

PUBLIC

AI Index: AMR 16/003/2002

EXTRA 70/02

death penalty / legal concern

11 September 2002

BELIZE

proposal for return to practise of death penalty

In a claim to be "addressing" the issue of violent crime via the resumption of executions, on 6 September the Prime Minister of Belize, Said Musa, brought before the House of Representatives the *Belize Constitution Amendment Bill 2002*. The Bill proposes to remove the right of appeal to the UK based Judicial Committee of the Privy Council - currently the final court of appeal for Belize - in the case of class A murder.

Following a 17-year *de facto* moratorium on executions, this amendment would establish the Belize Court of Appeals as the final appellate court in the case of Class A murder, which includes: murder by shooting; murder committed in the course of theft, resisting or avoiding arrest; murder of a police officer acting in the execution of his/her duty; murder relating to illegal drugs or criminal gang activity. Amnesty International (AI) fears that such a development would significantly increase the likelihood of numerous executions in Belize in the coming years.

The amendment, which has considerable public and political support needs only ninety days before action is taken to change the constitution accordingly.

BACKGROUND INFORMATION

The Judicial Committee of the Privy Council (JCPC), located in the United Kingdom, is currently the highest court of appeal for Belize and other English speaking Caribbean countries. Currently all those sentenced for any crime in Belize have the right of appeal.

Since a JCPC ruling in 1993, the death penalty can not be carried out if the prisoner concerned has been under sentence of death for more than five years, in which case the sentence is automatically commuted to life imprisonment. The last execution in Belize was carried out in June 1985, when Kent Bowers was hanged. Death by hanging is mandatory for murder in Belize, except where extenuating circumstances can be proved. Since 1985 numerous death sentences have been handed down, though none have been carried out. Amnesty International understands that currently there are approximately nine people on death row.

The new amendment bill sees the ruling party and the opposition united in their attempt to reinstate executions in Belize, and follows public statements from leading politicians on both sides in support of capital punishment as a deterrent to the rising crime levels throughout the country.

This sudden retrograde step comes only five months after the welcome ruling by the JCPC in March 2002, which upheld that the mandatory death penalty is in violation of the constitutions of seven Caribbean states, including Belize.

Whilst AI understands that this amendment will not apply to appeals and other proceedings currently in process, the fact that the death sentence is mandatory for murder means that the potential for numerous executions being carried out in Belize in the future is of grave concern.

Amnesty International believes that such an amendment would deny equal standards of justice for all citizens, as it would still allow other criminal and civil case appeals to go to the JCPC.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the ultimate form of cruel and inhuman punishment. The death penalty is irrevocable and can be inflicted on the innocent. It has never been shown to deter crime more effectively than other punishments and brutalises those involved in the process of executions and wider society as a whole.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern that the government of Belize intends to remove rights from those whose lives it seeks to end that are available to those it only wants to imprison;
- underlining that this step clearly runs counter to the worldwide trend towards the abolition of the death penalty, pointing out that in recent years, the governments of South Africa, Chile, East Timor, Ukraine, Cote d'Ivoire and Angola have abolished the death penalty;
- clearly stating that AI takes no position on the question of sovereignty, and acknowledges the right of countries to decide the legal structures appropriate for them, assuming the law is applied in a manner corresponding with international laws and standards, such as the International Covenant on Civil and Political Rights (ICCPR);
- expressing your unconditional opposition to the death penalty as a violation of one of the most fundamental of human rights - the right to life;
- emphasizing that AI's opposition to the death penalty in no way seeks to detract from the suffering of the victims of violent crime and of their relatives and friends.

APPEALS TO:

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Salutation: Dear Prime Minister

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Salutation: Dear Attorney General

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and to diplomatic representatives of Belize accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.