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REPORT No. 29/14
CASE 11.884
REPORT ON ARCHIVE

WHITLEY DIXON
JAMAICA

Approved by the Commission at its session No. 1980 held on April 4, 2014
150 Regular Period of Sessions

Cite as: IACHR, Report No. 29/14, Case 11.884. Archive. Whitley Dixon. Jamaica. April 4, 2014.

REPORT No. 29/14

CASE 11.884

ARCHIVE

WHITLEY DIXON

JAMAICA¹

APRIL 4, 2014

ALLEGED VICTIM: Whitley Dixon

PETITIONERS: CMS Cameron McKenna Law Firm

ALLEGED VIOLATIONS: Articles 4, 5, 8, 24 and 25 of the American Convention

PROCESSING INITIATED: February 18, 1998

I. POSITION OF THE PETITIONER

1. On February 3, 1998, the Inter-American Commission on Human Rights (the “Inter-American Commission” or the “IACHR”) received a petition presented by Cameron McKenna LLP (the “petitioner”) against Jamaica (“the State”) on behalf of Whitley Dixon (“Mr. Dixon” or the “alleged victim”), who was incarcerated on death row at Saint Catherine District Prison (now Saint Catherine Adult Correctional Centre), Jamaica.

2. According to the information available, on February 12, 1996, Mr. Dixon was convicted of capital murder in the Home Circuit Court, Kingston, in the course of furtherance of an act of robbery and was sentenced to a mandatory penalty of death. The application for leave to appeal against his conviction and sentence was dismissed by the Court of Appeal of Jamaica on March 21, 1997. On January 19, 1998, the Judicial Committee of the Privy Council dismissed Mr. Dixon’s petition for Special Leave to Appeal.

3. With respect to the merits of the complaint, the petitioner submitted that the mandatory nature of the death penalty under Jamaican law violated Mr. Dixon’s right to life under Article 4(1) of the American Convention; his right to have the death penalty imposed only for the most serious crimes under Article 4(2); and his right to a fair trial under Article 8. He further alleged that Mr. Dixon’s treatment while imprisoned and the conditions under which he was being held violated his right to humane treatment under Article 5. Finally, the petitioner claimed that the absence of legal aid for constitutional motions before Jamaican courts denied Mr. Dixon the right to equal protection under Article 24, as well as the right to judicial protection under Article 25. In the response to the State’s reply to their petition, the petitioner further alleged that Mr. Dixon had querulant paranoia and was no longer able to give rational instructions to his solicitor or to take an informed interest in his own case.

4. On April 13, 1999, the Judicial Committee of the Privy Council considered the mental health of the alleged victim and recommended that his death sentence be commuted to one of life imprisonment. The commutation was made effective on April 16, 1999, and the alleged victim was removed from death row.

5. On May 30, 2012, the IACHR requested updated information from the petitioner. No response was received.

¹ In keeping with Article 17.2.a of the Rules of Procedure of the IACHR, Commissioner Tracy Robinson, a national of Jamaica, did not participate in the deliberations or in the voting on this report.

II. POSITION OF THE STATE

6. The State claimed that the constitutionality of a mandatory death sentence could be challenged by bringing a constitutional motion in the courts. The State denied any violations of Articles 24 and 25 of the Convention, for the reason that a new Legal Aid Act in Jamaica, which had not yet entered into force, provided for legal assistance for persons pursuing constitutional motions. In addition, the State argued that it was possible for Mr. Dixon to bring a constitutional motion by an attorney on a pro bono basis. Finally, the State indicated that the petitioners' assertion that Mr. Dixon had a mental disability would be brought to the attention of the Jamaican Privy Council for its consideration.

III. PROCEEDINGS BEFORE THE IACHR

7. On February 3, 1998, the IACHR received the petition, which was transmitted to the State on February 18, 1998. In the same communication the Inter-American Commission requested the State to stay the execution of Mr. Dixon pending an investigation by the Commission of the alleged facts.

8. On March 3, 1999, during its 102nd period of sessions, the IACHR conducted a public hearing on this case. On March 9, 1999, the Commission adopted Admissibility Report N° 28/99 which was dully transmitted to the parties.

9. By letter dated July 21, 1999, the petitioner informed the IACHR about the commutation of the death sentence and requested the IACHR's advice on "whether it is still necessary for the IACHR to consider this matter" given that they "made representations on behalf of Mr. Dixon [in March 1999] in order that his death sentence may be reduced to one of life imprisonment."

10. The IACHR requested updated information from the petitioner on May 30, 2012, indicating that the Commission may archive the petition. To date, the petitioner has not responded to the IACHR's request.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

11. Article 42 of the IACHR's Rules sets forth the procedure for archiving petitions and cases, when the grounds for the petition or case do not exist or subsist; or when the information necessary for the adoption of a decision is unavailable. In such cases, the IACHR, after having requested information from the petitioners and given notice of the possibility of a decision to archive to the petitioners, shall proceed to adopt the appropriate decision.

12. The petitioner brought Mr. Dixon's case to the IACHR alleging, *inter alia*, that the mandatory nature of the death penalty under Jamaican law violated his right to life under Article 4(1) of the American Convention. On April 16, 1999, the mandatory death sentence was commuted to one of life imprisonment. Therefore, those grounds for the petition do not subsist, since the alleged victim has been removed from death row. In their last communication, dated July 21, 1999, the petitioner expressed doubts about whether they should pursue the case before the IACHR. Since then the Commission has received no information from the petitioner, despite its request for updated information giving notice of the possibility of a decision to archive. In the absence of further information, the IACHR decides to archive the file of the present petition, pursuant to Article 42.1(b) of the Rules of Procedure.

Done and signed in the city of Washington, D.C., on the 6th day of the month of November, 2014.
(Signed): Rose-Marie Antoine, First Vice-President; Felipe González, Second Vice-President; José de Jesús Orozco Henríquez, Paulo Vannuchi, and James L. Cavallaro Commissioners.