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## **Trinidad and Tobago: hiding its human rights record from international scrutiny**

In under three months time, the people of Trinidad and Tobago will have had a major international human rights protection mechanism removed with barely any discussion or debate, Amnesty International said today.

On 27 March 2000 the government of Trinidad and Tobago lodged its withdrawal from the first Optional Protocol to the International Covenant on Civil and Political Rights. This measure will take effect on 27 June 2000.

“As a consequence of the withdrawal, international human rights experts will no longer be able to examine the claims of those aggrieved citizens who may have suffered violation of their most fundamental rights,” Amnesty International added.

“ This is a backward step that should be of concern to everyone in Trinidad and Tobago and those involved with international human rights protection throughout the world.”

Trinidad and Tobago recently became one of the first nations to ratify *the Rome Statute of the International Criminal Court, thereby ensuring that its territory is not a safe haven* for those guilty of crimes against humanity. While welcoming Trinidad and Tobago’s commitment to strengthening the ability to hold those guilty of terrible crimes to account, Amnesty International is appalled that the government is weakening the human rights protections of its own people.

The government has taken this retrograde step for what appears to be a mistaken belief that the Optional Protocol was preventing the implementation of capital punishment. However, as the recent execution of 10 men in Trinidad and Tobago proved, the first Optional Protocol does not prevent nations from carrying out the death penalty. It seeks to protect the rights of all the citizens, including those under sentence of death.

“To remove the rights of all in the mistaken belief that those mechanisms were preventing hangings taking place is a retrograde step in human rights protection,” Amnesty International said.

“States cannot pick and choose which citizens will be protected by which human rights provisions. Human rights are universal. They belong to the worst of us, as well as the best of us -- which is why they protect all of us,” the organization said

“Trinidad and Tobago’s attempt to exclude those who are amongst the most in need of the protection of their rights as the state seeks to end their lives is unacceptable to the norms of a civilised society.”

### **Background**

In May 1998, Trinidad and Tobago withdrew from the Optional Protocol to the ICCPR and then immediately re-acceded with a reservation purporting to deny any prisoner under sentence of

death from petitioning the United Nations Human Rights Committee (the Committee) -- the expert body that monitors state parties implementation of the ICCPR.

In November 1999, when considering the admissibility of the case of Rawle Kennedy, the Committee concluded that Trinidad and Tobago's reservation was invalid, stating: "[the Committee] cannot accept a reservation which singles out a certain group of individuals for lesser procedural protection than that which is enjoyed by the rest of the population. In the view of the Committee, this constitutes a discrimination which runs counter to some of the basic principles embodied in the Covenant and its Protocols."

In their communication to the Secretary General of the United Nations withdrawing from the Optional Protocol, Trinidad and Tobago cited the above ruling: "The Government of the Republic of Trinidad and Tobago cannot accept this attempt to impose upon it obligations under the Optional Protocol to which it has not agreed."

On 26 May 1999 Trinidad and Tobago also withdrew from the American Convention on Human Rights, thereby precluding the Inter-American Commission on Human Rights from considering whether Trinidad and Tobago had violated provisions of the American Convention and from referring cases to the Inter-American Court on Human Rights. This action also weakened human rights protection.

Trinidad and Tobago currently has approximately 81 men and women under sentence of death, which is the mandatory punishment for murder. In 1999, 10 executions took place including the hanging of nine members of the "Chadee" gang in June.

*Amnesty International has documented numerous human rights violations in Trinidad and Tobago, including: incidents of police brutality and the use of lethal force by police in unjustifiable circumstances; prison conditions that constitute cruel, inhuman and degrading treatment; and the trial of criminal defendants -- including those sentenced to death -- that failed to meet international standards of justice.*

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