

UA 175/00

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TRINIDAD AND TOBAGO Steve Williams

Steve Williams, 25 years old, was sentenced on 20 June 2000 to life imprisonment and 15 strokes with a birch for rape.

Amnesty International opposes the use of corporal punishment as a violation of the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment guaranteed by Article 5 of the Universal Declaration of Human Rights.

Amnesty International understands that there is a need for effective deterrents against rape and that rape is a truly repugnant crime, the perpetrators of which should be brought to justice. However, the organization believes that no crime, no matter how serious, justifies the use of punishments that constitute torture or cruel, degrading or inhuman treatment.

BACKGROUND INFORMATION

Flogging is permitted in Trinidad and Tobago under the Corporal Punishment (Offenders Over Sixteen) Act of 1953. The Act permits a court to order the flogging of a person who is convicted of specified offences and is aged 16 or more (previous legislation allowed for the imposition of flogging on those under 16).

Amnesty International has written to the Government of Trinidad and Tobago on numerous occasions in recent years expressing its concerns about sentences of corporal punishment and requesting further information on the issue. To date, the organization has received only one reply from the office of the Attorney General, which stated that the Government was "unable" to meet the requests.

According to reports received by Amnesty International, courts in Trinidad and Tobago regularly impose sentences of flogging or caning in addition to terms of imprisonment. The sentences are carried out in the prison where the person is confined. In 1997, at least eight people are alleged to have been flogged or caned, some of whom were reported to have required medical treatment afterwards.

Although the sentencing of women to corporal punishment is extremely rare, Myra Bhagwansingh, a 45-year-old mother of four, was sentenced to 10 strokes with the cat o' nine tails on 28 February 1996. This sentence appeared to violate the law allowing the imposition of corporal punishment, which specified that "any male offender over sixteen years" could be sentenced to be flogged.

On 26 August 1998, Edward Boucher received 15 strokes with a birch. Boucher was originally sentenced in 1992 but was still appealing his sentence when he was birched. An Appeal Court judge described this as "monstrous" and called for the Minister of National Security to investigate the incident. To Amnesty International's knowledge, no action has as yet been taken by the authorities to comply by this request

Amnesty International considers that the imposition of corporal punishment is also contrary to Articles 7 and 10(1) of the International Covenant on Civil and Political Rights (ICCPR): *Article 7*: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular,

no one shall be subjected without his free consent to medical or scientific experimentation"; Article 10: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". In its General Comment 20 on Article 7, the Committee emphasized that the absolute prohibition of cruel, inhuman or degrading punishment in Article 7 of the ICCPR "must extend to corporal punishment." This contention is strongly supported by other expert bodies and international jurisprudence, for example the UN Commission on Human Rights, resolution 1997/38 of April 1997; Nigel Rodley, Special Rapporteur on Torture, in his report to the Commission on Human Rights, 10 January 1997 E/CN.4/1997/7; the European Court of Human Rights in Tyrer v The United Kingdom, Application no. 2865/72, European Court of Human Rights, Series B, No. 24

Amnesty International has previously documented the infliction of corporal punishment on an 11-year-old boy on 23 April 1993 (see *Trinidad and Tobago: Corporal Punishment: 11-year-old whipped*, AI Index AMR 49/03/93, published in May 1993). As stated above, the infliction of corporal punishment upon those under 16 is now illegal.

RECOMMENDED ACTION: Please telephone/send e-mails/ telegrams/faxes/express/airmail letters in English or your own language:

- expressing concern that Steve Williams has been sentenced to receive 15 strokes with a birch as this punishment would constitute torture and cruel, inhuman and degrading punishment;
- requesting that this and any other sentence of corporal punishment in Trinidad and Tobago not be carried out;
- stating that your opposition to the infliction of corporal punishment upon Steve Williams in no way implies a lack of sympathy for the victim of his crime or the seriousness of the crime of rape;
- stating that the imposition of corporal punishment is in violation of the International Covenant on Civil and Political Rights, the provisions of which Trinidad and Tobago have voluntarily agreed to abide by;
- requesting to be informed if the sentence of corporal punishment is carried out on Steve Williams.

APPEALS TO:

The Rt. Honourable Basdeo Panday
 Prime Minister
 Office of the Prime Minister
 Level 19, Central Bank Tower,
 Eric Williams Plaza, Independence Square
 Port-of-Spain
 Trinidad and Tobago
Tel: +1 868 623 3653/3669
Fax: +1 868 627 3444
E-mail: bpanday@trinidad.net
Salutation: Dear Prime Minister

The Hon. Ramesh Maharaj
 Attorney General
 Ministry of the Attorney General and Legal Affairs
 24-28 Richmond Street
 Port-of-Spain
 Trinidad and Tobago
tel: +1 868 623 4282
Fax: + 1 868 625 0470, or 6530

E-mail: attorneygeneral@trinidad.net

Salutation: Dear Attorney General

Senator The Hon. Joseph Theodore

Minister of National Security

Ministry of National Security

18 Knox Street

Port-of-Spain

Trinidad and Tobago

Salutation: Dear Senator

Tel: +1 868 623 2441/5

Fax: + 1 868 627 8044

and to diplomatic representatives of Trinidad and Tobago accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 3 August 2000.