

URGENT ACTION

FIRST EXECUTION IN 10 YEARS THREATENED

A prisoner in Trinidad and Tobago is in imminent danger of execution, even though he has not exhausted all his appeals.

Ronald Tiwarie is scheduled to appear before an Advisory Committee on Power of Pardon (usually known as a "mercy committee") on 28 July. By law he should not go before a mercy committee, because he has not yet exhausted all his appeals: he is waiting for the Inter-American Commission on Human Rights to respond to a petition lodged by his lawyers on 1 April. His would be the country's first execution since 1999. On 3 April the Commission called on the Trinidadian authorities "to refrain from executing the death sentence until [the Commission] has had an opportunity to issue its decision on the petitioner's claim." His lawyers also filed a constitutional motion on 16 July before the High Court, asking them to suspend any hearing by the mercy committee until the Inter-American Commission had considered the petition, and asserting that any mercy committee hearing at this time would violate Ronald Tiwarie's right not to be deprived of his life except by due process of law, as guaranteed by the Trinidadian Constitution. International laws and standards also state unequivocally that an execution cannot be carried out while any appeals are available to the condemned person. However, at a 23 July hearing, the High Court declined to suspend the mercy committee meeting, on the grounds that the committee has the power to recommend clemency, and adjourned the hearing until after the committee's 29 July meeting. Although the High Court could then overturn any decision to execute, the Trinidadian authorities have previously executed death row prisoners while national courts were still examining their appeals.

Ronald Tiwarie was sentenced to death on 4 August 2004 for the murder of his sister-in-law, who had been killed on 8 March 2001. On 4 August he will have been on death row for five years; according to a 1993 ruling by the highest court of appeal for most English-speaking Caribbean nations, the Judicial Committee of the Privy Council in London, a delay of more than five years in implementing a death sentence would be cruel and inhuman treatment. The Trinidadian authorities may now try to ensure that Ronald Tiwarie is executed before the five-year period expires.

PLEASE WRITE IMMEDIATELY in English or your own language:

- expressing sympathy for the victims of violent crime and their relatives;
- calling on the authorities to suspend Ronald Tiwarie's mercy committee hearing, scheduled for 28 July, which would violate his constitutional rights as well as international standards and laws on capital punishment, as he still has an appeal pending before the Inter-American Commission on Human Rights;
- expressing deep concern at this apparent intention to resume the use of the death penalty in Trinidad and Tobago after 10 years without executions and urging the authorities not to take this step;
- emphasizing that the death penalty has not been shown to be any more of a deterrent to violent crime than any other form of punishment.

PLEASE SEND APPEALS BEFORE 4 SEPTEMBER 2009 TO:

Prime Minister

The Rt. Honourable Patrick Manning,
The Office of the Prime Minister
White Hall, Queen Park West
Port of Spain
Trinidad and Tobago

Fax: +1 868 622 2241

Salutation: Dear Prime Minister

Attorney General

The Hon. John Jeremie
Ministry of the Attorney General
Cabildo Chambers
25-27 St Vincent Street
Port-of-Spain
Trinidad and Tobago

Fax: +1 868 625 0470

Email: ag@ag.gov.tt

Salutation: Dear Attorney General

and copies to:

Minister of National Security
Senator The Hon. Martin Joseph
Ministry of National Security
31-33 Abercromby St
Port of Spain, Trinidad and Tobago

Fax: +1 868 623 7817

Email: mns@tstt.net.tt

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

The last executions in Trinidad and Tobago took place in June and July 1999, when 10 men were hanged. The country has previously executed prisoners who had legal avenues of appeal available to them. In 1994, Glen Ashby was executed as two courts examined his appeals. One of the courts issued a stay of execution at the same time as the hanging was taking place. On 22 June 1999, Anthony Briggs was executed despite an order, issued on the 25 May 1999, from the Inter-American Court on Human Rights that his life "be preserved until such time as the Court... issues a decision on the matter".

The world is turning away from the use of death penalty: 139 countries have now abolished the death penalty in law or practice and only 25 nations carried out executions in 2008. Trinidad and Tobago, however, along with the 11 other English-speaking Caribbean nations (Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines) voted on 18 December 2008 against the UN General Assembly resolution 63/168 calling for a global moratorium on executions. The English-speaking Caribbean made up almost a quarter of the countries who voted against the moratorium.

The execution of Charles Elroy Laplace in St Kitts and Nevis in December 2008 was the first in the English-speaking Caribbean since 2000. His execution has sparked fears that other English-speaking Caribbean nations will follow suit as pressure grows on the region's governments to be seen to be tackling an increase in violent crime. In May 2007 the Prime Minister of Trinidad and Tobago said publicly that he wanted hangings resumed, saying that he believed "capital punishment is an essential element in crime fighting." In June 2009 he blamed delays in carrying out executions on restrictions imposed by Privy Council rulings.

Trinidad and Tobago suffers from high levels of violent crime – there were 545 reported homicides in 2008, a rise of 39% over 2007. Scientific studies have consistently found no convincing evidence that the death penalty deters crime more effectively than other punishments. The most recent survey of research findings on the relation between the death penalty and homicide rates, conducted for the UN in 1988 and updated in 1996 and 2002, concluded that "research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment."

Amnesty International opposes the death penalty as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. The organization recognizes the duty of governments to tackle violent crime but believes that the death penalty is by nature ineffective and arbitrary, and is not an effective deterrent to crime. The application of death penalty inevitably leads to inconsistencies and errors, inescapable flaws which are exacerbated by discrimination, prosecutorial misconduct and inadequate legal representation. It brutalizes those involved in the process of executions and wider society as a whole. The organization believes that the rise in crime affecting much of the Caribbean will only be solved by addressing urgent reforms to police and justice systems, not with state killings.

For more information on Amnesty International's campaign to abolish the death penalty worldwide, please visit:

<http://www.amnesty.org/en/death-penalty>

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