

DENUNCIATION

III. CONCLUDING OBSERVATIONS

ICCPR

- Jamaica, ICCPR, A/53/40 vol. I (1998) 15 at paras. 78 and 79.

Paragraph 78

The Committee notes with the utmost regret Jamaica's notification of denunciation of the Optional Protocol. Unless withdrawn, this denunciation will become effective on 23 January 1998. The Committee affirms that:

- (a) Views of the Committee already adopted on communications under the Optional Protocol will retain their validity and will require implementation;
- (b) Communications already pending, or submitted before 23 January 1998, will not be affected by Jamaica's notification and will be considered by the Committee in due course;
- (c) Jamaica will continue to be bound by the provisions of the Covenant, and be subject to other monitoring functions of the Committee.

Paragraph 79

The Governor-General's notification of 7 August 1997, unilaterally imposing timetables for the examination of communications under the Optional Protocol by the Committee, cannot be invoked as justification for any measure that would deviate from the Covenant, the Optional Protocol, or requests by the Committee for interim measures of protection.

- Trinidad and Tobago, ICCPR, A/56/40 vol. I (2001) 31 at para. 72(7).

The denunciation of the Optional Protocol is profoundly regretted. In the light of the continued existence of the death penalty, and despite assurances by the delegation that proposals to extend the death penalty have been rejected, it is recommended that:

- (a) In relation to all persons accused of capital offences, the State party should ensure that every requirement of article 6 is strictly complied with;
- (b) In the event of a reclassification of murder being brought into effect for persons tried and convicted thereafter, those already convicted of murder should be entitled to similar reclassification, in accordance with article 15.1; and

DENUNCIATION

(c) The assistance of counsel should be ensured, through legal aid as necessary, immediately on arrest and throughout all subsequent proceedings to persons accused of serious crimes, in particular in cases of offences carrying the death penalty.