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BELIZE

Update: Death by Hanging - The Death Penalty in Belize

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In our report of February 1993 on the death penalty in Belize, we included the cases of Dean Eduardo Vasquez and Catalino O'Neil, both of whom were on death row, but who had been given leave to appeal by the Judicial Committee of the Privy Council (JCPC) in London, which is the final court of appeal of Belize.

On 29 June 1994 the JCPC announced that they were of the opinion the verdicts in the cases of Dean Eduardo Vasquez Catalino O'Neil should be reduced from murder to manslaughter and that the cases be returned to the Court of Appeal in Belize for sentencing.

The report of the Lords of the JCPC stated that in both cases the appellants had committed similar crimes in similar circumstances. The appeal concerned the law of provocation in Belize as contained in Sections 116, 117 and 119 of Belize's Criminal Code of 1889, by putting the burden of proof on the defence to prove provocation. These sections were seen as incompatible with more recent articles introduced into the Code, modelled on the English Homicide Act of 1957, and with Belize's 1981 Constitution.

The contention was, therefore, that the trial judge had wrongly interpreted the code in directing the jury that "the onus was upon the accused to prove extreme provocation on the balance of probabilities". The JCPC concluded that having regard to the provisions of the Belize Criminal Code and the Constitution, the judge's direction of the jury was not sound in law. Neither had the Court of Appeal of Belize, which had earlier dismissed both appeals against conviction, considered the question of provocation.

This report is an update to *Belize: Death by Hanging - The Death Penalty in Belize* (AI Index: AMR 16/02/93), issued by Amnesty International in February 1993.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM