

12 July 2010

Public

amnesty international

**St Kitts and Nevis
Submission to the UN Universal
Periodic Review**

**Tenth session of the UPR Working Group of the UN
Human Rights Council**

January 2011



Executive summary

In this submission, Amnesty International provides information under sections B, C and D, as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*:¹

In **section B**, Amnesty International raises concern over shortcomings of legislation pertaining to the death penalty.

Section C highlights Amnesty International's concerns in relation to death penalty.

In **section D**, Amnesty International makes a number of recommendations to the government to address the issues raised in this submission.

¹ Contained in Human Rights Council Decision 6/102, Follow-up to Human Rights Council resolution 5/1, section I, adopted 27 September 2007.

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B. Normative and institutional framework of the State

St Kitts and Nevis retain the death penalty in national law.

In December 2008, St Kitts and Nevis voted against United Nations General Assembly resolution 62/149 calling for a global moratorium on executions.

C. Promotion and protection of human rights on the ground

The death penalty

In December 2008 there was a resumption of hangings after 10 years of a de-facto moratorium on executions in the country.

Charles Elroy Laplace, who had been on death row for four years, was executed on 19 December 2008. He had been sentenced to death for the murder of his wife. On 29 October 2008 the Eastern Caribbean Supreme Court had dismissed his appeal for being filed out of time. Charles Laplace did not then appeal to the Judicial Committee of the Privy Council in the UK, the final court of appeal for St Kitts and Nevis. The authorities are not obliged to wait for an appeal to the Privy Council to be completed before proceeding with an execution; it appears, however, that Charles Laplace may not have been provided with the necessary legal assistance by the state to file an appeal. Withholding such legal assistance would be a violation of the obligations placed on St Kitts and Nevis by international law and UN standards on the death penalty.

It is not clear whether his right to apply for amnesty, pardon or commutation of sentence was respected. An Advisory Committee on the Prerogative of Mercy apparently met before the execution to consider his case, but it is not known whether Charles Laplace was told when his mercy plea would be considered and whether he was provided with legal assistance to help compile his application for clemency. The Privy Council judgment in the 2001 case of *Neville Lewis & Others v Attorney General of Jamaica* states that condemned prisoners have specific rights regarding clemency procedures, including the right to view documents considered in their mercy plea, and to have the opportunity to make representations before the Mercy Committee.

Amnesty International has reason to believe that Charles Laplace may not have been granted his legal right to explore all avenues of appeal available to him before his execution.

When announcing the execution in the National Assembly, the Prime Minister Denzil Douglas defined capital punishment as a “deterrent among our people in taking another man’s life”. General public support for the resumption of executions has increased in response to a recent upsurge in violent crime. Furthermore, at a press conference in March 2009, the Prime Minister of St. Kitts and Nevis was reported to have reaffirmed the government’s strong support for the death penalty, stating that “the government continues as a policy not to remove the death penalty from our law books” and giving the assurance that “if it is the sentencing of the

Court that capital punishment is meted out then the appropriate warrant, I am sure, will be given for such to be carried out".²

Amnesty International understands concerns about the upsurge of crime and murders in the country. However, the organization strongly believes that the use of the death penalty, as well as constituting a cruel, inhuman and degrading punishment, is not an effective method for preventing crime. Protection of citizens does not come from executing criminals, but from the prevention of crime. Increasing the likelihood of detection, arrest and conviction is the key to deterrence. Amnesty International therefore believes that more effective solutions to the deteriorating crime situation lie in strengthening police capacities and the justice system. The proper functioning of the justice system is also crucial to ensure compensation and restitution to victims; as such compensation cannot come from claiming the life of the wrong-doer.

D. Recommendations for action by the State under review

Amnesty International calls on the government:

The death penalty

- To repeal all provisions allowing for the death penalty and to immediately declare a moratorium on all executions;
- To commute all death sentences to terms of imprisonment;
- Pending abolition of the death penalty, to ensure rigorous application of international standards for fair trial in all death penalty cases and to respect national legal procedures and the standards required by the Privy Council and the UN for the protection of the rights of prisoners sentenced to death.

² Caribbean Net News, "St Kitts-Nevis PM reaffirms government's strong support for death penalty", 06 March 2009

Annex: Amnesty International documents for further reference³

St Kitts and Nevis: Urgent action - Death penalty / Legal Concern. AMR 59/001/2009.12 February 2009
[<http://www.amnesty.org/en/library/info/AMR59/001/2009/en>]

St Kitts and Nevis: Public Statement - Execution is a shameless act, AI Index No: AMR 59/001/2008, 22
December 2008 [<http://www.amnesty.org/en/library/info/AMR59/001/2008/en>]

³ Available on Amnesty International's website <http://www.amnesty.org/en/region/st-kitts-and-nevis>