

URGENT ACTION

VOTE ON DEATH PENALTY MAY RESUME EXECUTIONS

On 18 February the Congress of Trinidad and Tobago will debate changes to the constitution that could put dozens of people on death row in immediate danger of execution. The new legislation is aimed at resuming executions, which have not taken place in the country since 1999.

On 14 January 2011, Trinidad and Tobago's government, led by Prime Minister Kamla Persad-Bissessar, submitted a Bill for approval by the Parliament aimed at reforming the Constitution in relation to the implementation of the death penalty. The Bill is scheduled to be debated on 18 February, and the law could be implemented in the following weeks. Amnesty International is concerned that the adoption of the Bill, as currently drafted, will put dozens of people currently on death row at serious risk of being executed in violation of international human rights laws and standards.

The Bill would enable death sentences to be carried out while appeals before international bodies are pending. In particular, it will give power to the President of posing time-restrictions for individuals under sentence of death to appeal, consult, communicate and conclude appeal with any person or body of persons outside Trinidad and Tobago. After the time limits ends, executions could be carried out even if the appeal has not been concluded. Implementing a death sentence while an appeal is pending is against international human rights standards related to the due process of law.

The Bill would also permit authorities to circumvent a 1993 ruling by the highest court of appeal for Trinidad and Tobago, the Judicial Committee of the Privy Council in London. This stated that a delay of more than five years in implementing a death sentence would be cruel and inhuman treatment. If the Bill is passed, people who will be in the future sentenced to death could be executed even if they remain on death row for more than five years.

Amnesty International is deeply concerned that the desire to resume executions is being presented as a crime-control measure, despite the lack of convincing evidence of the deterrent effect of the death penalty on the crime situation.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Asking the Head of the ruling party and the Leader of the opposition to instruct the Members of the Parliament of Trinidad and Tobago to reject the proposed amendment to the Constitution, contained in the Constitution (Amendment) (Capital Offences) Act, 2011, as it would enable executions in violation of international human rights laws and standards;
- Reminding them that there is no convincing evidence that the death penalty deters crime;
- Calling on them to ensure that all people on death row are not executed;
- Calling, pending abolition, to immediately remove all provision in national law which are in breach of international human rights law and standards, in particular by abolishing all provisions which provide for mandatory death sentences.

PLEASE SEND APPEALS BEFORE 30 MARCH 2011 TO:

Head of the ruling party

The Honourable Prime Minister Kamla
Persad-Bissessar
Office of the Prime Minister
13 - 15 St. Clair Avenue, St. Clair
Port of Spain,
Trinidad and Tobago
Fax: (+1 868) 6220055
Email: pmsec@opm.gov.tt

Salutation: Dear Prime Minister

Leader of the opposition

The Honourable Dr. Keith Rowley
Parliament
Red House P.O. Box 878
Port of Spain,
Trinidad and Tobago
Fax: (+1 868) 6254672
Email: webmaster@tpparliament.org;
administration@tpparliament.org

Salutation: Dear Sir

And copies to:

President of the Senate
Senator the Hon. Timothy Hamel-Smith
Parliament
Red House P.O. Box 878
Port of Spain,
Trinidad and Tobago
Fax: (+1 868) 6254672
Email: timothyhamel@timothyhamel.com
administration@tpparliament.org

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Trinidad and Tobago, along with all English speaking Caribbean countries, retains the death penalty. The last executions took place in June and July 1999, when 10 men were hanged. The country has previously executed prisoners who still had legal avenues of appeal available to them. In 1994, Glen Ashby was executed as two courts examined his appeals. One of the courts issued a stay of execution at the same time as the hanging was taking place. On 22 June 1999, Anthony Briggs was executed despite an order, issued on the 25 May 1999, from the Inter-American Court on Human Rights that his life "be preserved until such time as the Court... issues a decision on the matter".

Even though no execution has been carried out since 1999, death sentences have continued to be handed out. The execution of Charles Elroy Laplace in St Kitts and Nevis in December 2008 was the first in the English-speaking Caribbean since 2000. His execution sparked fears that other English-speaking Caribbean nations will follow suit as pressure grows on the region's governments to be seen to be tackling an increase in violent crime.

The jurisprudence of the Judicial Committee of the Privy Council, the court of final appeal for most English-speaking Caribbean nations, and of the Inter-American Court of Human Rights have set important standards to regulate the implementation of the death penalty.

Trinidad and Tobago and Barbados are the only English-speaking Caribbean countries which retain mandatory death penalty for murder. However Barbados has pledged to remove the mandatory sentence, as Guyana did it last October 2010. The proposed Bill in Trinidad and Tobago retains the mandatory imposition of the death penalty for certain categories of murders, meaning that sentences of death are not the product of individualised determinations and are imposed without affording the convicted person the opportunity to present mitigating circumstances. The UN Human Rights Committee stated that "the automatic and mandatory imposition of the death penalty constitutes arbitrary deprivation of life". Regional and national jurisdictions have been continuously ruled out the mandatory imposition of the death penalty.

Trinidad and Tobago suffers from high levels of violent crime – there were 472 reported homicides in 2010 and already 46 murders are reported just for January 2011. Scientific studies have consistently found no convincing evidence that the death penalty deters crime more effectively than other punishments. Given the low conviction rate in Trinidad and Tobago, the emphasis should instead be put on improving the capacities of the police to detect and solve crimes, on the implementation of an effective witness protection programme and the implementation of effective measures tackling the root causes of crime and violence.

Amnesty International opposes the death penalty as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. The organization recognizes the duty of governments to tackle violent crime but believes that the death penalty is by nature ineffective and arbitrary, and is not an effective deterrent to crime. The application of death penalty inevitably leads to inconsistencies and errors, inescapable flaws which are exacerbated by discrimination, prosecutorial misconduct and inadequate legal representation. It brutalizes those involved in the process of executions and wider society as a whole. The organization believes that the rise in crime affecting much of the Caribbean will only be solved by addressing urgent reforms to police and justice systems and by implementing effective measures tackling the root causes of crime and violence, not with state killings.

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