

PUBLIC

AI Index: AMR 58/01/00

EXTRA 04/00

Death Penalty

24 January 2000

ANTIGUA AND BARBUDA

Mellanson HARRIS, 27  
Marvin JOSEPH, 26  
Michael Lorriston CORNWALL  
Confessor Valldez FRANCO  
Michael MASON

---

Amnesty International has received a report that the men named above have had death warrants read to them, scheduling them for execution on 27 and 28 January 2000.

Marvin Joseph and Mellanson Harris were sentenced to death in January 1996 for the murder of four British and American tourists on a yacht. They were arrested together with Donaldson Samuels, who was convicted of manslaughter and sentenced to 15 years' imprisonment after he testified against the other two.

The Mercy Committee of Antigua and Barbuda recently denied appeals from Joseph and Harris to have their death sentences commuted. The Antigua and Barbuda High Commissioner to the United Kingdom recently told the media: "The Mercy Committee met earlier this month, discussed the case and decided they did not deserve mercy. There were no special circumstances. It was premeditated murder. God knows what the motive was but they murdered people, some of them quite painfully and it was well-planned and executed."

However, relatives of the British victims have appealed in the media for the men not to be executed. The father of one of the murder victims was recently quoted in a British newspaper as saying: "An eye for an eye is not justice. We don't agree with the death penalty or the taking of any life and I think I speak for the whole family on that. It is wrong to take someone else's life whether it be through the judicial process or by murder."

Michael Mason was sentenced to death in 1996 for the murder of Canadian tourist Wendy Newbigging. Amnesty International has no information on the cases of Michael Lorriston Cornwall or Confessor Valldez Franco.

Of the five men only Michael Mason had appealed to the Judicial Committee of the Privy Council, the final court of appeal for Antigua and Barbuda. The other four may therefore be able to obtain stays of execution by appealing to the Privy Council.

#### **BACKGROUND INFORMATION**

Should any of the five executions proceed, it would be the first judicial killing in Antigua and Barbuda since the execution of Tyrone Nicholas on 2 February 1991. However, the recent trend in the English-speaking Caribbean has been towards the resumption of capital punishment. Ten prisoners were executed in Trinidad and Tobago in 1999, the first executions since 1994; Guyana, St Kitts and St Nevis, St Lucia and the Bahamas have all carried out executions within the last five years.

According to information received by Amnesty International, a total of eight prisoners are under sentence of death in Antigua and Barbuda, where the death penalty is mandatory for murder.

Amnesty International opposes the death penalty without exception, believing it to be an affront to human dignity, the ultimate form of cruel inhuman and degrading treatment and a violation of the most fundamental right, the right to life.

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

- expressing concern that Mellanson Harris, Marvin Joseph, Michael Lorrison Cornwall, Confessor Valldez Franco and Michael Mason are scheduled to be executed on 27 and 28 January 2000.
- expressing sympathy for the victims of violent crime and their families and stating that in opposing executions you do not seek to excuse or belittle the serious crimes of which the men were convicted;
- pointing out that the resumption of executions in Antigua and Barbuda after almost 10 years runs contrary to the international trend against the use of the death penalty and that 105 countries no longer execute, the most recent to abolish capital punishment being Bermuda, in December 1999;
- stating that there is no evidence to suggest that the use of the death penalty serves as a greater deterrent to violent crime than any other punishment and that its use promotes the acceptance of violence in society;
- urging the Prime Minister and Attorney General to do everything in their power to prevent the executions going ahead.

**APPEALS TO:**

The Right Hon. Lester Bird  
 Prime Minister  
 Office of the Prime Minister  
 Factory Rd  
 St John's, Antigua and Barbuda

**Telegrams: Prime Minister, St John's, Antigua and Barbuda**

**Telephone: + 1 268 462 0773**

**Fax: + 1 268 462 3225**

**E-mail: pm@LesterBird.com**

**Salutation: Dear Prime Minister**

The Hon. Errol Court  
 Attorney General and Minister of Justice and Legal Affairs  
 Hadeed Building  
 Radcliffe Street  
 St John's, Antigua and Barbuda

**Telegrams: Attorney General, St John's, Antigua and Barbuda**

**Telephone: + 1 268 603 7886/7**

**Fax: + 1 268 462 2465**

**Salutation: Dear Attorney General**

**COPIES TO:** diplomatic representatives of Antigua and Barbuda accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 28 January 2000.