

EXTERNAL

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EXTRA 98/96

Death Penalty

28 June 1996

**BAHAMAS** Stephen Charles SWABY  
Richard WOODS

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Stephen Charles Swaby and Richard Woods are scheduled to be executed on 5 July 1996 in the Bahamas.

Stephen Charles Swaby was convicted of the 1991 murder of a private security officer during an attempted armed robbery. He was sentenced to death on 3 December 1993 and his appeal to the Bahamas Court of Appeal was dismissed on April 29 1994. It is not known whether Stephen Swaby has petitioned the Judicial Committee of the Privy Council (JCPC) in London (the final court of appeal for the Bahamas).

Richard Woods, a truck driver, was convicted of murder for the death of his niece in a "hit and run" incident in which she was knocked down in 1993. He was sentenced to death on 18 January 1995 and his appeal to the Bahamas Court of Appeal was dismissed on 20 July 1995. It is believed that he has not petitioned the JCPC.

The Ministry of Public Safety in the Bahamas announced on 27 June 1996 that death warrants had been read for the two men to be hanged.

#### **BACKGROUND INFORMATION**

The Bahamas resumed executions after a 12-year break with the hanging of Thomas Reckley on 13 March 1996. His execution went ahead despite the fact that he had spent more than five years under sentence of death, pursuing appeals that were legally available to him. This is contrary to the 1993 JCPC ruling, in the case of Pratt and Morgan v. The Attorney General of Jamaica, which stated that "in any case in which execution is to take place more than five years after sentence there will be strong grounds for believing that the delay is such as to constitute 'inhuman or degrading punishment or other treatment'". Approximately two weeks after Thomas Reckley's execution, Dwayne McKinney became the second person to be hanged in the country since 1984. There are currently over 40 people on death row in the Bahamas

The resumption of hangings in the Bahamas coincides with a recent spate of inner-city gang-related violence. Reports of Thomas Reckley's execution stated that the large crowd which had gathered outside the prison cheered when the notice that the execution had been carried out was posted at the entrance to the prison. Afterwards the president of the Bahamas Conference of the Methodist Church expressed horror at the "bloodthirstiness" of the reaction to the execution.

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

- expressing deep concern that Stephen Charles Swaby and Richard Woods are to be executed on 5 July 1996 although at least one of them has not yet exhausted all legal appeals;
- stressing that as such the executions would be in contravention of the *Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty*, adopted by the United Nations Economic and Social Council (ECOSOC) in resolution 1984/50 and adopted by the UN General Assembly on 14 December 1984 which state: "Capital Punishment shall not be carried out pending any

appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence";

- expressing sympathy for the victims of violent crime and their relatives;
- urging that the death sentences on Stephen Charles Swaby and Richard Woods be commuted and that no further executions be carried out;
- if possible, also make some or all of the following general points against the death penalty: it has never been shown to deter crime more effectively than other punishment; it has a brutalizing effect upon all those who are involved in the process; it denies the widely accepted principle of rehabilitating the offender; it does not alleviate the suffering caused to the victims of violent crime; execution is irrevocable and, despite the most stringent judicial safeguards, can be inflicted on the innocent.

**APPEALS TO:**

His Excellency Orville Turnquest  
Governor General  
PO Box N-8301  
Nassau, The Bahamas  
**Telephone: +1 809 322 1875**  
**Faxes: +1 809 322 4659**  
**Telegrams: Governor General, Nassau, Bahamas**  
**Salutation: Your Excellency**

The Honourable Janet Bostwick  
Attorney-General and Minister of Foreign Affairs  
PO Box N-3007  
Nassau, The Bahamas  
**Faxes: +1 809 322 2255**  
**Telegrams: Attorney General Bostwick, Nassau, Bahamas**  
**Salutation: Dear Attorney General**

**COPIES TO:**

The Honourable Hubert Ingraham  
Prime Minister  
Office of the Prime Minister  
Sir Cecil V. Wallace Centre  
PO Box CB 10980  
Nassau, The Bahamas  
**Faxes: +1 809 327 5806**

The Honourable C.A. Smith  
Minister of Public Safety and Immigration and  
the Chairman of the Advisory Committee on the  
Prerogative of Mercy  
PO Box N-4891  
Nassau, The Bahamas  
**Faxes: +1 809 322 6546**

The Tribune (newspaper)  
Shirley Street  
PO Box N-3207  
Nassau, The Bahamas  
**Faxes: +1 809 328 2398**

The Nassau Guardian (Newspaper)  
PO Box N-3011  
Nassau, The Bahamas  
**Faxes: +1 809 325 3379**

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

**PLEASE SEND APPEALS IMMEDIATELY.**