

Caribbean: A first step towards abolishing the death penalty?

The Caribbean may be coming one step closer to finally ridding itself of the scourge of the death penalty, Amnesty International said today, at the conclusion of hearings by the Judicial Committee of the Privy Council (Privy Council) which will determine whether a decision of the Eastern Caribbean Court of Appeal to the effect that the death penalty is unconstitutional will be upheld or quashed.

The ruling held the mandatory imposition of the death penalty is unconstitutional, as it amounts to inhuman and degrading punishment. It was delivered on 2 April 2001 by the Eastern Caribbean Court of Appeal and was subsequently appealed by the government of St. Lucia.

"The outcome of the Privy Council hearing could radically affect the implementation of the death penalty in the Caribbean and pave the way for restricting its scope, as a first step towards total abolition," Amnesty International added.

"If the Privy Council upholds the ruling, it will be in keeping with a global trend to move away from this cruel and senseless punishment," the organization said, noting that on average more than three countries a year are abolishing the death penalty for all crimes and that, even countries retaining the death penalty are moving to limit its scope - by permitting courts to take account of the individual circumstances of each case, for example.

Amnesty International calls on all governments to abolish the death penalty in law and practice. Pending abolition, the organization calls on governments to respect international standards restricting the scope of the death penalty, to introduce a moratorium for executions, to commute death sentences and to introduce the most rigorous standards for fair trial in capital cases.

Amnesty International recognises that the government of St. Lucia shares a responsibility entrusted to all governments to develop effective solutions to deal with the problem of violent crime. Amnesty International in no way seeks to detract from the seriousness of the crime of murder and upholds the rights of all victims of violent crime and their families to obtain justice.

Background

The trend towards restriction in the use of the death penalty is evident from recent decisions by both US and Indian courts as well as from recent decisions of the Inter-American Court on Human Rights (IACHR) and the UN Human Rights Commission. The IACHR has held that the failure to consider individual circumstances when imposing the death sentence violates the ban on torture and cruel, inhuman, or degrading punishment or treatment provided for in the Inter-American Convention on Human Rights.

The government of St. Lucia was appealing the judgment of the Eastern Caribbean Court in the case of Peter Hughes. There were further interventions from the governments of Grenada, Antigua & Barbuda and St. Vincent and the Grenadines and separate appeals relating to Belize and St. Kitts. The last execution in St. Lucia was on 17 October 1995, when Joseph Solomon was hanged.

The Eastern Caribbean Court of Appeal adjudicates on criminal and civil appeals in St Lucia, St Kitts, St Vincent, Grenada, Antigua and Barbuda, Belize and Dominica. The Judicial Committee of the Privy Council, located in England, is currently the region's highest court of appeal.

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