

AI INDEX: AMR 49/05/98
21 AUGUST 1998

Trinidad and Tobago shamelessly defies international court order

The Government of Trinidad and Tobago yesterday blatantly defied an international court order by scheduling the imminent hanging of Denny Baptiste. This action shows contempt for the international mechanisms created over the past 50 years to protect human rights, Amnesty International said today.

On 22 July the Inter-American Court on Human Rights ordered Trinidad and Tobago to preserve the life and physical integrity of Denny Baptiste -- in accordance with the American Convention on Human Rights. The government nonetheless scheduled his execution and the authorities have moved Denny Baptiste to a death cell adjacent to the gallows in the State Prison at Frederick Street, Port of Spain, Trinidad and Tobago.

“The government of Trinidad and Tobago has repeatedly asserted that the implementation of the death penalty is not a human rights issue,” the organization said. “This is blatantly untrue.”

“It is unequivocally a human rights issue when the government defies the order of an international human rights court and violates its obligations under the American Convention on Human Rights.”

The execution of Danny Baptiste has been scheduled to take place just a few days before the court is due to hold a hearing on a challenge to the government’s imposition of time limits in attempt to unilaterally limit the time the Inter-American Commission on Human Rights takes to consider claims by people sentenced to death.

The execution has also been scheduled before the Inter-American human rights bodies have made a determination of Denny Baptiste’s claim that his internationally protected human rights have been violated.

Like many of those condemned to death in Trinidad and Tobago, Denny Baptiste has claimed that in the course of the proceedings against him, his rights to a fair trial, as set out in international treaties to which Trinidad and Tobago is a party, have been violated. He and others on death row, have therefore exercised their right to file petitions with international human rights bodies seeking redress for violations of their rights under these international treaties.

“The government of Trinidad and Tobago remains a party to the American Convention on Human Rights until its withdrawal takes effect next year. As such the government remains bound under international law to fully guarantee the rights protected by that treaty to all its citizens, including Denny Baptiste and others, who have been sentenced to death,” Amnesty International said.

Amnesty International is calling on the government to abide by the orders of the Inter-American Court, to stay the execution of Denny Baptiste, to commute his sentence and to respect his internationally protected human rights. The government should also repeal the time limits, which it has imposed unilaterally, on the Inter-American Commission on Human Rights.

Amnesty International is also calling on the member states and organs of the Organization of American States to take measures necessary to protect the integrity of Inter-American system for the protection and promotion of human rights. It is urging them to join in urging Trinidad and Tobago to abide by the orders of the Inter-American Court, to respect the rights enshrined in the American Convention, and to reverse its decision to withdraw from this fundamental human rights treaty.

“We have deepest sympathy for the victims of violent crime and their families and recognize the government’s duty to uphold law and order and to bring perpetrators of violent crime to justice in the course of trials which meet international standards of fairness,” Amnesty International said.

“However, the imposition of the death penalty is a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. It has not been shown to be a deterrent to violent crime; it is an irreversible punishment, which serves only to further brutalize society.”

Background

Denny Baptiste is one of more than 100 people currently under sentence of death in Trinidad and Tobago. He was convicted in May 1995, along with Indravani Pamela Ramjattan and Haniff Hilaire, for involvement in the murder of Ms Ramjattan’s abusive husband, Alexander Jordan. His appeal to the Court of Appeal and his petition to appeal to the Judicial Committee of the Privy Council (currently Trinidad and Tobago’s highest court, located in London) were dismissed on 10 March 1997 and on 7 November 1997, respectively.

People on death row in Trinidad and Tobago have submitted petitions to human rights bodies alleging various violations of their internationally protected human rights. These petitions include allegations of ill-treatment by police upon arrest, of confession statements coerced by ill-treatment, of a lack of access to counsel during investigation phases, lack of adequate time and facilities to prepare a defence, unreasonable delay before trial, pre-trial detention conditions which can only be described as cruel, inhuman or degrading, and conditions of confinement on death row which fail to meet international minimum standards of decency. The international law is clear: executing a person who has been subjected to violations of their fair trial or other human rights may violate the most fundamental of rights -- the right to life.
ENDS.../