

UA 214/98

Death penalty

31 July 1998

**TRINIDAD AND TOBAGO Tony Briggs
Wenceslaus James**

Tony Briggs and Wenceslaus James are due to be hanged on 4 August 1998.

The two men were sentenced to death on 21 June 1996 for the 1992 murder of sugar worker Siewdath Ramkisson. Their appeals to the Court of Appeal were dismissed in February 1997 and their petitions for leave to appeal to the Judicial Committee of the Privy Council (JCPC) in London, the final court of appeal for Trinidad and Tobago, were dismissed in October 1997.

In June 1998 the Inter-American Court of Human Rights ordered that the executions of Tony Briggs and Wenceslaus James be suspended as a provisional measure until the Court makes a decision on the cases. Therefore, by issuing death warrants for the two men, the government of Trinidad and Tobago is in breach of its obligations under the American Convention on Human Rights.

BACKGROUND INFORMATION

The death penalty is the mandatory punishment for murder in Trinidad and Tobago. On 26 May 1998 Trinidad and Tobago became the first country ever to withdraw from the American Convention on Human Rights (to become effective on 26 August 1999). Following Jamaica's lead Trinidad and Tobago also revoked the right of individual petition to the UN Human Rights Committee by withdrawing as a State Party to the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).

Also, on 13 October 1997, Trinidad and Tobago issued time limits intended to regulate the time within which the Inter-American Commission on Human Rights should make its decisions regarding the petitions filed by people sentenced to death. In July 1998 the Inter-American Commission stated that it was under no obligation to comply with this demand as it blatantly disregarded the time frames set out in the Commission's own Regulations and Rules of Procedure.

The last execution in Trinidad and Tobago was that of Glen Ashby on 14 July 1994.

Amnesty International remains committed to the abolition of the death penalty in all cases, no matter how heinous the crime for which it is imposed, as it is the ultimate cruel, inhuman and degrading punishment and a violation of the right to life. There is no reliable evidence that the death penalty has any unique deterrent effect on violent crimes; rather, it brutalizes all involved in its application.

RECOMMENDED ACTION: Please make urgent appeals by telephone/telegram/telex/fax/express letter in English or your own language:

- expressing deep concern that Tony Briggs and Wenceslaus James are scheduled to be executed on 4 August 1998, despite the Inter-American Court of American Rights' order that the executions be suspended until it has made a decision;
- urging that their death sentences be commuted;
- expressing deep concern at the intention to resume the use of the death penalty in Trinidad and Tobago after four years without executions;
- calling on the authorities not to take such a retrograde step, noting that detailed research in many countries has produced no evidence that the death penalty deters crime more effectively than other punishments and pointing out the worldwide trend towards the abolition of the death penalty;
- expressing sympathy for the victims of violent crime and their relatives;

- reminding the government of Trinidad and Tobago of its commitment to the Universal Declaration of Human Rights, in particular Article 3: "Everyone has the right to life, liberty and security of person."

You can also add that:

- the death penalty is brutalizing to all who are involved in the process;
- it is arbitrary and often falls disproportionately on minority and underprivileged groups;
- it denies the widely accepted principle of rehabilitating the offender;
- it does not necessarily alleviate the suffering caused to the victims of crime.

APPEALS TO:

Prime Minister

The Rt. Hon. Basdeo Panday
Office of the Prime Minister
Level 19, Central Bank Tower
Eric Williams Plaza, Independence Square
Port of Spain, Trinidad and Tobago

Telegrams: Prime Minister, Port of Spain, Trinidad/Tobago

Faxes: +1 868 627 3444

Salutation: Dear Prime Minister

Attorney General

The Hon. Ramesh Lawrence Maharaj
Ministry of the Attorney General
Winsure Building, 24-28 Richmond Street
Port of Spain, Trinidad and Tobago

Telegrams: Attorney General, Port of Spain, Trinidad/Tobago

Faxes: +1 868 625 0470 or 6530

Salutation: Dear Attorney General

COPIES TO:

Senator The Hon. Joseph Theodore
Ministry of National Security
18 Knox Street, Port of Spain, Trinidad and Tobago

Faxes: + 1 868 627 8044

Salutation: Dear Senator

The President:

The Hon. Arthur Napoleon Robinson
President of the Republic
The President's House
Circular Road, St. Ann's
Port of Spain, Trinidad and Tobago

Faxes: +1 868 625 7950

and to diplomatic representatives of Trinidad and Tobago accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your Section office, if sending appeals after 1998.

***"Everyone has the right to life, liberty
and security of person."***