

AI INDEX: AMR 49/17/99

Ref.: TG 49/99.09

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

26 August 1999

Dear Attorney General,

Amnesty International would like to respond to your recent comments raising concern about campaigning against the death penalty in the Caribbean by human rights organisations. We are aware that many of the issues which you have raised are very relevant to the death penalty debate and we welcome the opportunity to address them publicly.

Amnesty International and respected human rights organisations such as Caribbean Justice, the Caribbean Human Rights Network and the Center for Justice and International Law work towards the abolition of the death penalty because we are committed to the principle contained in the Universal Declaration of Human Rights and all subsequent international human rights treaties that all people are entitled to protection of their fundamental human rights, including the right to life. While some treaties, including as you mentioned, the American Convention on Human Rights and the International Covenant on Civil and Political Rights, permit the implementation of capital punishment, they insist its use should be strictly limited. The mandatory death sentence as applied in Trinidad and Tobago is clearly inconsistent with this requirement.

These international human rights treaties also prohibit the carrying out of the death penalty where people have been subjected to serious human rights violations during the course of proceedings against them. In Trinidad and Tobago, people facing the death sentence are regularly subjected to human rights violations including being forced to sign confessions, appalling conditions of detention, ill-treatment by prison guards and unfair trials. We appreciate that people under sentence of death are convicted of the most heinous crime of murder, however as human beings their human rights must be respected, especially when violations of these rights can lead to innocent people being executed.

We recognise that the state is under a duty to its citizens to punish offenders and more importantly to protect society, however, there are ways to achieve both goals without taking life and without subjecting people to serious human rights violations.

We fully recognise when working on death penalty cases that there are families and friends of murder victims who have suffered a tremendous loss. We aim to present arguments against the carrying out of executions in a way that is respectful and sensitive to the families and friends of the victim. We never try to conceal or diminish the crime or its consequences for which a person has been convicted and sentenced to death.

We openly support measures such as financial assistance and the use of other appropriate support services such as counselling designed to help victims of all forms of crime. Where appropriate (i.e without causing unnecessary hardship to their family) the perpetrators of crime should be required to contribute to the financial assistance provided for the victims of crime. As you may be aware human rights organisations are non-profit making and we are unfortunately unable to contribute to victim support schemes. We would also like to make known that we do not provide people under sentence of death with financial assistance.

The people of Trinidad and Tobago are naturally concerned that the level of violent crime has increased substantially in recent years and we understand that the government is committed to taking steps to remedy this problem. Human rights organisations are concerned, however, that using the death penalty as a deterrent to violent crime will not only be ineffective, which has been shown in all studies conducted on the issue, but it will have the opposite effect of devaluing human life. That is why it has been abolished by many countries, including those with high rates of violent crime. Far from undermining the human rights movement, as has been suggested, our stance on the death penalty is entirely consistent with international trends towards abolition of this cruel, inhuman and degrading punishment.

We jointly urge the government to stop this needless killing and invest resources - including the large amounts spent by the state on implementing the death penalty - into finding other means which will effectively combat the current crime problem the islands are facing.

Yours sincerely,

Javier Zúñiga
Americas Program Director

cc:Prime Minister The Rt Hon. Basdeo Panday
Caribbean Human Rights Network
Caribbean Justice
Center for Justice and International Law
Independent Jamaica Council for Human Rights
Caribbean Press