

EXTERNAL (for general distribution)

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PLEASE BRING THIS TO THE ATTENTION OF THE CAMPAIGN COORDINATOR IN YOUR SECTION

Further information on UA 265/91 (AMR 32/01/91, 1 August) - Death Penalty

GRENADA:
Callistus Bernard
Bernard Coard
Leon Cornwall*
Lester Redhead
Ewart Layne
Liam James*

* There is some confusion regarding the fifth person to be executed - initial reports stated that this was Leon Cornwall but later reports indicate that Liam James (a former officer in the People's Revolutionary Army) was among the five. Appeals should therefore be made on behalf of all those named above.

The emergency motion filed by the 14 defendants convicted of the murder of Prime Minister Maurice Bishop was dismissed by the Grenada Court of Appeals on 8 August. It is now feared that executions of the defendants listed above may take place without delay.

A decision had reportedly been taken to execute five of the 14 last week. However, the executions were postponed pending the above hearing in the Grenada Court of Appeals.

The motion before the Grenada Court of Appeals had sought, among other things, a stay of execution pending consideration of a complaint submitted to the Inter-American Commission on Human Rights (IACHR). The complaint alleges that execution of the above defendants would violate the American Convention on Human Rights (ACHR), including Article 4(4) which states that "In no case shall capital punishment be inflicted for political offences or related common crimes". Grenada ratified the ACHR in 1978 and is therefore a State Party to the Convention. The IACHR has agreed to hear the complaint in September 1991.

The motion also submitted other grounds relating to legal aspects of the case. The hearing of the motion was due to take place before the Court of Appeals on 7 August 1991. However, it was postponed until 8 August, when the motion was heard and dismissed the same day.

FURTHER BACKGROUND INFORMATION

As stated in UA 265/91, the Grenadian parliament passed legislation providing for Grenada's return to the Eastern Caribbean states court system which would, among other things, provide right of final appeal to the Judicial Committee of the Privy Council (JCPC) in London.

Amnesty International has now learned that the Governor General issued a proclamation on 19 July 1991 setting 1 August 1991 as the date for Grenada's return to this system, enacting the above legislation into law as from that date. On 29 July, the defendants filed their emergency motion in the Grenada Court of Appeal, seeking stays of execution (the motion heard on 8 August). On 30 July, the Governor General issued a further proclamation in which he revoked his earlier proclamation on the ground that it was "no longer expedient" to return to the Eastern Caribbean court system on 1 August.

It is clear, therefore, that the Government has postponed re-entry into the Eastern Caribbean court system until this case is disposed of.

Amnesty International is increasingly concerned that executions may be expedited in these cases for reasons of political expediency, rather than in the interests of justice and believes that it would be unjust to execute prisoners who are denied an important avenue of appeal

(to the JCPC) which will soon be available to other defendants in Grenada.

Amnesty International has urged the Grenadian Government, at the very least, to grant a stay of execution pending determination of the complaint submitted to the IACHR. In a letter to the Prime Minister dated 6 August 1991, the organization said it would be deeply discouraging were Grenada to disregard its treaty obligations, especially in a case involving the death penalty. Amnesty International believes that the infliction of capital punishment would be contrary to the American Convention on Human Rights, in particular Article 4(4) cited above.

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There are at least seven other prisoners on death row in Grenada, apart from the 14 defendants in the above case, several of whom have had their death sentences upheld on appeal. However, no executions have taken place since 1978. Amnesty International is disturbed that the Mercy Committee had apparently met to consider the case of the 14 and selected five of them for execution so soon after their original appeal was dismissed on 10 July 1991, contrary to practice in other cases. Amnesty International is also concerned that such a decision should be taken without any written appeals judgment having been made available to the prisoners or their legal representatives.

FURTHER RECOMMENDED ACTION: Telexes/faxes/telephone calls and airmail letters:

Appeals are particularly welcome from members of governments and legal/bar associations

- continuing to appeal for clemency on humanitarian grounds citing some of the points mentioned above;

- urging that stays of execution be granted, as a minimum measure, pending determination of the complaint submitted to the IACHR.

APPEALS TO:

Sir Paul Scoon
Governor General
Government House
Upper Lucas Street
St George's, Grenada

[Salutation: Dear Governor General]

Telexes: 3423 GRESEX GA (attn: Governor General)
Faxes: +809 440 4184 (NOTE CHANGED NUMBER)
Tel: +809 440 2401

The Honourable Dr Francis R Alexis
Attorney General, Minister of Legal Affairs and Local Government
Ministry of Legal Affairs
Botanic Gardens
St George's, Grenada

[Salutation: Dear Minister]

Telegrams: Attorney General Alexis, St. Georges, Grenada

The Honourable Nicholas Brathwaite
Prime Minister
Botanic Gardens
St George's, Grenada

[Salutation: Dear Prime Minister]

Telexes: 3457
Faxes: +809 440 4116 (NOTE CHANGED NUMBER)

Joan Purcell
Designated Minister Advisory
Committee on the Prerogative of Mercy
Ministry of Tourism, Civil Aviation and Women's Affairs
St George's, Grenada

[Salutation: The Honourable Joan Purcell]

Telexes: 3422 MINTCA GA

Tel: +809 440 0366/7/8

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and to diplomatic representatives of Grenada in your own country.

PLEASE SEND APPEALS IMMEDIATELY.