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PUBLIC STATEMENT

Trinidad and Tobago

Inter-American system for the protection of human rights at risk

At stake in hearings before the Inter-American Court on Human Rights in Costa Rica tomorrow is the effectiveness of the Organization of American States' (OAS), mechanisms for protecting individual human rights, Amnesty International said today.

One of the questions being considered by the hemispheric court on human rights, sitting at its headquarters in Costa Rica on 28 August, concerns whether a government has the power unilaterally to dictate the way that the Inter-American Commission on Human Rights (Inter-American Commission) deals with petitions filed by individuals who claim that a State has violated their rights protected by the American Convention of Human Rights.

The question before the human rights court has arisen as a result of Trinidad and Tobago's declaration that it will not delay hanging people for more than eight months while the Inter-American Commission considers, in accordance with its regulations and procedures, whether the condemned person's rights under the American Convention have been violated.

Amnesty International believes that in addition to having no authority under international law to dictate the working methods of an international body, the time limits imposed by Trinidad and Tobago are incompatible with the Commission's own procedures and do not take into account its working methods and resources, which are prescribed by the American Convention..

In accordance with these, the Commission has the authority to conduct full investigations, hold hearings and/or conduct on-site visits, facilitate settlements between the parties and refer cases for consideration to the Inter-American Court of Human Rights. All of this work clearly cannot be done within the time limits dictated by Trinidad and Tobago on all of the cases submitted to it from throughout the hemisphere during the eight weeks per year that the Commission meets.

The Government of Trinidad and Tobago has stated, however, that it will proceed to hang a person before a determination has been made on whether his or her internationally protected rights have been violated if the Inter-American Commission fails to meet the time limits published by the government in October 1997. It has already ignored the requests of the Commission and defied the orders of the Inter-American Court by scheduling executions. The government has also said that if, after the hanging, the Commission determines that the person's rights had been violated –compensation will be paid to relatives.

The government's actions and statements make it clear that it either does not understand or else has utter contempt for the human rights organs of the OAS and its obligations to respect individual

human rights - including the right to life- as set out in these treaties to which it is a voluntarily signatory, according to Amnesty International.

Although on 26 May, Trinidad and Tobago took the unprecedented step of withdrawing as a party to the American Convention on Human Rights this does not take effect until 26 May 1999. As a member state of the OAS, the government is and will remain obligated to ensure that every person within its jurisdiction, including those sentenced to death, are afforded all of the rights set out within the American Declaration, and to ensure that every person has an effective remedy for violations of their internationally protected rights.

It is ironic that this year, when the community of nations are celebrating 50 years of progress in the development of a body of treaties and mechanisms to ensure protection and promotion of individual human rights, that Trinidad and Tobago – a country which has championed the creation of an international criminal court – is taking measures to deprive some of its vulnerable citizens access to these fundamental rights and the means of safeguarding them.

BACKGROUND

The Inter-American Commission on Human Rights and the Inter-American Court on Human Rights are bodies of the Organization of American States (OAS). The main function are to promote respect for the observance and defence of human rights in their member States.

In carrying out this role, in accordance with the American Convention on Human Rights and its own Regulations, the Inter-American Commission regularly considers petitions on behalf of people claiming that a government has violated an individual's rights as set out in the American Convention or Declaration. In the absence of an agreement between the parties, the Commission issues conclusions and when appropriate makes recommendations for the State to take measures to remedy any violation found. The Commission may also refer a case onto the Inter-American Court if the state has agreed to submit to the court's jurisdiction.

The case before the court is: *Christopher Bethel, Wencelaus James, Tony Briggs, Anderson Noel, Anthony Garcia, Haniff Hillaire, Darrin Thomas, Denny Baptiste and Trinidad and Tobago*. All of the eight named men have been sentenced to death in Trinidad and Tobago, where the death penalty is the mandatory punishment for all forms of murder. They each have petitions pending before the Inter-American Commission on Human Rights claiming that their rights under the American Convention have been violated in the course of the proceedings against them.

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