

EXTERNAL

AI Index: AMR 14/08/95

EXTRA 90/95

Flogging

7 August 1995

THE BAHAMAS Leavon WILLIAMSON

Melvin SAUNDERS

Leavon Williamson and Melvin Saunders have been sentenced to be flogged in The Bahamas. Part of Williamson's sentence is reported to have already been carried out.

Williamson, who was convicted of the rape and armed robbery of a woman, is the first person to receive a flogging sentence since corporal punishment was reinstated into law in the Bahamas in 1991. On 18 July he was sentenced to a 25-year prison term and 12 strokes - six of the cat-o'-nine-tails and six of "the rod". Ten days later, Melvin Saunders was sentenced to the same punishment in addition to a 25-year prison sentence, for the rape, assault and armed robbery of two American women tourists.

Amnesty International is deeply concerned by reports that part of Williamson's corporal punishment was carried out before the expiry of a 21-day period in which the defendant has the chance to lodge an appeal to a higher court. He was reportedly given six strokes with "the rod" on 21 July, three days after the sentence was imposed. Lawyers acting on his behalf have now lodged an appeal to prevent the rest of the flogging. It is not clear whether any part of the punishment imposed on Melvin Saunders has yet been carried out, although his lawyer is reported to be intending to appeal.

Williamson was reportedly not given legal representation at his trial and Amnesty International is concerned that this and the almost immediate carrying-out of part of the sentence may have prevented the defendant from receiving a fair trial. Legal aid is only available in the Bahamas for those charged with the capital offence of murder.

Amnesty International believes that the infliction of corporal punishment against offenders serves no justifiable penal purpose and is brutalizing to all involved in the process. Furthermore, the use of corporal punishment constitutes cruel, inhuman or degrading punishment and as such its imposition contravenes Article 17(1) of the Bahamas Constitution, as well as international standards such as the Universal Declaration of Human Rights.

BACKGROUND INFORMATION

Although corporal punishment was abolished in The Bahamas in 1984, it was reinstated as a punishment for rape and certain other crimes, in October 1991.

There was a change of government in the Bahamas in 1992 following parliamentary elections, and the current Prime Minister has stated publicly that he is opposed to the use of the cat-o'-nine-tails, calling it "barbaric". However he said he would not prevent judges from imposing sentences of corporal punishment.

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

- expressing concern at the flogging sentences imposed on Leavon Williamson and Melvin Saunders;
- expressing dismay at reports that part of Leavon Williamson's sentence was carried out before the expiry of the 21-day appeal period;
- urging that no more of the two flogging sentences be carried out;

- expressing concern at the reintroduction of corporal punishment in October 1991, stating that it is a punishment which is contrary to international human rights standards and that it constitutes cruel, inhuman and degrading punishment, and as such contravenes Article 17(1) of the Bahamas Constitution;
- urging that no more sentences of corporal punishment be imposed and calling for the punishment to be abolished in law.

APPEALS TO:

The Honourable Hubert Ingraham
Prime Minister
Office of the Prime Minister
Churchill Building
PO Box N-7147
Nassau, The Bahamas
Telephone: +1 809 322 2805
Faxes: + 1 809 327 5806
Telegrams: Prime Minister, Nassau, Bahamas
Salutation: Dear Prime Minister

Senator Brent Symonette
Attorney General
PO Box N-3007
Nassau, The Bahamas
Faxes: + 1 809 322 2255
Telephone: +1 809 322 1141
Telegrams: Attorney General, Nassau, Bahamas
Salutation: Dear Attorney General

COPIES TO:

Nassau Guardian
Oakes Field
PO Box N-3011
Nassau
The Bahamas

The Tribune
PO Box N-3207
Nassau
The Bahamas

and to diplomatic representatives of Bahamas accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 10 September 1995.