



# Ministry of Justice

*Balancing Rights and Responsibilities*

## KNOW YOUR RIGHTS #2

One People • One Spirit • One Justice



### THE RIGHT TO LIFE

In a previous article, a list of the fundamental rights and freedoms that are contained in the Jamaican Constitution was provided. In this article information will be provided on the right to life.

The right to life is based on the moral principle that every human being has the right to live and should not be killed by another person. Your right to life is protected in **Chapter Three, Section 14** of the Jamaican Constitution. No one should try to end your life. The right to life is often referred to as an 'absolute right'. This means that the state or government should not interfere with this right. It also means that the government should take all necessary measures to safeguard your life by making laws to protect you as well as to protect you if your life is at risk.

Agents of the state such as members of the security forces and correctional services have an obligation to respect your fundamental right to life when they are making decisions or acting as agents of the state.

The Constitution sets out some circumstances in which loss of life as a result of the action of the state would not be considered as a breach of the right to life. No one shall be deprived of his life intentionally except in the execution of a sentence of a court following his conviction of a crime for which the penalty of death is provided for by law.

In addition, no breach of the right to life would have been committed if a person dies at the hands of an agent of the state who uses necessary force to:

- Stop him/her from committing a crime
- Carry out a lawful arrest
- Prevent escape from lawful detention (such as prison)
- Stop him/her from carrying out an act of unlawful violence
- Stop an uprising or war

Even in the above circumstances, agents of the state must use force that is proportionate to the situation – that is – no more force than is required to get the problem under control.

Also, you do not want to find yourself in any situation where you may be found guilty of committing a capital murder. Capital murder includes murder of a member of the security forces, a correctional officer, a judicial officer, a witness or party in a civil or criminal matter, a juror, a Justice of the Peace and several other murder occurrences. If one is convicted of capital murder, the law allows the court to consider giving that person the death penalty.

A murder conviction followed by a second murder conviction, or the killing of two persons on the same occasion may also attract the death penalty.

*If a suspect becomes aggressive, the police may use just enough force to restrain him/her.*

### You Can Get Help

*You can get help from several entities in the Government sector.*

#### Legal Aid Council

*Have you or your relative been arrested but cannot afford legal representation?*

*Call or visit the Legal Aid Council at:*

**Air Jamaica Building**

**Ground Floor,**

**72-76 Harbour Street, Kingston.**

**Telephone: (876)948-6999**

**Email: aid.legal@moj.gov.jm**

#### INDECOM

*If you or anyone you know have had your rights breached by members of the security forces or the correctional services contact the Independent Commission of Investigations at:*

**1 Dumfries Road, Kingston 10,**

**Toll free 1-888-935-5550 (Digicel)**

**1-888-991-5555 (LIME)**

**Email: info@indecocom.gov.jm**

#### The Office of the Public Defender

*Have you suffered an injustice by a public sector entity? Contact the Office of the Public Defender at:*

**22-24 Duke Street, Kingston**

**Telephone: 922-7089-90, 922-7109,**

**922-8256**

**Email: enquiries@opd.gov.jm**

**Ministry of Justice**

**61 Constant Spring Road**

**Kingston 10**

**Telephone: (876) 908-5561**

**www.moj.gov.jm**



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