

PUBLIC

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EXTRA 76/98

Death Penalty

13 October 1998

THE BAHAMAS Trevor Nathaniel Pennerman Fisher (see EXTRA 72/98, AMR 14/06/98, 6 Oct 98)

Richard Woods

Trevor Fisher and Richard Woods are scheduled to be hanged in the Bahamas on Thursday 15 October 1998.

Their executions have been scheduled despite the fact that the Inter-American Commission on Human Rights (IACHR), who is currently considering petitions submitted by the two men, had requested the government preserve their lives until a decision had been reached. In their petitions, the men allege that their internationally protected human rights, under the American Declaration on the Rights and Duties of Man (American Declaration), have been violated. It is the role of the IACHR to determine if this is the case.

The petition to the IACHR on behalf of Trevor Fisher was filed on 7 June 1996. It alleges violations of his rights under the American Declaration including a delay of over three years from the time of his arrest to the commencement of his trial, appalling conditions of detention endured throughout that period, and the fact that the death penalty is mandatory for all persons convicted of murder.

The petition to the IACHR on behalf of Richard Woods was filed on 28 August 1996. He claims that his right to a fair trial was violated and also that a mandatory death penalty is contrary to the American Declaration.

Amnesty International is concerned that the scheduling of these executions is counter to the government of Bahamas' obligation as a member state of the OAS to cooperate with OAS bodies, including the IACHR -- whose functions include safeguarding the human rights of individuals, as enshrined in the American Declaration. This also contributes to undermining the hemispheric regional mechanism for international protection of human rights which has been developed over the last 50 years.

Trevor Fisher

Trevor Fisher was convicted and sentenced to death in March 1994 for the murder, in 1990, of Durventon Daniels. His appeal against the conviction was dismissed by the Court of Appeal on 10 October 1994 and by the Judicial Committee of the Privy Council (JCPC - the Bahamas highest appeal court, located in London), in May 1996.

On 5 May 1998, the IACHR declared Trevor Fisher's petition admissible and put his case forward for consideration at the next session of the IACHR, scheduled for 28 September to 16 October 1998.

This is the third time Trevor Fisher's execution has been scheduled. The first execution warrant was issued on 5 September 1996 and the second on 26 March 1998. Although motions issued to challenge the constitutionality of both warrants whilst the IACHR petition was still pending were dismissed by the JCPC, in its decision of December 1997 the court noted that the government had agreed to respect its obligations to follow IACHR procedures.

Richard Woods

Richard Woods was arrested in 1993 for the murder of his niece Pauline Johnson, in a "hit and run". He was convicted and sentenced to death on 25 January 1995.

His appeal to the Court of Appeal was dismissed on 20 July 1995 and his application for leave to appeal to the JCPC was dismissed on 6 November 1996.

A previous execution warrant for Richard Woods was issued on 27 June 1996, following the dismissal of his appeal by the Court of Appeal. The execution was stayed when an application for leave to appeal was filed with the JCPC.

Following the JCPC dismissal of the application for leave to appeal, the IACHR asked the Bahamas to continue the stay, pending their investigation of the facts of his case.

BACKGROUND INFORMATION

The death penalty is the mandatory punishment for murder in the Bahamas.

Amnesty International has the utmost sympathy for the families of Durventon Daniels and Pauline Johnson and all victims of violent crime. However there is no reliable evidence that the death penalty has any unique deterrent effect on violent crimes; rather, it brutalizes all involved in its application. Amnesty International campaigns for the abolition of the death penalty in all cases as the ultimate cruel, inhuman and degrading punishment and a violation of the right to life.

Thomas Reckley and Dwayne Mckinney were the last people to be executed in the Bahamas. Both were hanged in March 1996. They are the only people to have been executed in the country since 1984.

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

- urging that Trevor Fisher's and Richard Woods' death sentences be commuted;
- urging the government to respect the requests of the IACHR and uphold the integrity of the Inter-American System for the protection of human rights by staying the executions pending the decisions of the IACHR on their petitions;
- expressing sympathy for the relatives of Durventon Daniels and Pauline Johnson and for 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;
- urging the government to commute the sentences of all those sentenced to death in the Bahamas and join the majority of countries in abolishing the death penalty, and, as a first step to propose and support the enactment of legislation which would provide alternative (non-capital) penalties for murder.

You can also add:

- stating that the death penalty is brutalizing to all who are involved in the process;
- pointing out that it 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.

APPEALS TO:

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and to diplomatic representatives of the Bahamas accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.