

**Statement in the House of Representatives on Capital Punishment Retention by  
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**November 2008**

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## **A. Introduction – Colonial Jamaica and humankind’s evolution**

Mr. Speaker, for the past few weeks since being given the responsibility for National Security for the Opposition, I have spent a lot of time reading, researching and reflecting on this issue. One of the things I have reflected on is the role of hanging – since when we are speak of capital punishment in Jamaica, we speak of hanging – the role of hanging in our history of slavery and colonialism.

(For) Many of the persons we now call National Hero, Paul Bogle, George William Gordon, Sam Sharpe, this was the instrument of suppression and oppression that was used on them and many hundreds of others in the Morant Bay Rebellion, in countless rebellions in our history, as our people fought for their freedom and for their fundamental human rights.

There is today an international trend away from capital punishment, which to my mind reflects the forward march of civilization and reflects the human family’s evolution.

I understand completely that in the context of the crisis of public safety that we are going through today, it is completely understandable that there is an outcry for something to be done. However, I fear that this debate and consequent efforts flowing from it will divert attention, focus and resources from the difficult and complex things we need to do to address the crime problems.

## **B. Jamaica’s murder statistics and the deterrence argument**

To my mind, the only justifiable reason for capital punishment could be if we were certain that it was going to save lives; that its, if it was an effective deterrent. However, let us examine some of the statistics in Jamaica. Our clear-up rate for murders – that is, persons who are charged even charged or are killed in the course of being arrested – is less than one in five; 19%. And the conviction rate in the Gun Court, which is where most of the murders are tried, is approximately 5%. In fact, for Drug Related murders the conviction rate is essential zero. The convictions we do get tend to be for domestic murders.

So if we have a conviction rate of about one in twenty, and we have a clear-up rate of less than one in five, what we see is the odds of being convicted of a murder in Jamaica is about one in a hundred. Yesterday I believe the Prime Minister said there are seven or eight persons currently on death row. Within that five year period after conviction, it would still be possible to put them to death under the Pratt and Morgan.

Now we imagine that this represents those persons who are convicted and who it would be possible to hang in a five year period. In a five year period, in which we would probably have 7,000 murders, then what we see is that the possibility is to hang one person for every thousand murders committed.

I find it really difficult to believe that this highly unlikely chance of punishment being effected is going to be a deterrent to somebody who is going to commit a murder. Moreso, if we even hear the names of the gangs – “Born Fi Dead” – these are not people with expectations of living “till you sun dem”. These are people who have accepted that whatever the conditions, whatever the social conditions they were

brought up under, for whatever decisions they have taken, they have accepted that they are probably going to die. So I don't accept the deterrent argument.

I don't often agree with the Member from South West St. Catherine, but he mentioned today – and in this I support him – that he doesn't believe that one innocent man should die in order to execute 10 murderers, and I subscribe to that.

### **C. Discriminatory punishment**

As recently as 2003 we had the case of Randall Dixon, who had been convicted of murder. It was upheld his conviction on appeal and at The Privy Council the question was asked, "this murder was committed in the course of a robbery of a bank, don't you have CCTV (*Closed Circuit Television*) in your banks in Jamaica?" The answer was yes. "Was the tape presented at the trial?" No, the police were in possession of the tape, but the tape was never presented. When the tape was reviewed at The Privy Council, it was clear that Randall Dixon was not one of the persons involved in the robbery.

This was a man at one of the final stages (of the justice system). This was probably the first time he had had first rate defense attorneys. The truth is that from examples from around the world, particularly from the United States of America, which in our hemisphere is one of those countries that still carries out capital punishment quite frequently, is that it is poor people – and particularly poor black people – who suffer that penalty.

It is unlikely that few of us in here, or our children, will have that risk even if they commit murder because of the quality of representation that they will have. So, it is a discriminatory punishment, and one that reinforces all the historical discriminations that we have suffered as a people.

### **D. Constituency consultation, conscience vote and political leadership**

The Honourable Members have spoken about consulting with constituents and reflecting the opinion of their constituents, which, on the face of it, I think, is reasonable. However, for something so fundamental, for something with such a profound consequence for all concerned, I believe we have to account to a higher authority than our constituents; whether it be our conscience, our God, whatever we want to call that higher power that we believe in.

It is not politically difficult to support capital punishment. I hear some of my colleagues say we must be prepared to take the tough decisions. It is not a tough decision. It is not a tough decision when all the polls show the majority of people are in support of it, particularly at a time like this when they are gripped with fear because of the out of control crime situation. What takes courage and conviction is to be prepared, if necessary, to pay a political price for your belief.

It is easy to come here (to the House) and speak about morality and moral authority. We hear it often. We heard it yesterday in here. What is much more difficult is leading by example. I remember as a young parent Monsignor Richard Albert counseling me on this, he said "don't tell your children what to do, show them what to do by how you live."

As politicians, what we need to be reflecting on during this conscience vote is what signals we are sending in our constituency; what mixed signals, sometimes in our behaviour, which may be supporting these criminals and these murders, whether directly, indirectly or unintentionally. This is, I think, timely for us to do that personal self-examination, rather than use this as a pulpit to proclaim self-righteousness.

**E. Conclusion – sanctity of human life, personal rejection of motion to retain**

I stand here today to affirm my personal commitment to the value, the dignity and the sanctity of human life. Therefore, I cannot support the motion. I want to make it clear that this is my personal position.

The PNP's position, the Party's position, has consistently been to support capital punishment. The law has capital punishment as a consequence for certain types of murders. And therefore, I may be obliged or I am obliged to uphold the law as it stands. But for my own personal conviction to the sanctity of human life, I cannot support the continuation of capital punishment.