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English speaking Caribbean: Privy Council decision a welcome step towards an end to the death penalty

In a decision announced today, the Judicial Committee of the Privy Council (JCPC) upheld a ruling that the mandatory death penalty is in violation of the constitutions of seven island states.

“This ruling strikes down the current laws allowing for the imposition of the death penalty in St Vincent and the Grenadines, St Lucia, Grenada, St Kitts Nevis, Dominica, Belize and Antigua and Barbuda. It is a welcome step towards an execution free Caribbean” Amnesty International said today.

The JCPC, citing numerous international standards and other court decisions pertaining to the imposition of the death penalty, unanimously ruled that:

“To deny the offender the opportunity, before sentence is passed, to seek to persuade the court that in all the circumstances to condemn him to death would be disproportionate and inappropriate is to treat him as no human being should be treated and thus to deny his basic humanity.”

In its decision, the JCPC ruled that such treatment was in violation of the constitution of Belize (and therefore the other countries with similar clauses in their constitutions) not to be subjected to “inhuman and degrading punishment or other treatment”.

Amnesty International urges the governments of the English speaking Caribbean to use this opportunity to examine their support for the death penalty and to question closely whether it plays any useful role in society. We acknowledge the appalling level of violent crime suffered by many of the communities they represent but contend that executions achieve nothing in lessening the number of victims and may even increase the level of violence in society.

“As an organization working for the victims of human rights abuses, Amnesty International offers its sympathy to the victims of violent crime and their loved ones. The ruling creates an opportunity for the authorities to cease exploiting public anger around the issue of violent crime into support for the death penalty and to look to truly effective methods of crime prevention”.

Five nations of the English speaking Caribbean will continue to hold prisoners under sentence of death: Jamaica, the Bahamas, Barbados, Guyana and Trinidad and Tobago.

“Jamaica, the Bahamas, Barbados, Guyana and Trinidad and Tobago are now among a tiny minority of nations that inflict a mandatory death sentence for certain types of murder. Amnesty International very much hopes they will alter their laws in line with this decision as a first step towards abolishing the outdated and inhumane punishment of hanging” Amnesty International added.

The issue of the mandatory nature of the death penalty in Jamaica, the Bahamas, Barbados and Trinidad and Tobago will be before the courts in the near future.

Background

The trend towards restriction in the use of the death penalty is evident from recent decisions by both US and Indian courts as well as from recent decisions of the Inter-American Court on Human Rights (IACHR) and the UN Human Rights Commission. The IACHR has held that the failure to consider individual circumstances when imposing the death sentence violates the ban on torture and cruel, inhuman, or degrading punishment or treatment provided for in the Inter-American Convention on Human Rights.

The government of St. Lucia was appealing the judgment of the Eastern Caribbean Court in the case of Peter Hughes. There were further interventions from the governments of Grenada, Antigua & Barbuda and St. Vincent and the Grenadines and separate appeals relating to Belize and St. Kitts. The last execution in St. Lucia was on 17 October 1995, when Joseph Solomon was hanged.

The Eastern Caribbean Court of Appeal adjudicates on criminal and civil appeals in St Lucia, St Kitts, St Vincent, Grenada, Antigua and Barbuda, Belize and Dominica. The Judicial Committee of the Privy Council, located in England, is currently the region's highest court of appeal

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