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Open letter to the Government of Trinidad and Tobago

Ref.: TG AMR 49/07/00

*The Rt. Honorable Basdeo Panday, Prime Minister,
and members of Cabinet
c/o The Office of the Prime Minister
Level 19, Central Bank Tower,
Eric Williams Plaza, Independence Square
Port-of-Spain
Trinidad and Tobago*

27 September 2000

Dear Prime Minister and esteemed members of the Cabinet,

Amnesty International very much regrets the attacks upon our reputation and the erroneous comments made by members of the Government in recent newspapers articles. Many of the comments grossly misrepresent the aims, working methods and polices of Amnesty International.

During my recent visit to the Caribbean I had hoped to meet with members of the Government for constructive face-to-face talks regarding our concerns in Trinidad and Tobago. It was unfortunate that no members of the cabinet were available or willing to engage in such dialogue and I very much hope that at some point in the future members of the Government will conduct open and frank discussions with Amnesty International. During my time as Secretary General I have held fruitful and constructive talks with numerous governments around the world. I sincerely believe that these talks have made a positive contribution to the promotion and protection of human rights in those countries.

I would welcome this opportunity to respond to some of the accusatory remarks attributed to members of the Government in recent media reports. For clarity, the accusations are reproduced in bold.

Amnesty International demonstrates “scant regard for the sovereignty” of Caribbean territories.

Amnesty International fully respects the sovereignty of all nations. The organization seeks to protect the human rights – as defined by the United Nations in various treaties and documents – of all people in whatever country they live. A nation’s right to sovereignty cannot be used to excuse human rights abuses. The human rights of a nation’s citizens are of concern to all, including the international community, civil society and the government of the country concerned. Many governments have attempted to legitimise gross violations of human rights under the pretext of the sovereignty argument: for example the Apartheid government of South Africa, the Chinese government’s suppression of freedom of speech and religion and the racial segregationists of the Southern United States.

The Government of Trinidad and Tobago should address Amnesty International’s concerns -- which are also the concerns of many of the people of Trinidad and Tobago -- and not hide behind the claim that they are a matter of sovereignty.

Furthermore, it is constantly implied that Amnesty International is solely a European organization criticising the Caribbean from “outside”. While the organization’s International Secretariat, from where research is conducted, is based in the United Kingdom, Amnesty International is a worldwide organization whose members embrace diverse cultures, religions and countries. We have offices in more than 60 countries and over one million members in more than 100 countries. These figures include offices and members in more than 15 Caribbean countries.

Amnesty International is “frustrating” the implementation of capital punishment, as well as contributing to the growing number of convicted murders.

Amnesty International takes no part in the legal defence of any condemned prisoner and we therefore fail to understand in what manner we are frustrating the implementation of capital punishment. The organization openly opposes the use of capital punishment and campaigns for a world without executions.

Under the domestic law of Trinidad and Tobago and under international standards and laws governing the implementation of the death penalty, condemned prisoners have the right to appeal their conviction to ensure they were subjected to due process of law. The exercising of a condemned prisoners right to appeal their conviction should not be viewed as a “frustration” of the state’s “right” to hang.

Amnesty International would welcome clarification as to how we are contributing to the growing number of convicted murderers.

“...No doubt emboldened by every setback to the implementation of capital sentences, the lawless in our society continue to take the lives of others.”

*It is now almost universally accepted that the use of the death penalty does not act as more of a deterrent to violent crime than other punishments. This was clearly illustrated by a recent survey carried out by the *New York Times* showing that the homicide rate in US states that execute was between 48 percent and 101 percent higher than states that do not use the death penalty – powerful evidence that executions may actually encourage further violence and bloodshed. Violent crime is most effectively deterred by a host of other measures such as poverty reduction, effective policing, and an effective judicial system. We urge the government of Trinidad and Tobago to look to such measures to implement the right of every citizen to live free from the threat of violence and to turn its back on the outdated use of capital punishment.*

Amnesty International is “tarnishing the image of Trinidad and Tobago”.

Amnesty International does not seek to tarnish the image of any country. Our annual report for the year 1999 outlined our concerns in more than 150

countries, illustrating how we hold *all* countries up to the same standard. We are concerned solely with the protection of human rights and never advocate economic or any other types of boycott for any country. Amnesty International does make its evaluation of the human rights situation in numerous countries public, as it believes human rights to be the concern of all (as stated above).

Amnesty International has a “geo-political agenda”

As outlined above, Amnesty International is a multi-cultural, multi-national organization which does not advocate any political, religious, geographical or economic doctrine and therefore does not have a geo-political agenda. It has campaigned against human rights abuses in countries as diverse as China, Denmark, the United States, Israel and Brazil.

Amnesty International seeks to promote homosexuality

Amnesty International does not promote any form of sexuality, but does seek to protect the right of consenting adults to express their sexuality in private.

Proposed increases in the use of the death penalty

Amnesty International is disappointed to learn that the government is considering increasing the number of crimes carrying a death sentence to include rape and drug trafficking (although it should be noted that there were conflicting media reports on this matter). This move, if implemented, would run against the world's increasing abandonment of the use of the death penalty -- only 31 countries carried out executions in 1999 -- and would be in violation of Trinidad and Tobago's commitments under the International Covenant on Civil and Political Rights, which the country has voluntarily entered into.

On the matter of the meeting between Amnesty International and the Human Rights Unit. As you know, I first approached both the offices of the Prime Minister and the Attorney General in July seeking meetings. However, regrettably, we received no formal responses from either office until the day before we travelled to the region on 8 September, despite numerous follow up requests. This response offered a meeting with members of the Human Rights

Unit of the Attorney General's office but not with any representative of the Government.

While we welcomed the opportunity to meet with the Human Rights Unit, and found the meeting informative and useful, I deemed it appropriate that Amnesty International be represented by members of the research team because, as the meeting lacked any member of the government, it would be limited solely to an exchange of information.

As Secretary General of Amnesty International, I remain willing to meet with any appropriate government minister who has the authority to discuss government policy regarding human rights.

I am informed by my staff who attended the meeting with the Human Rights Unit that a discussion took place as to whether the death penalty is implemented in accordance with international law, as is so often claimed by the Attorney General.

According to members of the Human Rights Unit, no legal assistance is provided for death row prisoners for legal appeals to ensure their rights under the Constitution of Trinidad and Tobago have been upheld. International laws and standards clearly stipulate that those facing the death penalty be provided with "adequate assistance of counsel at every stage of the proceedings, above and beyond those afforded in non-capital cases" ¹

I very much hope that, now the infraction of international law has been pointed out to him, the Attorney General will take measures to ensure this violation is corrected.

Prime Minister, as a former trade unionist involved in campaigning for the human rights of the workers you represented, I am sure you will understand that working to prevent the violation of fundamental rights should stand above politics. I feel it is regrettable that a debate on such an important issue as the human rights of all the people of Trinidad and Tobago should be conducted via the media in such a negative manner.

I urge you to engage in a private discussion with Amnesty International -- such as has been entered into by the government of Jamaica -- that can further the cause of human rights in the Caribbean.

I look forward to hearing from you.

Yours sincerely,

*Pierre Sané
Secretary General*

1 ECOSOC Resolution 1989/64, 24 May 1989, UN Doc: E/1989/INF/7. This protection is also repeated in the UN ECOSOC Safeguards guaranteeing protection of the rights of those facing the death penalty and by comments made by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

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