

EXTERNAL

AI Index: AMR 14/05/96

29 March 1996

Further information on EXTRA 62/95 (AMR 14/06/96, 31 May 1995) and follow-ups (AMR 14/07/95, 16 June, AMR 14/01/96, 6 March 1996, AMR 14/03/96, 14 March and AMR 14/04/96, 26 March) - Death penalty

BAHAMAS Dwayne MCKINNEY
 new name: Ricardo FARRINGTON

Amnesty International has learned with deep regret that Dwayne McKinney was hanged at 8.00am on the 28 March 1996. He was the second person to be executed this month in the Bahamas after 12 years with no executions.

Dwayne McKinney's petition to the Judicial Committee of the Privy Council (JCPC) in London, the highest court of appeal for the Bahamas, was turned down on 21 March 1996. The Advisory Committee on the Prerogative of Mercy in the Bahamas subsequently decided that Dwayne McKinney's case was not one in which the Prerogative of Mercy should be exercised, despite new evidence presented to the Committee which indicated that McKinney may have been acting in self-defence at the time of the offence. He had been sentenced to death on 27 April 1992.

Amnesty International has also learned that Ricardo Farrington is scheduled to be executed on 9 April 1996. He was sentenced to death in 1992 and appeals to the Bahamas Court of Appeal and the JCPC were dismissed in 1994 and 1996 respectively. On 22 March 1996 the Advisory Committee on the Prerogative of Mercy in the Bahamas stated that Ricardo Farrington's case was not one in which the Prerogative of Mercy should be exercised.

BACKGROUND INFORMATION

The resumption of hangings in the Bahamas coincides with a recent spate of inner-city gang-related violence. On 13 March 1996 Thomas Reckley was executed despite the fact that he had spent more than five years under sentence of death, pursuing appeals that were legally available to him. This is contrary to the 1993 JCPC ruling, known as Pratt and Morgan, which stated that "in any case in which execution is to take place more than five years after sentence there will be strong grounds for believing that the delay is such as to constitute 'inhuman or degrading punishment or other treatment'". There are currently over 40 people on death row in the Bahamas, 16 of whom have been on death row for more than five years.

Several countries in the English-Speaking Caribbean, including Guyana, have recently resumed hangings. On 12 February 1996 Ayube Kahn was the first person to be executed in Guyana since 1990. The Guyana Council of Churches - representing 15 Christian denominations - subsequently issued a statement calling for a "rethinking of the philosophy that undergirds the law on the death penalty", noting that many Christian leaders around the world and in the region do not support capital punishment.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or in your own language:

- expressing deep regret at the execution of Dwayne McKinney, the second execution to take place in The Bahamas after a 12-year break;
- urging that the death sentence on Ricardo Farrington be commuted and that no further executions to be carried out;

- stressing that the resumption of executions is a retrograde step in the protection of human rights for all The Bahamas' citizens and is contrary to international standards and trends towards abolition of the death penalty;
- making some or all of the following general points about the death penalty: it has never been shown to deter crime more effectively than other punishment; it has a brutalizing effect upon all those who are involved in the process; execution is irrevocable and, despite the most stringent judicial safeguards, can be inflicted on the innocent.

Please bring to the attention of Outreach Coordinators. Appeals from religious organizations would be welcome.

APPEALS TO:

His Excellency Orville Turnquest
Governor General
PO Box N8301
Nassau, The Bahamas
Telephone: +1 809 322 1875
Faxes: +1 809 322 4659
Telegrams: Governor General, Nassau, Bahamas
Salutation: Your Excellency

The Honourable Janet Bostwick
Attorney-General and Minister of Foreign Affairs
PO Box N 3007
Nassau, The Bahamas
Faxes: +1 809 322 2255
Telegrams: Attorney General Bostwick, Nassau, Bahamas
Salutation: Dear Attorney General

COPIES TO:

The Honourable Hubert Ingraham
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Sir Cecil V. Wallace Centre
PO Box CB 10980
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Faxes: +1 809 327 5806

The Honourable C.A. Smith
Minister of Public Safety and Immigration and
the Chairman of the Advisory Committee on the
Prerogative of Mercy
PO Box N 3002
Nassau, The Bahamas
Faxes: +1 809 322 6546

The Nassau Daily Tribune (newspaper)
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Faxes: +1 809 328 2398

and to diplomatic representatives of the Bahamas accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.