

PUBLIC

AI Index: AMR 49/003/2005

13 June 2005

Further Information on UA 158/05 (AMR 49/002/2005, 9 June 2005) Imminent Execution

TRINIDAD AND TOBAGO

Lester Pitman, (m) aged 28

New names:

**Peter Dial (m)
Andrew Dottin (m)
Mark Teeluck (m)
Ramsingh Jairam (m)**

Amnesty International has learned that Lester Pitman was granted a stay of execution by the High Court on 10 June pending further legal hearings. He is no longer in danger of imminent execution. However, a death warrant could be re-issued once his appeal has been heard.

In an affidavit filed in support of his legal appeals, Lester Pitman told of the anxiety and suffering he felt when reading his death warrant: "I have been feeling really scared. I can't help but think of myself being taken to the gallows to be executed. I can't understand how I could be executed when I am still appealing my conviction and I have not even been heard by the Mercy Commission [for a clemency hearing]. When I realised that I was to be executed, my mind went blank and I felt numb. I did not hear when the Superintendent read the date on which I am scheduled to be hanged. Later on, I asked a prison officer who told me that I am scheduled to be hanged on Monday."

The threat of the resumption of executions in Trinidad and Tobago remains strong. In a statement reacting to the stay of execution, the Attorney General said: "Death row is not a luxury hotel. It is supposed to be a place of death in which condemned prisoners prepare after sentence and due process, for what is next... [the stay of execution of Lester Pitman] will not deter the State from pursuing the execution of its constitutionally determined mandate in the very near future, in respect of condemned prisoners, in accordance with the rule of law."

It appears that the authorities are moving to issue four further death warrants in the coming days. According to media reports, Peter Dial, Andrew Dottin, Mark Teeluck and Ramsingh Jairam, had letters read to them on 10 June informing them that their cases were to go before the Mercy Committee for consideration of commutation of their death sentences. The examination of cases by the Mercy Committee is required before a death warrant can be issued. The Mercy Committee is scheduled to meet on the afternoon of 13 June 2005, giving the prisoners and their representatives no meaningful time to prepare their petitions.

In November 2003, the Judicial Committee of the Privy Council in the United Kingdom, the highest court of appeal for Trinidad and Tobago, ruled in the case of Balkissoon Roodal that the mandatory death penalty was in violation of the Constitution. Prior to the ruling, the death penalty was the only available sentence for those convicted of murder. Following the ruling, judges were required to consider further evidence on whether execution is the appropriate sentence and all those under sentence of death were to be granted new sentencing hearings.

In July 2004, the Privy Council overturned its previous ruling and decided that the mandatory death penalty no longer violated the Constitution. However, The Privy Council also ruled that all condemned prisoners had the right to benefit from its previous decision and ordered the commutation of the death sentences of all 86 prisoners on death row including Peter Dial, Andrew Dottin, Mark Teeluck and Ramsingh Jairam. The government of Trinidad and Tobago appear to have ignored this decision and the prisoners have remained under the sentence of death.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- welcoming reports that Lester Pitman was granted a stay of execution by the High Court on 10 June pending further legal hearings;
- expressing concern that Peter Dial, Andrew Dottin, Mark Teeluck and Ramsingh Jairam were informed on 10 June 2005 that their cases were to go before the Mercy Committee on 13 June 2005, which would not give them sufficient time to prepare their submissions;
- expressing concern that they remain on death row, despite having their sentences commuted to terms of imprisonment by the highest court of appeal for Trinidad and Tobago in 2004;
- requesting that no further death warrants are issued to condemned prisoners;
- expressing deep concern at the intention to resume the use of the death penalty in Trinidad and Tobago after five years without executions and calling on the government not to take such a retrograde step;
- emphasizing that the death penalty has not been shown to be any more of a deterrent to violent crime than any other forms of punishment.

APPEALS TO:

Prime Minister

The Rt. Honourable Patrick Manning,
The Office of the Prime Minister
White Hall, Queen Park West
Port of Spain
Trinidad and Tobago

Fax: +1 868 622 0056

Salutation: Dear Prime Minister

Attorney General

The Hon. John Jeremie
Ministry of the Attorney General
Cabildo Chambers
25-27 St Vincent Street
Port-of-Spain
Trinidad and Tobago

Fax: +1 868 625 0470

Email: ag@ag.gov.tt

Salutation: Dear Attorney General

Minister of National Security and Rehabilitation

Senator The Hon. Martin Joseph
Ministry of National Security and Rehabilitation
31-33 Abercromby St
Port of Spain
Trinidad and Tobago

Fax: +1 868 627 8044

Salutation: Dear Minister

and to diplomatic representatives of Trinidad and Tobago accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 25 July 2005.