Martin, a crime of which he claims he is innocent. He was tried on January 29, 1979, and was convicted and sentenced to death. There was, he claims, "misconduct" and "gross injustice" in the trial.

2. By Note of October 14, 1980, 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 Criminal Court and the Court of Appeals and also any other information which will allow it 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 action and requested additional information by letter of October 23, 1980.

3. By letter of November 23, 1980, in response to the request of additional information in his case, the plaintiff informed the Commission that his application for leave to appeal against his conviction and sentence was still pending before the Court of Appeals. The Commission acknowledged receipt of this communication by letter of January 9, 1981, and indicated that the complaint would be further considered when the result of the appeal was received.

4. By Note of May 29, 1981, the Government of Jamaica informed the Commission that the appeal of Lynden Champagnie was still pending and that the requested documents would be forwarded to the

Commission following the final ruling on the case. The Commission advised the plaintiff of this communication by letter of June 11, 1981.

5. By letter of March 1982 received in the Commission on April 12, 1982 the plaintiff submitted copy of his reasons for appealing his conviction and sentence and informed the Commission that the appeal has been heard by the Court but failed to indicate the result of the hearing. The Commission acknowledged receipt of this communication by letter of April 21, 1982 and requested that the plaintiff inform it on the outcome of the same.

6. At the same date, the Commission informed the Government of Jamaica of Mr. Champagnie's communication regarding his appeal, and, referring itself to the Government's Note No. 6/80/1 of May 29, 1981, reiterated its request that the Government provide the notes of evidence in the trial of the plaintiff as well as all the documents promised in its above mentioned note.

7. By Note of October 19, 1982, the Commission once again renewed its request that the Government of Jamaica furnish the documents and information requested in the case of Lynden Champagnie

8. The Government of Jamaica, by Note of November 18, 1982, replied to the Commission's request and furnished it with copies of the transcripts of the Home Circuit Court of Kingston and the application for leave to appeal the conviction and sentence of Lynden Champagnie.

9. By letter of May 27, 1983, the Commission advised the plaintiff that no further action could be taken on his case until the Commission received information regarding the result of his appeal. By letter of June 6, 1983, Mr. Champagnie replied to the Commission that as of this date, he has not been officially informed of the results of his appeal.

10. By Note of May 27, 1983, the Commission once more requested that the Government of Jamaica furnish information regarding the outcome of Mr. Lynden Champagnie's appeal against his conviction and sentence.

11. For not having received the information requested, the Commission sent to the Government of Jamaica the following Note dated September 27, 1983:

Excellency:

In the name of the Inter-American Commission on Human Rights I have the honor of addressing your excellency for the purpose of referring to our Note of May 27, 1983, by which the Honorable Government of Jamaica was requested to inform the Commission about the outcome of Mr. Lynden Champagnie's appeal against his conviction.

While the Commission, as affirmed in its above mentioned note, has previously received a copy of the transcripts of the initial trial in this case, it has not as of this date received any information regarding the results of the appeal of the conviction and sentence in this case.

The Inter-American Commission on Human Rights is aware that many of the persons condemned to death have recently been executed and that several others whose cases are being processed in the Commission are scheduled to be sent to the gallows in the near future. In accordance with Article 26 paragraph 2 of the Regulations which stipulates:

ARTICLE 26.2

"... to avoid irreparable damage, the Commission may request that provisional measures be taken..."

and ARTICLE 31 paragraph 2:

"In serious and urgent cases when ... the life, personal integrity or health of a person is in imminent danger, the Commission shall request the promptest reply..."

and for humanitarian reasons, the Commission respectfully requests that even should the decision of the Courts be adverse to the plaintiff, the Government of Jamaica cooperate with the Commission by refraining from any action which should result in the death of plaintiffs seeking to save their life while the cases are under study by the Commission.

Therefore, we wish to reiterate once again our request that the Honorable Government of Jamaica provide information regarding the outcome of this appeal and furnish copies of the notes of the Appeal Court in this case. We hope that your Excellency will take whatever measures are deemed necessary so that the Commission may receive all of the information relative to this case within 30 days, in order that it may be considered by the Commission at its next session.

12. By Note of March 6, 1984, the Government of Jamaica furnished a certified copy of the decision of the Court of Appeals regarding the case of Lynden Champagnie. The Commission acknowledged receipt of the Government's communication and informed the plaintiff of this submission.

13. By Note of June 7, 1984, the Inter-American Commission on Human Rights citing Article 26 of its Regulations, reiterated its request formulated in its note of September 27, 1983, that the Government of Jamaica refrains from any actions which should cause irreparable damage to the condemned persons while their cases are under study by the Commission and consider the abolition of the death penalty.

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 case of Lynden Champagnie was reviewed by the Court of Appeals on June 10, 1981;

3. A study of the transcripts of the Home Circuit Court and the conduct of the trial of Lynden Champagnie shows that the rules of criminal procedure were observed and that the plaintiff received a fair trial;

4. During his trials, Lynden Champagnie was assisted by defense counsel;

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

6. The Commission by Note of June 7, 1984, renewed its request that the Government of Jamaica in accordance with the spirit of Article 4 (3) of the American Convention on Human Rights as well as for humanitarian reasons consider the commutation of the death sentence and take definite appropriate steps to abolish the death penalty as has been done in various countries;

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To declare that there exists no evidence of the alleged violations of the American Convention on Human Rights as claimed by the plaintiff;

2. To communicate this Resolution to the Government of Jamaica and to the plaintiff;

3. To recommend that the Government of Jamaica suspend the execution of those persons sentenced to death, commute the sentence of Lynden Champagnie and consider the abolition of the death penalty.

