

Challenging the DP in the Commonwealth Caribbean

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- Good afternoon, friends. My name is Leela Ramdeen. I wear many hats e.g. I am an Attorney-at-Law and Chair of the Greater Caribbean for Life, an independent, not-for-profit civil society organisation, incorporated under the laws of Puerto Rico. Our mantra is: Stop crime, not lives.
- GCL's main aim is to campaign for and work towards the permanent abolition of the death penalty in the Greater Caribbean and to support Caribbean abolitionist activists and organizations in this region.
- GCL is the only organisation in the region that is devoted to working on the abolition of the DP and has been active in raising awareness of the issues surrounding the DP since its establishment in 2013 following a Conference in Trinidad and Tobago, which was attended by abolitionists from 12 Greater Caribbean countries as well as abolitionists further afield.
- Let me state at the outset that GCL believes that society has a right to protect itself from persons who commit heinous crimes and offenders must be held accountable. However, we believe that non-lethal means are sufficient to defend and protect society from offenders. So, while we condemn the rise of violent crime in our region and express solidarity with victims, members reject the notion that capital punishment will act as a deterrent or foster respect for life in our communities.
- GCL is committed to promoting peace, respect for life, and good neighbourliness as appropriate methods of reducing crime in the Greater Caribbean region. This provides a more durable and effective solution than the taking of life.
- GCL faces many challenges in seeking to achieve our goals. For example: although our island states are small in the English-speaking Caribbean, the 13 Retentionist countries in the Greater Caribbean basin comprise about 25% of the votes at the UN General Assembly's sessions to adopt a resolution to establish a moratorium on the use of the DP. They have consistently either abstained or voted against establishing a moratorium. And yet, the last hanging took place in 2008

– when, on 19 Dec 2008, Charles la Place was hanged in St Kitts and Nevis

- One would have thought that after the horrors of slavery and indentureship in the region, the thought of hanging would be anathema to us. But, as Sir Shridath Ramphal said - in another context – we keep loitering on the doorstep of Colonialism.
- The last hangings in the English-speaking Caribbean are as follows: 40 years ago in 1978 - Grenada, 1984 Barbados, 1986 Dominica, 1988 Jamaica, 1999 Antigua and Barbuda, 1995 St Lucia, 1995 SVG, 1997 Guyana, 28 July 1999 T&T, 6 Jan 2000 Bahamas, 11 April, 2003 (3 men) Cuba, and 19 Dec.2008 Charles la Place St Kitts & Nevis.
- Talk about my meeting with one of TT’s former AG – no chink in their armour yet! But you know the saying: *Time is longer than twine!* This too will pass, once we keep focused. We know that we must keep our eyes on our goals and strive to build a strong, resilient platform to sustain the abolitionist movement.
- Lack of political will – linked to fears of losing support of the electorate at election time – e.g. my letter to every MP, Senator in Parliament a few years ago – contacted by at least 4 persons who supported GCL’s view but made it clear that they would not do so publicly.
- And there is the issue of the mandatory death penalty. Once Barbados removes it from their criminal code, T&T will remain the only country in the region that retains it.
- We need courageous, effective leaders who will be prepared to lift their heads above the parapet and strike down the DP. There is clear evidence of countries like the UK that abolished the DP even though the population supported maintaining it in their criminal codes.
- **Fear of crime** is another factor that presents a challenge to GCL. Our strategy is to raise awareness of the hopelessness of being so afraid that we keep focusing on the symptoms of crime and not the root causes. This requires education – using every opportunity to educate the populace e.g. in schools, universities, seminars, conferences, symposia.

It is a long process, but then we know that changing hearts and minds will take a long time. But we are in this for the long haul.

- Part of the education process involves **raising awareness of the ineffectiveness of the DP** as a deterrent or as a strategy for building a just/harmonious society. The work of Roger Hood and Florence Seemungal, commissioned by the Death Penalty Project, is important. For example, one of Hood's study demonstrated that over 50% of respondents were poorly informed about capital punishment, and 59% claimed they were unaware that it was mandatory.
- GCL uses every opportunity to share the results of relevant studies and surveys such as those by Hood and Seemungal, to further our cause. Reports such as the **UNDP 2012 report: *Human Development and the shift to better citizen security*** are useful. "Seven countries were selected for research, in order to represent variations in geography, population size, level of development, and the degree and character of the problem of insecurity. The selected countries for this study were Antigua and Barbuda, Barbados, Guyana, Jamaica, Saint Lucia, Suriname, and Trinidad and Tobago." The report rightly states that these countries need a better balance between legitimate law enforcement and prevention, with an emphasis on prevention; and more investment, for example, in youth development, job creation and reducing poverty and socio-economic inequality/ inequity. These strategies can contribute to a safer and more democratic and just society in the region. Where are our prevention strategies? The 2012 UNDP report shows that for **every dollar spent on crime in T&T only 15 cents were spent on prevention.**
- **Effective prevention strategies** require good governance. Sadly, in many of the countries in our region, there is a need to strengthen our institutions – the judiciary, police service, public service etc. For example, the Attorney General in TT has said that there are currently 33 persons on death row, 11 of whom fall within the five-year limit based on the *Pratt and Morgan* ruling. This means that the sentences of these 11 persons will be commuted to life. In July 2016, the AG said there are 2,300 individuals incarcerated in remand, of which 1,000 are facing murder charges. Since the wheels of the criminal justice system in T&T grinds slowly, many have been waiting on their trial for years because of the huge backlog of cases. Many more are on the loose because our detection rate is abysmally low. As TT's Chief Justice Ivor Archie has said: "Social scientists...suggest that the

certainty of conviction, and within a reasonably quick time, is a more potent factor” than executions.

- Saul would have referred to the series of Privy Council judicial decisions that limit the application of the DP in our region, especially the rulings against any execution after a long delay and imposing greater transparency on clemency and pardon procedures, and the introduction of principles in sentencing. As Parvais Jabbar, DPP, said some time ago, progress through the courts has reached its limits because abolishing the DP is, at the end of the day, a political issue.
- In our region we continue to address the symptoms of crime and not the root causes. What are we doing to strengthen family life; to get rid of the drugs and guns in our countries; to eliminate violence in our schools; to promote restorative justice and a culture of non-violence, respect for self and others, character development; to speed up prison reform and rehabilitation processes?
- Carmelo Campos Cruz, GCL’s Deputy, and I stated at a hearing of the Inter American Commission on Human Rights in Washington in March 2015: “While the crime rate remains high in many of the countries in the region, inadequacies in law enforcement and preventive measures hinder progress. There is a need for all countries in the region to strengthen their criminal justice systems, for example, by: improving their law enforcement agencies, their detection and conviction rates, their forensic capabilities, and court facilities which may serve to improve efficiency and processing of cases; dealing with inordinate delays in the system due, for example, to court backlogs and high case load; developing and implementing effective witness protection programmes; and dealing with incompetence and corruption, for example, in some police forces.”
- In an interview in June 2018, economist **Marla Dukharan** highlighted some of the challenges that stand as obstacles in the path of crime reduction. Focusing on TT, she said that “TT can no longer ignore the rising cost of crime, which continues to increase despite rising expenditure by state agencies in a bid to tackle it...it is clear that taxpayers are not getting value for money as the funds being put into crime fighting are not bringing results. She referred to a 2017 report by the Inter-American Development Bank called: ‘The costs of crime and violence: new evidence and insights in Latin America and the Caribbean’, which looked at crime in the Caribbean and

Latin American region...at the time of the study, TT spent more money on crime than any other country in the Caribbean/Latin American region, but had the lowest detection rate...

- The IDB said public expenditure on crime per capita in TT is at US\$460.60 per capita per annum , which is more than double the regional average of US\$194.50. She added that the percentage of businesses that spent money on security is also the highest in the region (85%)...The staggering drop in the detection rate was shown from an average of 64.8% murder detection rate from 1990-1999, which plummeted to 13% by 2013. ‘This means that although TT has the highest spend per capita on crime in the region, it has the lowest detection rate.
- Another challenge is finding effective ways of recruiting the media in a more meaningful way to partner with GCL in the process of working towards abolition. The media is not sufficiently engaged in issues concerning the DP. Media Releases and invitations to the media to cover events are not enough. GCL is seeking to build alliances with particular journalists/media houses in the region to support our work. The media could and must do a lot more than reporting crime in a sensational way. There is a need for media houses to commit to examining DP policies from a critical perspective, and to educate the public - as part of the process of seeking to change hearts and minds. There is a need for us abolitionists to use all forms of media in our struggle.
- But I must say that at times we need to put on our armour of steel in the face of verbal attacks by some retentionists – even among adherents of our own faith. On one occasion, while stating my position on the DP on a radio programme, a caller remonstrated with me angrily stating: “Leela Ramdeen, I am Catholic, and I say hang them high in the public square and sell tickets too!”
- Such statements come with the territory. By the way, in case you have not heard, in August this year, the Catholic Church finally revised para 2267 of its Catechism making it clear that “the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person”. The words in the revised paragraph also states that the Church “works with determination for the abolition of the DP worldwide.” Pope

Francis has made it clear that: “The commandment ‘You shall not kill’ has absolute value and applies to both the innocent and the guilty.

- While I am on the topic of religion, another challenge we face in this region is the rapid growth of members of the Evangelical and Pentecostal Christian faith communities. They focus on the Old Testament principle of **Lex Talionis** (the law of retaliation) - the **principle** of retributive justice as expressed in the phrase "an eye for an eye, a tooth for a tooth" (Exodus 21:23–27).
- On one occasion I spent more than 3 hours on a religious TV programme in TT trying to convince some Pastors from these Christian denominations that we need to look to the New Testament to find answers to our 21st Century problems. Jesus said in Matthew 5: 38-40: “You have heard it said an eye for an eye, a tooth for a tooth, but I tell you, do not meet evil with evil.” Examples as to how Jesus dealt with the issue of the woman caught in adultery and even how God treated Cain after he had killed his brother Abel – in the old Testament, did not sway them.
- There are a number of other faith communities that also support the DP in the region, and their beliefs also present a challenge to GCL e.g. Hindus believe in the law of Karma, and most believe that one must expiate one’s sins in this lifetime in order to reincarnate as a higher being. In spite of these challenges, we have to keep on carrying on.
- GCL recognises that in order to be more effective, we need to partner with other abolitionists. GCL has embarked on a 3-year EU funded Project which includes 5 partners. The DPP, London, is the lead applicant on this Project. Other partners include the World Coalition against the DP, SVG HR Assoc., and the UWI Cave Hill Campus, B’dos. Together, we will be seeking to build a platform for DP reform leading to abolition – raising awareness of the DP as a human rights issue and strengthening the anti-DP movement in B’dos and the ECS of: A&B, B’dos, Dominica, Grenada, St Kitts & Nevis, St Lucia, and SVG.
- This Project will help us to address some of the challenges we face in the region. The Project has 4 main strands of work:

- Creating tools on the DP e.g. policy briefs on key issues; information packs and mobilisation kits on the DP, and regional Newsletters
- The 2nd strand of the Project is: Advocacy for reform of the DP. This will include expert delegation visits, engaging with members of parliament, students, the general public, professional bodies such as Bar Associations and other key policy-makers/stakeholders etc.
- Participation in the Universal Periodic Review Process. In January 2014, GCL established a partnership with the Caribbean Institute for Human Rights and the International Human Rights Clinic of the Inter-American University of Puerto Rico, with the aim of jointly preparing Shadow Reports on the Death Penalty for submission to the Universal Periodic Review of the UN Human Rights Council. Together we have produced a number of UPR shadow Reports.
- The Project will be involved in conducting an education and awareness raising campaign - e.g. speaking and outreach tours – speakers will include former death row prisoners, exonerees, victims’ families and civil society activists, film and documentary screenings, mobilisation kits – provided to students, faith-based organisations and other local civil society organisations to raise awareness and encourage debates on the issue.
- GCL conducted 2 speaking tours in 2014 and 2015 to Antigua, Jamaica, St Lucia, Grenada, Barbados, Bahamas, St Vincent, St Kitts, and Guyana. 3 important persons were included on our Tours: Renny Cushing, member of the House of Representatives of the State of New Hampshire, USA and founder and Executive Director of Murder Victims’ Families for HR; Bill Pelke, founder of an organisation that is led by murder victim family members who are opposed to the DP. He is also the author of a book entitled: Journey of Hope...From violence to healing. Juan Melendez accompanied us on our 1st tour. He is a Puerto Rican who spent nearly 18 years on death row in Florida for a crime he did not commit. He was exonerated in 2002. You can access our website to read our Newsletter reports of our Speaking Tours.

- Through collaboration and exchange between international CSOs and the Caribbean CSOs, capacity building support and media engagement the Project action will help to strengthen civil society.
 - The Project's task of strengthening civil society will involve building capacity in B'dos and the English-speaking Caribbean.
 - It must be noted that although the Project focuses on B'dos and the ECS, there will be lessons learned that will inform GCL's work across the region.
- In conclusion, I recall Archbishop Desmond Tutu saying to us via a video clip while we were at a WCADP Conference in Madrid: *"There is no justice in killing in the name of justice, and no godliness in exacting vengeance."* And the Russian writer, Fyodor Dostoyevsky said in his book: *The Idiot: "Murder by legal sentence is immeasurably more terrible than murder by brigands."*
 - There is no place for state-sanctioned executions in the 21st century. As **Sir Clare Roberts**, former AG and Minister of Justice and Legal Affairs for Antigua and Barbuda, and former member of the Inter-American Commission on HR said at one of GCL's Conferences: "When there is a breakdown in public security, politicians like to use the call 'bring back the DP'. But this is just a quick and cheap fix." Let us reject this cheap fix and do what is right, because it is the right thing to do.
 - If we are committed to promoting human rights, we cannot sit on our laurels and allow the DP to exist in criminal codes. We need all hands on deck. To date, 142 countries have abolished the DP in law or practice.
 - Let us resolve at this Conference to play our part to achieve total abolition in the world. Thank you.

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