

TRINIDAD AND TOBAGO *Trinidad and Tobago's unprecedented withdrawal from the American Convention on Human Rights becomes effective on 26 May 1999.*

Unless the government of Trinidad and Tobago revokes its denunciation of the American Convention on Human Rights, from 26 May 1999 people under its jurisdiction will no longer have the protection of fundamental rights guaranteed by the Convention.

The fundamental rights guaranteed by the Convention include: the right to life; the right to humane treatment; the right to a fair trial; freedom of conscience and religion; the rights of the family; the rights of the child; the right to participate in government; and the right to equal protection of the law.

Many of these rights are also contained in the Constitution of Trinidad and Tobago and the American Declaration on the Rights and Duties of Man, but certain important rights are not, notably the right to trial within a reasonable time. This is particularly important for a number of reasons, including the fact that pre-trial detention conditions in Trinidad and Tobago are reported to be so extremely overcrowded and unsanitary as to constitute cruel, inhuman and degrading treatment.

At the same time the government is withdrawing the right of the Inter-American Commission on Human Rights (IACHR), and other states which are party to the Convention, to bring cases alleging violations of human rights by Trinidad and Tobago to the Inter-American Court of Human Rights.

In response to this unprecedented step, the IACHR, an international human rights body which monitors states' compliance with the Convention and the American Declaration on the Rights and Duties of Man, said, "this decision ... represents a serious step backwards in the hemispheric attempt to strengthen the inter-American human rights system..."

BACKGROUND INFORMATION

As a member of the Organisation of American States, Trinidad and Tobago ratified the American Convention on Human Rights in May 1991, at the same time acknowledging the jurisdiction of the Inter-American Court of Human Rights. States which have accepted the jurisdiction of the Court are bound by its rulings, and the Court has the power to call on other member states to take steps to enforce its rulings in non-complying states.

The IACHR's role includes considering petitions brought by people under the jurisdiction of states which are party to the American Convention, who seek redress for violations of their rights guaranteed under the Convention.

The government announced its denunciation of the American Convention in May 1998, stating that it was withdrawing because the IACHR was taking too long to consider petitions filed by people under sentence of death, thereby frustrating the implementation of the death penalty within time limits imposed by national law.

As Trinidad and Tobago remains a member of the Organisation of American States the government will still be obliged to comply with the human rights guarantees set out in the American Declaration on the Rights and Duties of Man. Individuals under the jurisdiction of Trinidad and Tobago will still be able to petition the IACHR for redress if they believe the government has violated their rights under the Declaration, but the Declaration is far less detailed than the Convention.

The government took another unprecedented step in May 1998 to preclude people under sentence of death from petitioning the Human Rights Committee, which monitors states' implementation of the International Covenants on Civil and Political Rights (ICCPR). To achieve this the government withdrew from the Optional Protocol to the ICCPR and re-acceded with a reservation that the Human Rights Committee could not consider petitions brought by people under sentence of death. Amnesty International believes that this reservation is invalid.

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

- urging the government to revoke its withdrawal from the American Convention on Human Rights;
- expressing concern that the government has stated that it is withdrawing from the American Convention because the Inter-American Commission on Human Rights was taking too long to consider petitions filed by people under sentence of death;
- pointing out that in order to limit the rights of the approximately 100 people under sentence of death in Trinidad and Tobago, the government will be denying all its citizens the protection of the American Convention;
- stating that people under sentence of death face the severest penalty that Trinidad and Tobago can impose under its national law. It is therefore essential that people under sentence of death have access to mechanisms which can provide redress for violations of their internationally guaranteed fundamental rights;
- pointing out that withdrawing from the American Convention seriously weakens the mechanisms of human rights protection which have been developed in the region over the past 50 years.

APPEALS TO:

Prime Minister, The Rt. Hon. Basdeo Panday, Office of the Prime Minister
Level 19, Central Bank Tower, Eric Williams Plaza, Independence Square
Port of Spain, Trinidad and Tobago

Telegrams: Prime Minister, Port of Spain, Trinidad/Tobago

Faxes: +1 868 627 3444

Salutation: Dear Prime Minister

Minister of Foreign Affairs, The Hon. Joseph Theodore, Ministry of Foreign Affairs,
Knowsley Building, 1 Queen's Park West, Port of Spain, Trinidad and Tobago

Fax: +1 868 627 6108

Salutation : Dear Minister

COPIES TO:

Attorney General, The Hon. Ramesh Lawrence Maharaj, Ministry of the Attorney General,
Winsure Building, 24-28 Richmond Street, Port of Spain, Trinidad and Tobago

Telegrams: Attorney General, Port of Spain, Trinidad/Tobago

Faxes: +1 868 625 0470 or 6530

Salutation: Dear Attorney General

The President, The Hon. Arthur Napoleon Robinston, President of the Republic
The President's House, Circular Road, St. Ann's, Port of Spain, Trinidad and Tobago

Faxes: +1 868 625 7950

Salutation : Your Excellency

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

Optional further recommended action:

- please contact the press in your country, notifying them that Trinidad and Tobago's withdrawal from the American Convention on Human Rights becomes effective on 26 May. Ask them to report this unprecedented step;

- please contact your government (i.e. Ministry of Foreign Affairs), expressing your concern about Trinidad and Tobago's withdrawal from the American Convention on Human Rights. Ask your government to contact the government in Trinidad and Tobago, asking them to revoke their denunciation of the Convention, so that all people under the state's jurisdiction are protected by the Convention.

PLEASE SEND APPEALS IMMEDIATELY.