

PUBLIC

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Death penalty/Legal Concern

ST KITTS AND NEVIS

Lewis Gardner (m)]	
Sheldon Isaac (m)]	
Romeo Cannonier (m)]	
Ruedeney Williams (m)]	Death row prisoners
Travis Duport (m)]	
Evanson Mitcham (m)]	
Warrington Philips (m)]	

The seven men named above, who make up the entire population of death row on St Kitts and Nevis, may now be in greater danger of being put to death, as the island recently carried out its first execution in 10 years.

Charles Elroy Laplace was executed on 19 December. Amnesty International has reason to believe that he may not have been granted his legal right to explore all avenues of appeal available to him before his execution.

Charles Elroy Laplace, who had been on death row for four years, was executed on 19 December. He had been sentenced to death for the murder of his wife. On 29 October the Eastern Caribbean Supreme Court had dismissed an appeal because it had been filed too late. Charles Laplace did not then appeal to the Judicial Committee of the Privy Council in the UK, the final court of appeal for St Kitts and Nevis. The authorities are not obliged to wait for an appeal to the Privy Council to be completed before proceeding with executions, but it appears that Charles Laplace may not have been provided with the necessary legal assistance by the state to file an appeal. Withholding legal assistance would be a violation of the obligations placed on St Kitts and Nevis by international law and UN standards on the death penalty.

It is not clear whether his right to apply for amnesty, pardon or commutation of sentence was respected. An Advisory Committee on the Prerogative of Mercy apparently met before the execution to consider his case, but it is not known whether Charles Laplace was told when his mercy plea would be considered and whether he was provided with legal assistance to help compile his application for clemency. The Privy Council judgment in the 2001 case of *Neville Lewis & Others v Attorney General of Jamaica* states that condemned prisoners have specific rights regarding clemency procedures, including the right to view documents considered in their mercy plea, and to have the opportunity to make representations before the mercy committee.

BACKGROUND INFORMATION

The last execution in the English-speaking Caribbean – Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Guyana, Grenada, Jamaica, St Lucia, St Kitts and Nevis, St Vincent and the Grenadines, Trinidad and Tobago – was carried out in the Bahamas in 2000. While executions have become increasingly rare, support for the death penalty in the region is high, and death sentences are still being handed down. The region suffers from a high, and often increasing, crime rate and executions are seen as a method of crime control. St Kitts and Nevis, which has a population of just 46,000, saw a record 23 murders in 2008. However, scientific studies have consistently found no convincing evidence that the death penalty deters crime more effectively than other punishments. The most recent survey of research findings on the relation between the death penalty and homicide rates, conducted for the United Nations in 1988 and updated in

1996 and 2002, concluded that "research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment." The media reported that three people were shot just a day after Charles Laplace's execution.

His execution also runs counter to the international trend away from the use of the death penalty. A December 2008 resolution at the UN General Assembly calling for a global moratorium on executions was passed by a vote of 105 to 48. The English-speaking Caribbean made up a quarter of the countries which voted against the resolution.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and as the ultimate form of cruel and inhuman punishment. It brutalizes those involved in the process of executions and wider society as a whole.

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

- urging the authorities to respect national legal procedures and the standards required by the Privy Council and the UN for the protection of the rights of prisoners sentenced to death, including those named above;
- expressing deep regret at the hanging of Charles Elroy Laplace, which came after 10 years without executions in St Kitts and Nevis;
- expressing sympathy for the victims of violent crime and their families, but pointing out that the death penalty has never been shown to be a more effective deterrent to violent crime than other forms of punishment;
- calling on the authorities to join the international trend towards abolition of the death penalty, and introduce an immediate moratorium on executions.

APPEALS TO:

Prime Minister

The Hon. Denzil Douglas
Government Headquarters
Church Street, Basseterre, St Kitts and Nevis

Fax: + 1 869 465 1001

Salutation: Dear Prime Minister

Minister of Justice and Legal Affairs

The Hon. Dennis Merchant
Ministry of Justice and Legal Affairs
Office of the Attorney General
Government Headquarters
Church Street, Basseterre, St Kitts and Nevis

Fax: +1 869 465 5040

Salutation: Dear Minister

COPIES TO:

Newspaper

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and to diplomatic representatives of St Kitts and Nevis accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 26 March 2009.