Williams v. Jamaica

Country: Jamaica
Region: Americas
Year: 1997
Court: United Nations Human Right Committee United Nations Human Rights Committee
Health Topics: Health care and health services, Mental health, Prisons
Human Rights: Freedom from torture and cruel, inhuman or degrading treatment, Right to due process/fair trial, Right to health

Facts

Williams (W) was convicted of murder and sentenced to death in December 1988. His appeal was dismissed in December 1990 and a senior lawyer advised him that an application to the judicial committee of the privy council for special leave to appeal would have no prospect of success. An appeal against the classification of his crime as capital murder was heard and dismissed in March 1995. W's lawyer submitted that he had displayed signs of mental disturbance at the time of the trial and suggested that he was at least mentally unbalanced at the time of the killings concerned since they were committed with little (if any) motivation and in a gruesome manner. The lawyer also indicated that he had received correspondence from inmates on death row stating that W had severe mental problems and was unable to write himself.

A psychiatric examination of W carried out by I in March 1992 diagnosed him as suffering from schizophrenia of a paranoid type, unspecified personality disorder and depression, in keeping with the circumstances of his incarceration. I recommended that W should benefit from regular psychotropic medication. The lawyer interviewed W in December 1992 but concluded that he did not understand the questions put to him and had no recollection of either the trial or the appeal. A senior prison officer and other inmates on death row told the lawyer that W was ill but he had been unable to obtain further information about the latter's mental state despite repeated requests to the prison authorities for authorization of another medical examination. W had been listed for such examination since September 1994 but his lawyer had not been able to establish whether any treatment had been given to him since then. W complained about being subjected to the death penalty when the circumstances strongly suggested that he was insane, not receiving proper medical treatment, and his prolonged detention on death row. His death sentence was commuted in December 1995. Jamaica undertook to carry out investigations to ascertain W's mental health but the Committee did not receive any information concerning this.

Decision and Reasoning

The Committee held:

(1) that the communication was not inadmissible for non-exhaustion of domestic remedies since (a) a petition to the judicial committee was not available and effective in view of the advice that it would have no prospect of success, (b) W's appeal against the classification of his sentence had been heard and dismissed in March 1995 and (c) a petition for special leave to appeal would serve little purpose after the commutation of the death sentence;

(2) that, although the claim that the execution of a mentally disturbed individual like W would violate Arts 6 and 7 had become moot with the commutation of the death sentence, his other claims relating to the death row phenomenon and the lack of treatment were admissible;

(3) that prolonged detention on death row did not per se amount to a violation of Arts 7 and 10(1);

(4) that, having regard to (a) the serious deterioration of W's mental condition during his incarceration on death row, (b) the failure of Jamaica to forward its findings of an investigation into W's state of mental health
and (c) the apparent failure to carry out the psychiatric examination scheduled for September 1994, W did not receive any or adequate medical condition for his mental condition while detained on death row;

(5) that this situation constituted a violation of Arts 7 and 10(1); and

(6) that W was entitled to an effective remedy including appropriate medical treatment.

[Adapted from INTERIGHTS summary, with permission]

Decision Excerpts

"6.4 Counsel has claimed a violation of articles 7 and 10, paragraph 1, because of the length of the author's detention on death row, which, at the time of submission of the communication was six years and by the time of commutation of the sentence nearly seven years. The Committee reiterates its jurisprudence that prolonged detention on death row does not per se amount to a violation of articles 7 and 10, paragraph 1, of the Covenant in the absence of further compelling circumstances. On the other hand, each case must be considered on its own merits, bearing in mind the psychological impact of detention on death row on the convicted prisoner.

6.5 In the instant case, the material before the Committee indicates that the author's mental condition seriously deteriorated during his incarceration on death row. This conclusion is buttressed by the correspondence addressed to the Committee on the author's behalf by other inmates on death row, and by the report prepared by Dr. Irons on his examination of the author on 14 March 1992 (see paragraph 2.4 above). On the other hand, the State party, which had promised to investigate the author's state of mental health and to forward its findings to the Committee, has failed to do so, more than two years after its submission. Finally, it is not apparent that the psychiatric examination which had been scheduled for the author in September 1994 by the State party's Department of Correctional Services has been carried out since that date. All these factors justify the conclusion that the author did not receive any or received inadequate medical treatment for his mental condition while detained on death row. This situation constitutes a violation of articles 7 and 10, paragraph 1, of the Covenant, since the author was subjected to inhuman treatment and was not treated with respect for the inherent dignity of his person."