

EXTERNAL

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MEDICAL CONCERN

Corporal punishment BAHAMAS

Two men have been sentenced to be flogged in the Bahamas for crimes of violence. Leavon Williamson was convicted of the rape and armed robbery of a woman and on 18 July 1995 he was sentenced to a 25 year prison term and 12 strokes -- six of the "cat-o-nine-tails" (nine knotted cords or hide thongs attached to a handle) and six of "the rod". On 28 July, Melvin Saunders was sentenced to the same prison term and corporal punishment following conviction for the rape, assault and armed robbery of two female US tourists.

It was reported 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 given six strokes with the rod on 21 July 1995, three days after the sentence was imposed. A current appeal is preventing the remainder of the sentence from being carried out.

Background

Although corporal punishment was abolished in The Bahamas in 1984, legislation to re-instate the punishment was introduced in October 1991 by the then Prime Minister Sir Lynden Pindling. It was approved by the Bahamas House of Assembly three days later and subsequently by the Senate. This change in the criminal code saw the introduction of corporal punishment for rape or certain other sexual offences. The sentence may not exceed 24 strokes in the case of flogging with a cat-o-nine tails, and 12 strokes in the case of the rod.

There was a change of government in the Bahamas in 1992 following parliamentary elections in August that year. The new Prime Minister, Hubert Ingraham, subsequently has stated publicly that he is opposed to the use of the cat-o-nine-tails which he regards as "barbaric". However, he has made it clear that he will not intervene to prevent judges from imposing sentences of corporal punishment.

The role of the doctor

It is believed that in the Bahamas the law specifies that a doctor must be present while the punishment is carried out. Laws in other parts of the region having corporal punishment specify that any sentence of whipping or flogging carried out in a prison must be attended by a "medical officer" or "some other duly qualified medical practitioner" who has the authority to intervene to reduce the number of strokes if necessary, or to postpone punishment.

The requirements that a doctor certifies a prisoner as fit for corporal punishment and is present while it is carried out are both contrary to medical ethical standards, such as the World Medical Association's Declaration of Tokyo, adopted in 1975, which states:

"The doctor shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures.." (article 1)

"The doctor shall not provide any premises, instruments, substances or knowledge to facilitate the practice of torture or other forms of cruel, inhuman or degrading treatment or to diminish the ability of the victim to resist such treatment." (article 2)

"The doctor shall not be present during any procedure during which torture or other forms of cruel, inhuman or degrading treatment is used or threatened." (article 3)

Similarly, the United Nations' Principles of Medical Ethics state at principle 2 that "It is a gross contravention of medical ethics" for doctors to actively or passively contribute to torture or other cruel, inhuman or degrading treatment or punishment, and at principle 3 that "It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with prisoners or detainees the purpose of which is not to solely evaluate, protect or improve their physical and mental health."

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Other countries in the English-speaking Caribbean whose legislation provides for corporal punishment are: Antigua and Barbuda; Grenada; Guyana; Jamaica; St Christopher and Nevis; St Lucia; St Vincent and the Grenadines, and Turks and Caicos.

Amnesty International believes judicial corporal punishment to be incompatible with international human rights standards, holding it to constitute cruel, inhuman and degrading treatment. As such, it is prohibited internationally by the United Nations' Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

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To: Medical professionals
From: Medical Office / Americas Regional Program
Date: 23 August 1995

MEDICAL LETTER WRITING ACTION

Corporal punishment BAHAMAS

Keywords

Theme: corporal punishment/flogging

Summary

Two male prisoners convicted of rape and robbery in separate incidents were each sentenced to a 25 year prison term and 12 strokes (six of the cat-o'-nine-tails and six of the rod). One of these sentences of corporal punishment has already been partially carried out.

Recommended Actions

Letters from medical professionals, preferably written in English or your own language, should be sent to the addresses below:

- state that you are writing about the sentence of corporal punishment given to two men for crimes of violence;
- make clear that you in no way wish to minimise the gravity of the offenses on which Leavon Williamson and Melvin Saunders were convicted, and note that the two men have received substantial prison sentences for their crimes;
- express serious concern that the use of corporal punishment contravenes international human rights standards and law by breaching the prohibition on cruel, inhuman or degrading treatment or punishment;
- state your view that doctors should not assist at the infliction of such punishments since assisting the state to carry out a punishment is not the role of a doctor; seek clarification as to whether a doctor monitored or in any other way assisted the administration of the punishment.

Addresses

Prime Minister

The Honourable Hubert Ingraham
Prime Minister
Office of the Prime Minister
Sir Cecil V. Wallace Centre
P.O. Box CB 10980
Nassau
The Bahamas
Fax: (1) (809) 322 22 55

Attorney General

Senator Brent Symonette
PO Box N3007
Nassau
The Bahamas

Some letters could also be sent to the *Medical Association of The Bahamas*:

- stating that you have written to the government about the two recent cases of sentences of corporal punishment and the partial carrying out of one of these sentences;
- expressing concern that doctors might be asked to assist in the infliction of these punishments and seeking the support of the Medical Association in calling for the abolition of corporal punishment.

The Secretary
Medical Association of the Bahamas
PO Box N3125
Nassau
Bahamas

Copies to:

Commonwealth Medical Association
BMA House
Tavistock Square
London WC1
UK