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GUYANA: AMNESTY INTERNATIONAL CONCERNED ABOUT JUSTICE IN DEATH
PENALTY CASES

The cases of two men due to be hanged last Monday raises serious concerns about a possible miscarriage of justice, Amnesty International said, as it sent an observer to attend the Guyana High Court hearing of their cases today.

On 5 February, the prisoners -- Abdool Saleem Yasseen and Noel Thomas -- received a seven-day reprieve while the court considers a constitutional motion arguing that their execution would amount to "inhuman or degrading treatment".

Amnesty International fears that if the two men's appeals are denied the executions could go ahead soon after, and is calling on the Guyana Government to commute their death sentences immediately. Gregory Delzin, a Trinidadian lawyer, is to attend the hearing on behalf of the organization.

"We are very concerned about the unseemly haste and apparent secrecy in which the execution warrants were issued as well as by doubts about the fairness of the trial," Amnesty International said.

Death warrants were read to the prisoners on Thursday 1 February for their execution at 8am the following Monday -- a shorter time than has been allowed in the past. The families were not notified until they received an anonymous telephone call at 10pm on Thursday. Their attorney then sought an emergency hearing on 3 February which led to the seven-day reprieve.

The issuing of the warrants followed the Guyana Government's announcement in January that hangings would resume after a six-year break. Execution warrants are expected to be read imminently to at least one of the other 17 prisoners on death row. The last execution in Guyana was in 1990.

"The resumption of hangings in Guyana would be a retrograde step, contrary both to international standards and to trends toward abolition of the death penalty," Amnesty International said.

BACKGROUND

Abdool Saleem Yasseen and Noel Thomas were sentenced to death in March 1988 after being convicted of the murder of Abdool Saleem's brother in May 1987. Their convictions were later overturned on appeal but they were again sentenced to death after a retrial in 1992.

According to their attorney and the Yasseen family -- including the wife of the deceased -- there are strong doubts about their guilt and the evidence on which they were convicted. No witnesses to the crime testified in court and the convictions were based on a written confession by Thomas,

allegedly made under duress, and an oral confession by Yasseen. Thomas was reportedly beaten while in police custody, an allegation supported by two prison medical staff.

Doubt about the trial itself is not an issue currently before the Guyana courts, as the convictions have already been upheld on appeal. However, there is a constitutional issue around the length of time the men have been on death row.

In 1993, the Judicial Committee of the Privy Council (JCPC) in London (the final appeal court for a number of Commonwealth countries) issued a key ruling in a Jamaican case that execution of a prisoner after a delay of more than five years would be presumed to constitute inhuman or degrading punishment, or treatment in violation of Jamaica's constitution. Although Guyana does not allow appeals to the JCPC, the decision is relevant to Guyana constitutional law. Both prisoners have spent a cumulative period of more than five years on death row, under extremely poor conditions.

Noel Thomas and Abdool Saleem Yasseen have also filed a petition with the Human Rights Committee based at the United Nations in Geneva, alleging that their rights under the International Covenant on Civil and Political Rights have been violated, including the right to a fair trial. Guyana has acceded to the Optional Protocol under the Covenant which allows individuals to submit such complaints. The Committee has requested the Guyana Government not to carry out the death sentences against Thomas and Yasseen while their communication is under examination by the Committee.

“While we express the utmost sympathy for the victims of violent crime, the use of the death penalty never serves any valid purpose, but merely brutalizes the society which uses it,” Amnesty International said.

The organization believes that the overwhelming conclusion from many studies on the issue is that there is no evidence that the death penalty deters crime more effectively than other punishment. There is also, as in this case, the appalling risk of executing someone who may be innocent.

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