

EXTERNAL

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Fear of Imminent Execution

8 January 1998

BAHAMAS Roger Chad GOODMAN

Anatole MCQUAY

Sean POITIER

Alexander WILLIAMS

Death warrants have been issued in the Bahamas for the hanging of Roger Chad Goodman, Anatole McQuay, Sean Poitier and Alexander Williams on 13 January 1998.

Sean Poitier and Alexander Williams were sentenced to death on 16 August 1993 for the 1992 murder of Police Constable Truman Cooper. Their appeals to the Court of Appeal were dismissed in January 1995 and their petitions for leave to appeal to the Judicial Committee of the Privy Council (JCPC), the final court of appeal for the Bahamas, were dismissed in December 1996. According to the October 1996 ruling of the JCPC (see Background), to execute Sean Poitier and Alexander Williams, who have spent more than three and a half years on death row, would violate their constitutional rights to be free from cruel or inhuman punishment.

Roger Chad Goodman was sentenced to death on 20 November 1996 for the murder of David Fletcher. His appeal to the Court of Appeal was dismissed one year later. Anatole McQuay was sentenced to death on 1 April 1996 for the 1994 murder of Gurth Dean during an attempted armed robbery. His appeal to the Court of Appeal was dismissed on 25 August 1997. Roger Chad Goodman and Anatole McQuay have been scheduled to hang despite the fact that neither of them have yet appealed to the JCPC.

It is reported that the Advisory Committee on the Prerogative of Mercy advised the Governor General that the prerogative of mercy should not be exercised in favour of any of the above four men.

BACKGROUND INFORMATION

The death penalty is mandatory for murder in the Bahamas. After a period of 12 years with no executions, the Bahamas resumed hangings in March 1996: Thomas Reckley was executed on 13 March 1996 and Dwayne McKinney on 28 March 1996. There have been no executions since that date.

In October 1996 the JCPC ruled that in the case of Henfield and Farrington v. the Bahamas, "taking into account an appropriate period of time for the domestic appeals available to condemned men in their own interest, that a period of three and a half years in prison awaiting execution, with all the agony of mind which that entails, would in all the circumstances be so prolonged a time as to render execution cruel or inhuman punishment". In accordance with this ruling, death sentences of those people who have spent three and a half years or more on death row in the Bahamas have been commuted to life imprisonment.

In January 1998 it was announced that the sentences of death imposed on 17 persons who had been on death row for more than five years have been commuted to life imprisonment.

RECOMMENDED ACTION: Please make urgent appeals by telephone/telegram/telex/fax/express letter in English or your own language:

- welcoming the recent commutations of 17 death sentences, but expressing deep concern that Roger Chad Goodman, Anatole McQuay, Sean Poitier and Alexander Williams are due to be hanged on 13 January 1998;
- urging that all four death sentences be commuted and that no further executions be carried out;
- expressing sympathy for the victims of violent crime and their relatives, but voicing opposition to the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal Declaration of Human Rights;
- pointing out that, according to the JCPC's ruling in *Henfield and Farrington*, the death sentences of Poitier and Williams should be commuted since they have been on death row for more than three and a half years and their executions would violate their constitutional right to freedom from cruel or inhuman punishment;
- pointing out that Roger Chad Goodman and Anatole McQuay have not yet exhausted all avenues of appeal as they have not yet petitioned the JCPC.

You may also make some or all of the following general points: the death penalty has never been shown to deter crime more effectively than other punishments; it has a brutalizing effect upon all those who are involved in the process; it does not necessarily alleviate the suffering caused to the victims of violent crime; execution is irrevocable and, despite the most stringent judicial safeguards, can be inflicted on the innocent.

APPEALS TO:

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Salutation: Your Excellency

Attorney General

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Salutation: Dear Attorney General

COPIES TO:

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and to diplomatic representatives of Bahamas accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.