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Amnesty International urges the Bahamas to grant clemency

Amnesty International yesterday urged the Bahamas to grant clemency to John Higgs and David Mitchell and at the very least, to grant each man a stay of execution until the Inter- American Commission on Human Rights (IACHR) has considered their cases. Following a ruling by the highest national appeals court of the Bahamas on 14 December, the two are at imminent risk of execution despite the fact that their petitions are still pending with the IACHR.

The Judicial Committee of the Privy Council (JCPC) ruled by a 3:2 majority that it would not be unconstitutional to execute the men, since more than 18 months had elapsed since they filed their appeals with the international human rights body and since prison conditions for those under sentence of death did not amount to cruel and unusual treatment.

In an open letter to the Committee on the Prerogative of Mercy, composed of three government Ministers, Amnesty International argued that:

as a member of the Organisation of American States (OAS), the Bahamas is obliged to ensure that no-one shall be arbitrarily deprived of the right of life and that every person facing the death penalty is accorded a fair trial with the full complement of judicial guarantees;

to proceed with the executions of persons who have approached the IACHR is contrary to the general obligation on states to carry out their international obligations in good faith. If the executions of John Higgs and David Mitchell take place, the Bahamas government will have yet again violated its international obligations and imposed an unacceptable lack of protection on the human rights of its citizens;

the Mercy Committee should consider the opinion of the dissenting judges in the JCPC ruling, who stated that conditions, *"...on death row are an affront to the most elementary standards of decency. The Commonwealth of the Bahamas has for a long time regarded the applicants as sub human...And, ...enough is enough. The state has forfeited its rights to carry out the death sentences."*

"If the Bahamas proceeds with these executions it will fundamentally undermine 50 years of development towards the protection of human rights and the most basic rights to life. Such a decision would fly in the face of a global trend towards the abolition of the death penalty," Amnesty International said.

Background

John Higgs was sentenced to death in 1995 for the murder of his wife, Joan Higgs. He was retried in August 1996, and again sentenced to death. David Mitchell was convicted of the 1994 murder of Horst and Traude Henning, and sentenced to death in November that year. The last people executed in the Bahamas were Trevor Fisher and Richard Woods, in October 1998. They were both executed despite the fact that their petitions were still pending before the IACHR. The IACHR wrote to the government on the day before executions stating it would issue its decision on their petitions within two weeks.

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For a copy of the letter and more information please call Amnesty International's press office in London, UK, on 44 171 413 5566. <http>