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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 28/86; Case No. 9190
Session:	Sixty-Seventh Session (8 – 18 April 1986)
Title/Style of Cause:	Wesley Cuthbert 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:	Cuthbert v. Jam., Case 9190, Inter-Am. C.H.R., Report No. 28/86, OEA/Ser.L/V/II.68, doc. 8 rev. 1 (1985-1986)
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BACKGROUND:

1. On June 17, 1983, Mr. Wesley Cuthbert 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 June 11, 1978, he was arrested by the police on suspicion of having murdered his wife Claudette, his two and a half years old son Dale and his wife's seven years old nephew Christopher Jackson, on the same date in the parish of Saint Andrew a crime of which he claimed having absolutely no knowledge. On May 21, 1979, he was tried in the Home Circuit Court of Kingston, Jamaica, convicted and sentenced to death on June 7, 1979. He also informed the Commission that he lost his appeal against his convictions and sentences on July 31, 1981. Mr Cuthbert complains of unfair trial and miscarriage of justice.

2. Aware of the possible difficulties that the complainant may encounter to satisfy the requirements of the Regulations; because Mr. Cuthbert allegedly did not enjoy the benefit of a fair trial, complaining of irregularities in the police investigation, and also in the court trial which led to his death sentence. The Inter-American Commission on Human Rights, in accordance with Article 48 of the Regulations, requested by Note of October 3, 1983, that the Government of Jamaica supply the transcripts of the trials of Wesley Cuthbert in the Criminal Court and also those of the Court of Appeals as well as any information to verify not only the legal foundation and justification of the allegations formulated in the complaint but also to determine whether the internal legal procedures and remedies of the country have been duly applied and exhausted. The plaintiff was advised of this request by letter of the same date.

3. The Government of Jamaica by Note No. 6/80/1 of March 6, 1984, replied to the Commission's request and furnished a four-volume copy of transcripts of the Circuit Court of Kingston; the Reasons for Judgement of the Court of Appeals-Supreme Court Criminal Appeal No 114/79 and copy of two statements made to the police by the plaintiff on June 12, 1978.

4. By Note of March 19, 1984, the Commission acknowledged receipt of these documents to the

Government of Jamaica and advised the plaintiff of this submission.

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, this case is admissible;
2. The case of Wesley Cuthbert was reviewed by the Court of Appeals on June 2-5, July 31, and September 21, 1981;
3. A study of the transcripts of the Home Circuit Court and the Court of Appeals as well as the conduct of the trial of Wesley Cuthbert and review of his case show that the rules of criminal procedure were observed and that the plaintiff received a fair trial;
4. During his trials, Wesley Cuthbert 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; and
3. To recommend that the Government of Jamaica suspend the execution of those persons sentenced to death, commute the sentence of Wesley Cuthbert and consider the abolition on the death penalty.