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GRENADA: privy council orders resentencing of 13 of the “Grenada 17”

After 23 years of incarceration, 13 remaining members of the “Grenada 17” (former government and military officers convicted of the murder of former Prime Minister Maurice Bishop and others) had their sentences overturned by the Judicial Committee of the Privy Council (JCPC) on 7 February 2007. The JCPC ruled that the death sentences originally imposed in the cases were unconstitutional and that this also invalidated the process by which those sentences were later commuted to life imprisonment.

In its ruling the JCPC stated that “the question of the appellants’ fate is so politically charged that it is hardly reasonable to expect any Government of Grenada ... to take an objective view of the matter” even after 23 years. It ordered that the case should therefore be referred back to the Supreme Court of Grenada for a new sentencing determination “taking into account the progress made by the appellants during their time in prison”.

While the decision does not amount to a full retrial, Amnesty International welcomes the decision as a means by which the cases can finally be reviewed, after years of concern about the fairness of their trial and convictions.

Although Amnesty International has not taken a position on the guilt or innocence of the Grenada 17, the organization has long called on the Grenadian authorities to establish an independent judicial review of the convictions, a recommendation also made by the Grenadian Truth and Reconciliation Commission in a report in June 2006

Background

The 17 were detained by US forces following the US-led invasion of Grenada in October 1983. The invasion occurred after a coup in which former Grenadian Prime Minister Maurice Bishop and 10 members of his government were allegedly summarily executed by supporters of a dissident faction led by Bishop’s deputy Bernard Coard. In 1986, fourteen former members of the Government of Grenada and three soldiers were convicted of the murders. The former government members, including Bernard Coard and his wife Phyllis Coard, were sentenced to death while the three soldiers received long prison terms. The death sentences were commuted by the Grenadian authorities to life imprisonment in 1991, largely as a result of international pressure. In December 2006, three of the “Grenada 17” - Andy Mitchell, Vincent Joseph and Cosmos Richardson - were released after their 45-year prison sentences were reduced for good behaviour. Phyllis Coard was given permission to travel to Jamaica due to severe health problems in March 2000.

In 2003 AI issued a report called “*The Grenada 17: the last cold war prisoners?*” (AI Index: AMR

32/001/2003) in which the organization concluded that the “trial of the Grenada 17 was fatally flawed and did not meet international standards. Among its concerns were their lengthy incommunicado pre-trial detention following their arrest by US forces in October 1983, their ill-treatment under interrogation and the circumstances under which confessions were obtained. The report also identified irregularities in both the constitution of the court before which they were tried and in the jury selection. The organization called on the Grenadian authorities to establish an independent judicial review of the convictions. AI also recommended that such a mechanism should establish the true facts of the events of 19 October 1983, as well as ensuring that justice was done. AI also recommended as a matter of urgency that compensation should be paid by the governments of Grenada or the USA to those injured or the relatives of those killed.