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Belize: Alarming step backwards in the eradication of death penalty

Government proposed plans to limit appeals to the Judicial Committee of the Privy Council (JCPC) in capital cases constitute a dangerous step back in the struggle for the eradication of the death penalty, Amnesty International warned today.

The statement came in reaction to a press release issued by the government of Belize on 24 July announcing that it had agreed "to draft a constitutional amendment to restrict appeals to the JCPC in criminal cases, so that convictions cases of murders of a heinous nature would not be subject to appeal to the JCPC".

Such a move would effectively make the local court of appeal the final step in criminal matters. It follows recent public comments on the issue of capital punishment by the Prime Minister, Said Musa, the Minister of Home Affairs, Maxwell Samuels and the leader of the opposition, Dean Barrow, who have reportedly criticized the lengthy appeal process of the Privy Council, claiming that it deliberately frustrates the law dealing with capital punishment for the crime of murder. The Prime Minister also publicly welcomed a letter from the leader of the opposition last week which suggested that in a concerted effort to get tough on crime, the Privy Council should be removed as a final court of appeal in criminal matters.

This sudden retrograde step, which sees the cabinet and the opposition united in their attempt to reinstate the practice of the death penalty in Belize, comes only four months after a welcome ruling by the JCPC, which in March of this year upheld that the mandatory death penalty is in violation of the constitutions of seven island states in the Caribbean, including Belize. In its decision, at an appeal trial of three executions which included the case of Patrick Reyes from Belize, the JCPC ruled that such treatment of offenders was in violation of the constitution of Belize not to be subjected to "inhuman and degrading punishment or other treatment".

"By proposing this constitutional amendment the government of Belize is trying to exploit public anger around the issue of violent crime into support for the death penalty, rather than looking for truly effective methods of crime prevention," Amnesty International said.

"This is an overt and public intent to restore the practise of hanging as punishment for murder, after a 17-year *de facto* moratorium on executions. This clearly runs counter to the worldwide trend towards the abolition of the death penalty," the organization added.

Amnesty International urged the government of Belize to examine its support for the death penalty and to question whether it plays any useful role in society.

"While the authorities have the duty to protect their citizens from the appalling level of violent crime in Belize, it is a fact that executions achieve nothing in lessening the number of victims and may even increase the

level of violence in society," the organization added, stressing that capital punishment is a symptom of, not a solution to, a culture of violence, and contributes nothing to efforts to confront violent crime or assist its victims.

Background

The Judicial Committee of the Privy Council, located in the United Kingdom, is currently the highest court of appeal for Belize and other English Speaking Caribbean countries. All those sentenced to death have the right of appeal. Final appeals are made to the JCPC. Since Belize Independence Day (1981), the death penalty can not be carried out if the prisoner concerned has been under sentence of death for more than five years. Amnesty International understands that the proposed amendment to the constitution would provide for a shortened period of 12 months for persons to exhaust all appeals against a murder conviction

The last execution in Belize was carried out in June 1985, when Kent Bowers was hanged despite a petition for clemency reportedly signed by 2,500 people. Since 1985 numerous death sentences have been handed down, though none have been carried out. In 2001 four men were sentenced to death.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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