

PUBLIC

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EXTRA 83/98

Death penalty

13 November 1998

TRINIDAD AND TOBAGO Dole Chadee, also called Nankissoo Boodram

Joey Ramiah  
Joel Ramsingh  
Ramkalawan Singh  
Russell Sankeralli  
Bhagwandeem Singh  
Clive Thomas  
Robin Gopaul  
Stephen Eversley

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The above-named men have been scheduled to be hanged on 17, 18 and 19 November 1998.

This is an unprecedented move by the Trinidad and Tobago authorities as all nine men currently have constitutional motions pending in the national courts. The motions, filed on 6 November 1998, state that it would be unconstitutional to execute them.

The nine men were convicted of murder on 3 September 1996. Their appeals to the Court of Appeal were dismissed on 16 May 1997 and on 1 April 1998 the Judicial Committee of the Privy Council (JCPC), Trinidad and Tobago's highest appeal court (located in London), refused leave to appeal and dismissed their petitions.

The men subsequently filed petitions on 1 April 1998 with the United Nations Committee on Human Rights, claiming that their rights under the International Covenants on Civil and Political Rights (ICCPR), had been violated, in particular their right to a fair trial. The petitions were dismissed by a 11-3 majority on 29 July.

Petitions were then filed to the Inter-American Commission on Human Rights, claiming that their rights under the American Convention on Human Rights had been violated. However, although these petitions raised new grounds for consideration, they were deemed inadmissible as the Human Rights Committee had previously ruled on the cases.

Dole Chadee, Joey Ramiah and Ramkalawan Singh are scheduled to be executed on Tuesday 17 November between 6am and 11am; Clive Thomas, Robin Gopaul and Russell Sankeralli on 18 November, and Joel Ramsingh, Stephen Eversley and Bhagwandeem Singh on 19 November.

#### **BACKGROUND INFORMATION**

The death penalty is the mandatory sentence for anyone convicted of murder in Trinidad and Tobago. A trial judge is therefore unable to take into account any mitigating circumstances when sentencing someone convicted of murder.

Trinidad and Tobago is a state party to the International Covenant on Civil and Political Rights (ICCPR), under which it has an obligation not to impose the death penalty before the sentence has been definitely adopted.

Glen Ashby was the last person to be executed in Trinidad and Tobago in July 1994. His execution was the first death sentence to be carried out in Trinidad and Tobago since 1979.

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

- urging the government to commute the death sentences of Dole Chadee, Joey Ramiah, Joel Ramsingh, Ramkalawan Singh, Russell Sankeralli, Bhagwandeem Singh, Clive Thomas, Robin Gopaul and Stephen Eversley;
- reminding the government of its obligation as a state party to the ICCPR not to impose the death penalty before the sentence has been definitely adopted;
- expressing sympathy for the victims of violent crime and their relatives but stating that the death penalty is the ultimate cruel, inhuman and degrading punishment which violates the right to life;
- stating that the death penalty is brutalizing to all involved in its application;
- pointing out that the application of the death penalty is arbitrary and often falls disproportionately on minority and underprivileged groups, that it denies the widely accepted principle of rehabilitating the offender and that it does not necessarily alleviate the suffering caused to the victims of crime.
- urging the government to commute the sentences of all those sentenced to death in Trinidad and Tobago and to abolish the death penalty as a first step towards proposing and supporting the enactment of legislation which would provide alternative penalties for murder;
- 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..."

**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:**

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

**Faxes: + 1 868 627 8044**

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.**

***"Everyone has the right to life..."***

*Article 3, Universal Declaration of Human Rights*

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