

EXTERNAL

AI Index: AMR 14/13/96

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Further information on EXTRA 62/95 (AMR 14/06/95, 31 May 1995) and follow-ups (AMR 14/07/96, 16 June 1995; AMR 14/01/96, 6 March 1996; AMR 14/03/96, 14 March; AMR 14/04/96, 26 March; AMR 14/05/96, 29 March; AMR 14/06/96, 9 April; AMR 14/07/96, 24 May) - Death Penalty

BAHAMASRicardo Farrington

Ricardo Farrington, who was originally scheduled to be executed on 9 April 1996 has had his death sentence commuted to life imprisonment by the Judicial Committee of the Privy Council (JCPC) in London, the final court of appeal for the Bahamas. His appeal was heard, together with that of another death row prisoner from the Bahamas, Dwight Henfield, in July, and the JCPC gave its judgement this week.

In a November 1993 decision the JCPC ruled that execution after a delay of more than five years would be presumed to constitute inhuman or degrading treatment or punishment (a decision given in a Jamaican case known as *Pratt and Morgan*). Although Ricardo Farrington had been on death row for only three years and four months, his lawyers argued that a shorter time-span than the five years given in *Pratt and Morgan* was sufficient to render an execution in the Bahamas inhuman. (It was argued that in *Pratt and Morgan* the JCPC had taken account of the time required to lodge an application with the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights, a procedure not available to defendants in the Bahamas.)

The JCPC agreed and set a guideline of three and a half years within which the legal process in the Bahamas would be expected to be completed. The JCPC held that Farrington, who was nearing this limit, should also benefit and have his death sentence commuted.

Dwight Henfield also had his death sentence commuted to life imprisonment on the ground that his execution after nearly seven years' delay (including delay caused by a moratorium on executions in the Bahamas) would constitute inhuman punishment.

The ruling is likely to affect other cases in the Bahamas.

This update is for information purposes only and no further action by the UA network is requested. Thank you to all those who made appeals on behalf of Ricardo Farrington.