

# THE DEATH PENALTY IN THE GREATER CARIBBEAN

Presentation for the  
Thematic Hearing for 154<sup>th</sup> Session of Hearings before the  
Inter-American Commission on Human Rights



Greater Caribbean for Life  
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Honourable Commissioners, Executive Secretary, and assembled dignitaries, the members of The Greater Caribbean for Life are extremely grateful that our request for a hearing before this august body was granted. It is indeed an honour to be able to participate in this hearing.

My name is Leela Ramdeen. I am the Chair of The Greater Caribbean for Life. Also presenting with me today is Mr. Carmelo Campos-Cruz, Deputy Chair of our organization. This joint presentation will be in English and Spanish. We will outline our background, our activities to date and long term plans; some of the positive developments, as well as critical human rights issues we face in our region. This presentation will end with some recommendations.

#### **A. PROFILE OF THE PETITIONER**

The Greater Caribbean for Life (GCL) is an independent, not-for-profit civil society organization, incorporated under the laws of the Commonwealth of Puerto Rico. GCL was established on 2 October 2013 by activists and organizations from twelve Greater Caribbean countries following an International Conference held in Port of Spain, Trinidad and Tobago. Our organization was constituted with the purpose of campaigning for and working towards the permanent abolition of the death penalty in the Greater Caribbean, supporting Caribbean abolitionist activists and organizations, and collaborating with the international abolitionist community<sup>1</sup>.

The membership of our organization currently includes members from 15 Caribbean countries (Antigua & Barbuda, The Bahamas, Barbados, Belize, Cuba, Dominica, Grenada, Guatemala, Guyana, Jamaica, Mexico, Puerto Rico, St Lucia, St Vincent & the Grenadines, and Trinidad and Tobago). Our Executive Committee is comprised of members from The Bahamas, Dominica, Guatemala, Jamaica, Puerto Rico and Trinidad and Tobago. In October 2014, GCL celebrated its first year of existence amidst a busy programme including a productive Speaking Tour to six Caribbean countries (Antigua, Jamaica, St Lucia, Grenada,

Barbados, and Nassau, Bahamas) and campaign activities by members in the region<sup>2</sup>, as well as lobbying efforts and collaboration with other organizations.

While GCL vehemently condemns the rise of violent crime in our region and expresses solidarity with victims, members reject the notion that capital punishment will act as a deterrent or foster respect for life in our communities. In addition, in our societies, the death penalty operates in an unequal manner due to a number of socio-economic factors: it is primarily imposed on the poor and the disadvantaged. GCL is committed to promoting more durable and effective solutions aimed at reducing crime in the Greater Caribbean region – rather than the taking of life. Our ‘Mantra’ is: ‘Stop crime, not lives!’

Our organization came into existence with a view to bring together all activists supporting abolition in the region in order to strengthen their voices; it seeks to build and nurture the abolitionist movement in the Greater Caribbean, and to act as a supporting platform in its advocacy and educational efforts.

GCL makes use of reports and research that address anti-crime strategies and risk factors, such as, The UNDP’s 2012 Caribbean Human Development Report entitled: *Human Development and the Shift to Better Citizen Security*, which, inter alia, encourages Caribbean governments to get a better balance between legitimate law enforcement and prevention, with an emphasis on prevention.

In addition, as part of our strategy to achieve our goals, GCL seeks to build capacity by organising training sessions and educating the public about strategies for promoting a culture of non-violence, respect for life, and good neighbourliness throughout the region. GCL publishes Newsletters to disseminate information about our organisation and its work, issues Media Releases relating to the death penalty, and, when necessary, writes directly to Government Officials in our region.

## **B. OBJECTIVE**

GCL would like to inform the Commission about the human rights implications of the death penalty in the countries and territories of the Greater Caribbean. With the exception of the United States, all countries in the Americas that retain the death penalty are located in the Greater Caribbean. Although the issue of capital punishment has been addressed before the IACHR over the past two years, this will be the first time that this human rights violation will be analysed from the context of the Greater Caribbean region. We hope that the information we share with you during this hearing will complement the Commission's work in this human rights challenge.

## **C. BACKGROUND**

The Greater Caribbean (also known as the Caribbean Basin) consists of 25 States<sup>3</sup>, which includes the Caribbean islands, the Caribbean states of South America, and the countries of Central America and Mexico. It also includes 14 territories or departments of France, the Netherlands, the United Kingdom and the United States<sup>4</sup>.

The legal status of capital punishment<sup>5</sup> in our region can be summarized as follows:

- 10 countries are abolitionist in law: Colombia, Costa Rica, Dominican Republic, El Salvador (for ordinary crimes only), Haiti, Honduras, Mexico, Nicaragua, Panama and Venezuela;
- 2 countries are considered abolitionist in practice: Grenada and Suriname<sup>6</sup>;
- 13 countries are retentionist: Antigua and Barbuda, The Bahamas, Barbados, Belize, Cuba, Dominica, Guatemala, Guyana, Jamaica, St. Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago.
- All territories or departments are abolitionist except for the territories of the United States.

On the positive side, the Greater Caribbean is the place of some of the oldest abolitionist countries in the modern era. Venezuela and Costa Rica abolished capital punishment in the 19th century.

It is noticeable that most of the retentionist countries are English-speaking. Trinidad and Tobago and Barbados still retain the mandatory death penalty for murder, although Barbados plans to abolish it. It is estimated that there are between 59 and 80 persons on the death rows of eight Caribbean countries, Guyana (between 20 and 41), Barbados (11), Antigua and Barbuda (7) and Trinidad and Tobago (7) being the most populated ones<sup>7</sup>. What with the exception of Antigua and Barbuda, Cuba and Dominica, all retentionist countries in our region have imposed death sentences during the last ten years.

The paradox of the retentionist countries in the Caribbean is that since December 2008, when Charles Laplace of St Kitts and Nevis was hanged, there have been no other executions in the region. Yet a core of countries strongly opposes abolition. That was the region's first hanging since executions in Cuba in 2003 and in Guatemala in 2000. Anthony Briggs is the last person to have been executed by the Republic of Trinidad and Tobago – in July 1999. A month earlier, Dole Chadee and eight of his gang members, were hanged in Trinidad and Tobago.

Even though the Caribbean retentionist states have not carried out any execution for the last ten years, many have sentenced persons to death during this decade. Also, most of them have consistently voted against the UN General Assembly resolutions on a moratorium on the use of the death penalty and have signed the Note Verbale, dissociating themselves from the moratorium. For example, on 18 December, 2014, twelve Caribbean States voted against Resolution 69/186, representing over 30% of the votes against.

The issue of the application of the death penalty for the people of the Greater Caribbean goes beyond our regional borders. There is an estimated 101 nationals from 15 Greater Caribbean

States waiting for execution in the United States, 73% of all 137 foreign nationals on death row in that country<sup>8</sup>. This figure will certainly increase when Puerto Ricans (who have been US citizens since 1917) are included.

It is important to mention that the discussion on the alternative to capital punishment to fight crime and violence is not exclusive of retentionist countries in our region. During the last year there have been public debates about the possibility of reinstating the death penalty in abolitionist countries and territories such as Colombia<sup>9</sup>, El Salvador<sup>10</sup>, Honduras<sup>11</sup> and Puerto Rico.

#### **D. POSITIVE DEVELOPMENTS**

While we face many challenges in the region, there are positive developments which we acknowledge. For example,

- The abolition of the death penalty by the Parliament of Suriname on 3 March, 2015, in the framework of the discussions regarding the adoption of the new Criminal Code. This significant positive change for our region came after the country had changed its vote at the UNGA in December 2014, from an abstention to a “Yes”, thus supporting the UNGA Resolution 69/186 for the first time.
- Barbados has agreed to amend its national legislation to remove from its criminal code the mandatory death penalty for murder convictions; and
- the Greater Caribbean has remained execution-free since 2008.

GCL acknowledges and appreciates the fact that in October 2013, the IACHR advised Caribbean countries that still have the death penalty in their Criminal Codes, to abolish it or at least to impose a moratorium on its application. We note also that in October 2014, on the occasion of the International Day against the Death Penalty, IACHR urged “member States of the Organization of American States (OAS) that retain the death penalty to abolish it, or to

impose a moratorium on its application as a step toward abolition, and to ensure full compliance with decisions of the IACHR concerning death penalty cases.”<sup>12</sup>

## **E. HUMAN RIGHTS ISSUES**

Among the noteworthy controversies arising out of the application of capital punishment in the Greater Caribbean are:

### **1. The Mandatory death penalty<sup>13</sup>**

Following various decisions from the Inter-American Court of Human Rights, national Courts in Saint Lucia, Dominica, Belize, the Bahamas, Guyana, Jamaica, and Grenada found the mandatory death penalty to be unconstitutional and granted judges the discretion to impose lesser sentences.

Currently, Trinidad and Tobago and Barbados are the only countries in the Greater Caribbean that retain the mandatory death penalty. Barbados has reportedly been in the process of abolishing the mandatory death penalty, since it pledged to do so in 2009, to comply with the Inter-American Court’s decisions. However, at the time of this publication, the country’s legislation remained unchanged. Trinidad and Tobago retains the mandatory death penalty, despite the fact that the Judicial Committee of the Privy Council has ruled the practice a violation of the constitutional right to be free from cruel and unusual punishment.

### **2. The second issue we wish to raise relates to: Cruel or inhumane punishment<sup>14</sup>**

Regional appellate courts and human rights bodies have successfully limited the amount of time a person could spend on death row. Waiting more than five years on death row has been considered a violation of the right not to be subjected to “inhumane and degrading treatment”. In the 1993 judgment of *Pratt & Morgan v. Attorney General of Jamaica*, the Judicial Committee of the Privy Council held that the execution of the death penalty, as a result of an unreasonable delay, violated the right to humane treatment. This decision



immediately benefitted 50 prisoners on death row in Jamaica who had their sentences commuted to life imprisonment.

In dealing with cases across the Commonwealth Caribbean, the Judicial Committee of the Privy Council relied on the five year principle as a guide. For example, in 1996 in the case of *Guerra v. Baptiste*, the Privy Council found that four years and ten months was too long a delay in Trinidad and Tobago. In 1997 in *Henfield v. the Attorney General of the Bahamas*, the Privy Council found that three and a half years was an inappropriate time period.

Another issue with respect to inhumane treatment in the Caribbean is the method of execution. Most Caribbean states utilize hanging to carry out executions. Although cases have been brought to the regional courts regarding whether the method of execution constitutes cruel, inhuman, or degrading punishment, there is yet to be a definitive decision on the issue. Despite what has been described as the “gruesome and degrading nature” of the punishment, many retentionist countries in the Greater Caribbean have immunized the form of punishment from constitutional challenge.

### **3. The third issue we raise today is the application of International and Regional Human Rights Law<sup>15</sup>**

Some retentionist Caribbean countries have rejected recommendations by international bodies to reduce the use of, or abolish the death penalty. For example, Jamaica, Trinidad and Tobago, and Guyana have withdrawn from the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), which allows individuals who have exhausted all domestic remedies to appeal to the United Nations Human Rights Committee. Further, government officials in both Jamaica and Trinidad and Tobago have expressed their desire to increase both the number of death sentences and executions. Recently, St. Kitts and Nevis and Trinidad and Tobago amended legislation that increased the types of evidence

admissible in a criminal case, including statements of witnesses who have retracted their statements, or who are not available to testify in court.

In Barbados and Jamaica constitutional amendments have been enacted to counter the effect of the principles established by *Pratt and Morgan* and other cases by excluding the Courts' jurisdiction to adjudge that the carrying out of execution is unconstitutional by reason of the conditions under which persons sentenced to death are detained pending execution or the length of time which elapses between the date of sentencing and the date of execution.

In Belize, the Eighth Amendment Bill was introduced in 2011 to amend Section 7 of the Belize Constitution prohibiting torture and inhuman or degrading punishment or treatment. The proposed amendment would have precluded constitutional challenges to the death penalty by stating that certain circumstances previously found to violate Section 7 are not unconstitutional. In effect, the proposed amendment would have increased the government's authority to execute a convicted person. That bill did not pass. A Ninth Amendment Bill was later proposed that would bar "any challenge in any court of law on any ground whatsoever" any amendment to Belize's constitution. In other words, it would have eliminated any recourse to Belize's domestic courts to protect basic rights. As a result of advocacy efforts, the Ninth Amendment Bill passed in late 2011, but without harmful language curtailing the courts' jurisdiction to hear such challenges.

Trinidad and Tobago withdrew from the American Convention on Human Rights (ACHR) in 1998 and withdrew from the First Optional Protocol to the ICCPR in 2000. In September 2013, Venezuela, the first State to abolish the death penalty in the Americas, withdrew from the ACHR.

The Government of Trinidad and Tobago intends to re-introduce a Bill entitled the Constitution (Amendment) (Capital offences) Bill 2015, seeking to amend the Country's Constitution. Inter alia, if this Bill is passed, it will allow the State to circumvent the ruling

in Pratt and Morgan (1993) and make it easier for hanging to be resumed. Such a Bill will require a special majority in both Houses. The last time such a Bill was laid in Parliament in 2013, the Opposition Party did not support it and it fell. Since elections will be held this year (2015), capital punishment may very well be an election issue.

Guatemala presents a positive example. Although capital punishment is included in the Penal Code for some crimes<sup>16</sup>, no one has been executed since 2000, its death row is empty and it has voted for the moratorium at the UN General Assembly General. Also, Guatemala has followed the rulings of the Inter-American Court of Human Rights in the cases of *Raxcacó Reyes v. Guatemala* (regarding the prohibition of any amplification of capital punishment to new or different crimes) and *Fermín Ramírez v. Guatemala* (a case which highlighted the absence of an appropriate procedure in Guatemala for persons sentenced to death to seek pardon or clemency). On the other hand, some of the political parties are promising the imposition of the death penalty<sup>17</sup> if they win the upcoming election.

#### **4. Of concern to GCL also is the need for information about inmates on death row**

Although statistics about the persons waiting for execution in the countries of the Greater Caribbean is public information and should be made available to interested parties, the reality is that such data is extremely difficult to obtain. Basic information, like the precise number of persons on death row and their characteristics are not available. Access to information on the application of the death penalty in the Greater Caribbean is crucial to present both the citizenry and the public authorities with accurate data regarding this human rights violation.

#### **5. GCL also raises with the Commission concerns about the need for adequate procedures, practices, and infrastructure relating to crime**

While the crime rate remains high in many of the countries in the region, inadequacies in law enforcement and preventive measures hinder progress. Inter alia, GCL is aware of the 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.

**6. GCL's 6<sup>th</sup> area of concern relates to the application of capital punishment in the Commonwealth of Puerto Rico<sup>18</sup>**

The unique situation of the death penalty in Puerto Rico deserves a special section. To understand the peculiar situation of the Commonwealth of Puerto Rico, it is important to refer concisely to its legal and political status with the United States. Puerto Rico is subordinate to U.S. sovereignty after the Treaty of Paris, which ended the Spanish-Cuban- American War of 1898. Puerto Rico adopted its Constitution in 1952, which excluded this nation from the application of Chapter XI of the Charter of the United Nations<sup>19</sup>. However, under the Territorial Clause of the United States Constitution<sup>20</sup> and Section 9 of the Federal Relations Law<sup>21</sup>, the Congress legislates in Puerto Rico.

Puerto Rico abolished the death penalty by statute on April 26, 1929.<sup>22</sup> In 1952, Puerto Rico's Constitution expressly prohibited the death penalty<sup>23</sup>. Puerto Rico became one of the first jurisdictions in the world to constitutionally ban the death penalty.<sup>24</sup> Opposition to capital punishment goes beyond its statutes. In a 2013 survey conducted by the largest newspaper in Puerto Rico, 57% of respondents opposed the death penalty for all cases and only 25% of respondents were in favour of it.<sup>25</sup>

Despite Puerto Rican longstanding constitutional prohibition and historical opposition to the death penalty, citizens of Puerto Rico are subject to capital punishment for federal crimes

prosecuted by the United States Department of Justice. Pursuant to the political relationship between Puerto Rico and the United States, federal prosecutors are permitted to seek the death penalty for certain crimes committed in Puerto Rico.<sup>26</sup> In 1994, the Federal Death Penalty Act was enacted and imposed the death penalty for 60 offenses.<sup>27</sup>

Federal prosecutors seek the death penalty in Puerto Rico at higher rates than other states. The U.S. District Court for the District of Puerto Rico is one of the most active in certifying death penalty cases, although no death sentences have been imposed. Between 1998 and September 2012, the Department of Justice authorized the certification of 493 death penalty cases throughout the U.S.<sup>28</sup> Of these cases, 25 (or about 5.1%) were in the District of Puerto,<sup>29</sup> though the Puerto Rican population is equivalent to only one percent of the U.S. population.<sup>30</sup> Only six states had higher rates of death penalty case certification, and all have significantly higher populations.<sup>31</sup> The likelihood that the death penalty will be sought in Puerto Rico is 3.5 times greater than in the rest of the United States.<sup>32</sup>

Similar to the rest of the United States,<sup>33</sup> ethnic minorities constitute a disproportionate percentage of defendants being prosecuted with the death penalty in Puerto Rico. Of the 25 death penalty prosecutions in Puerto Rico between 1998 and 2012, all defendants were from ethnic minorities.<sup>34</sup>

Also, a defendant being prosecuted for a death penalty case in Puerto Rico is not necessarily guaranteed a jury of his peers. Only individuals who can speak, “read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form” can serve as jurors before a federal tribunal.<sup>35</sup> This requirement effectively excludes 80% to 90% of the population of Puerto Rico.<sup>36</sup> To serve on a jury, one must be willing to impose the death penalty; those who are unwilling are almost invariably stricken, even though Puerto Rico’s Constitution and a majority of its population do not support the death penalty.<sup>37</sup>

Despite aggressive certification of the federal death penalty, Puerto Ricans have rejected it in all cases. In all 25 cases, no defendant in Puerto Rico has been sentenced to death. During the 2012 electoral campaign, “all of the gubernatorial candidates showed their rejection” of the death penalty and some even participated in public demonstrations.<sup>38</sup> This ongoing rejection of the death penalty evidences the continued conviction of its people, as enshrined in the Puerto Rico Constitution, that the right to life is a fundamental human right.

In addition to the application of the death penalty and by virtue of federal legislation, any person who is physically present in Puerto Rico and who has been accused of committing a crime that can carry the death penalty in another US jurisdiction is subject to being extradited from Puerto Rico to the jurisdiction where the alleged crime was committed, without the government of the Commonwealth of Puerto Rico being able to oppose it.<sup>39</sup>

#### **F. RECOMMENDATIONS TO THE COMMISSION**

GCL urges the Commission to implement the following recommendations targeted at all Member States of the OAS, particularly those that still retain the death penalty:

1. Sign and/or ratify the key international instruments which aim at the abolition of the death penalty (the First and the Second Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR), and the Protocol to the American Convention on Human Rights to Abolish the Death Penalty).
2. Strengthen their criminal justice systems, for example, by
  - a. 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,
  - b. dealing with inordinate delays in the system due, for example, to Court backlogs and high case load,
  - c. developing and implementing effective witness protection programmes, and

- d. dealing with incompetence and corruption, for example, in some Police Forces.
3. Request retentionist Member States of the OAS to provide accurate and ongoing information to the IACHR about persons sentenced to death and their demographic characteristics.
4. Build on the positive developments in the region and establish a moratorium on executions, with a view to abolish the Death Penalty and commute all death sentences to terms of imprisonment.
5. Request that the Government of the United States immediately declares a moratorium on the application of the Federal Death Penalty Act in Puerto Rico and the certifications of death penalty cases, and prohibit their use in court proceedings already initiated before the Court of the Federal District for the District of Puerto Rico.
6. Take appropriate action to address the root causes of crime, employ innovative and effective strategies to reduce crime, address the needs of the victims of crime, and find non-lethal means to protect society from offenders.

In the spirit of collaboration, GCL hopes to continue working with you, Commissioners; to support the regional process at the OAS towards the total abolition of the death penalty; and to cooperate with the Commission and OAS States in this process.

Thank you again for this valuable hearing. We are available to answer any questions Commissioners may have relating to our presentation.

**Table 1**  
**Summary of the Death Penalty in the Greater Caribbean<sup>40</sup>**

	Method of execution	Year of last execution	Year of last death sentence	Persons waiting for execution
Antigua and Barbuda	Hanging	1991	2000	7
The Bahamas	Hanging	2000	2013	3
Barbados	Hanging	1984	2014	11
Belize	Hanging	1985	2005	1
Cuba	Fire squad	2003	2003	0
Dominica	Hanging	1986	1998	0
Guatemala	Lethal injection	2000	2010	0
Guyana	Hanging	1997	2013	20-41
Jamaica	Hanging	1988	2010	2
St. Kitts and Nevis	Hanging	2008	2008	7
St. Lucia	Hanging	1995	2011	0
St. Vincent and the Grenadines	Hanging	1995	2008	1
Trinidad and Tobago	Hanging	1999	2014	7
Total				59-80



**Table 2**

**Reported Foreign Nationals under active sentence of death in the United States  
As of February 4, 2015**

Country	Nationals on US death row
Mexico	60
Cuba	9
El Salvador	8
Honduras	6
Jamaica	3
Colombia	3
The Bahamas	3
Trinidad	2
Guatemala	2
St. Kitts and Nevis	1
Costa Rica	1
Nicaragua	1
Haiti	1
Dominican Republic	1
Total	101

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## ENDNOTES

- <sup>1</sup> A copy of our Constitution is available at <https://gcforlife.files.wordpress.com/2014/04/gcl-constitution.pdf>
- <sup>2</sup> <https://gcforlife.files.wordpress.com/2014/12/gcl-newsletter-3-dec-2014.pdf>
- <sup>3</sup> Antigua and Barbuda, The Bahamas, Barbados, Belize, Costa Rica, Colombia, Cuba, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago and Venezuela.
- <sup>4</sup> Anguilla, Aruba, British Virgin Islands, Cayman Islands, French Guyana, Guadeloupe, Martinique, Montserrat, Netherlands Antilles, Puerto Rico, Saint-Barthélemy, Saint Martin, Turks and Caicos, and the U.S. Virgin Islands.
- <sup>5</sup> As classified by Amnesty International, <http://amnesty.org/en/death-penalty/abolitionist-and-retentionistcountries>.
- <sup>6</sup> In 3 March 2015, the Parliament of Suriname voted to remove the death penalty from its Criminal Code.
- <sup>7</sup> See Table 1.
- <sup>8</sup> See Table 2. Warren, M., *Reported Foreign Nationals Under Sentence of Death in the U.S.*, Human Rights Research, <http://deathpenaltyinfo.org/foreign-nationals-and-death-penalty-us#Nationality>
- <sup>9</sup> Redacción Judicial. “General Palomino propone abrir debate sobre pena de muerte para crímenes atroces”, *El Espectador*, 15 de febrero de 2015, <http://www.elespectador.com/noticias/judicial/general-palomino-propone-abrir-debate-sobre-pena-de-mue-articulo-544209>.
- <sup>10</sup> “Coronel en retiro dice impulsará pena de muerte”, *La Prensa Gráfica*, 3 de marzo de 2015, <http://www.laprensagrafica.com/2015/01/27/coronel-en-retiro-dice-impulsara-pena-de-muerte>; “GANA propone implementar pena de muerte”, *Contra Punto*, 29 de julio de 2014, <http://www.contrapunto.com.sv/nacionales/politica/gana-propone-implementar-pena-de-muerte>; and Velasquez, E. “Diputado pide a pleno considerar la pena de muerte por aumento delincuencia”, *elsalvador.com*, 24 de julio de 2014, [http://www.elsalvador.com/mwedh/nota/nota\\_completa.asp?idCat=47673&idArt=8964076](http://www.elsalvador.com/mwedh/nota/nota_completa.asp?idCat=47673&idArt=8964076).
- <sup>11</sup> “CONADEH en contra de aplicar la pena de muerte en Honduras”, *Tiempo*, 11 de diciembre de 2014, <http://www.tiempo.hn/sucesos/item/11180-conadeh-en-contra-de-aplicar-la-pena-de-muerte-en-honduras>; and “Aplicación de la pena de muerte en Honduras genera debate”, *Televisión*, 8 de diciembre de 2014, <http://televisión.hn/nota/2014/12/8/aplicaci%C3%B3n-de-la-pena-de-muerte-en-honduras-genera-debate>
- <sup>12</sup> IACHR, *IACHR Urges OAS Member States to Abolish the Death Penalty*. October 10, 2014, [http://www.oas.org/en/iachr/media\\_center/PReleases/2014/115.asp](http://www.oas.org/en/iachr/media_center/PReleases/2014/115.asp)
- <sup>13</sup> Sections taken from Rupnow, J., *The Death Penalty in the Greater Caribbean, Detailed Fact Sheet*, pp. 5-7, <http://www.worldcoalition.org/media/resourcecenter/EN-2013WorldDayFactSheet.pdf>. Please consult this document for notes.
- <sup>14</sup> *Ibid*, p. 6
- <sup>15</sup> *Ibid*, pp. 3-4
- <sup>16</sup> Parricide (Article 131), Murder in extreme conditions (Article 132), Rape, if committed against a minor of 10 years and results in death (Article 175), Plagiarism or Kidnapping (Article 201), Enforced Disappearance (Article 201 ter), and Murder of any of the three Presidents of the State branches (Article 383).
- <sup>17</sup> “LIDER buscará aprobación de la pena de muerte”, *Emisoras Unidas*, 16 de julio de 2014, <http://noticias.emisorasunidas.com/noticias/nacionales/lider-buscara-aprobacion-pena-muerte>; and Paredes, E. “Manuel Baldizón asegura que de ganar aplicará pena de muerte”, *Prensa Libre*, 1 de junio de 2014, [http://www.prensalibre.com/escuintla/gira-politica-Escuintla-ofrece-pena-golpe-Constitucion\\_0\\_1148885285.html](http://www.prensalibre.com/escuintla/gira-politica-Escuintla-ofrece-pena-golpe-Constitucion_0_1148885285.html).

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<sup>18</sup> Most of this section was taken from The Advocates for Human Rights, *Stakeholder Submission to the United Nations for the Universal Periodic Review of the United States from America*, §§ 33-38, April-May 2015,

[http://www.theadvocatesforhumanrights.org/uploads/us\\_hrc\\_death\\_penalty\\_2014.pdf](http://www.theadvocatesforhumanrights.org/uploads/us_hrc_death_penalty_2014.pdf).

<sup>19</sup> Resolution 748 (VIII) of November 27, 1953.

<sup>20</sup> Second paragraph of section 3 of Article IV of the Constitution of the United States: “The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States”,

<sup>21</sup> 48 U.S.C. 734.

<sup>22</sup> See Act of Apr. 26, 1929, No. 42, § 1, 1929 P.R. Laws 232 (“The death penalty is hereby definitively abolished in Porto Rico.”) See also Elizabeth Vicens, *Application of the Federal Death Penalty Act in Puerto Rico: A New test for the Locally Inapplicable Standard*, 80 N.Y.U. L. REV. 350 (2005). The last execution in Puerto Rico took place on September 15, 1927.

<sup>23</sup> P.R. Const. Article II, section 7.

<sup>24</sup> Amnesty International, *Constitutional prohibitions of the death penalty* (Apr. 2005), AI Index: ACT 50/009/2005, available at <http://www.amnesty.org/en/library/asset/ACT50/009/2005/en/d8cfacd2-d50e-11dd-8a23-d58a49c0d652/act500092005en.pdf>

<sup>25</sup> “Fuerte rechazo a la pena de muerte”, *El Nuevo Día*, 10 de abril de 2013.

<sup>26</sup> *U.S. v. Martinez*, 252 F.3d 13 (1st Cir. 2002).

<sup>27</sup> See Pub. L. 103-322, Title VI, Sections 60001-26 (Sept. 13, 1994), 108 Stat. 1959 (codified at 18 U.S.C. §§ 3591-3598). The federal crimes carrying the threat of capital punishment include murder during a carjacking, during a bank robbery, and while using an illegal weapon, along with various drug-related crimes and espionage or treason.

<sup>28</sup> Federal Death Penalty Resource Counsel, *Federal Death Penalty* (May 14, 2014),

[https://www.capdefnet.org/FDPRC/pubmenu.aspx?menu\\_id=94&id=2094](https://www.capdefnet.org/FDPRC/pubmenu.aspx?menu_id=94&id=2094).

<sup>29</sup> *Ibid.*

<sup>30</sup> The estimated population of the United States is approximately 316 million, while the population of Puerto Rico is 3.7 million. United States Census Bureau, *Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2013 – 2013 Population Estimates*,

[http://factfinder2.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](http://factfinder2.census.gov/faces/nav/jsf/pages/community_facts.xhtml).

<sup>31</sup> See generally Federal Death Penalty Resource Counsel,

[https://www.capdefnet.org/FDPRC/pubmenu.aspx?menu\\_id=94&id=1902](https://www.capdefnet.org/FDPRC/pubmenu.aspx?menu_id=94&id=1902).

<sup>32</sup> Carmelo Campos Cruz, *Puerto Rico: la dimensión desconocida de la pena de muerte*, June 2013.

<sup>33</sup> Seventy-four percent of capital defendants are ethnic minorities. Federal Death Penalty Resource Counsel, *Current Stats re. Use of Federal DP* (May 14, 2014),

[https://www.capdefnet.org/FDPRC/pubmenu.aspx?menu\\_id=94&id=2094](https://www.capdefnet.org/FDPRC/pubmenu.aspx?menu_id=94&id=2094).

<sup>34</sup> *Ibid.*

<sup>35</sup> 28 U.S.C. § 1865(b) (2006); Act of June 25, 1906, Pub. L. No. 294, ch. 3542, 34 Stat. 466 (defining the qualifications of jurors in the United States District Court for the District of Puerto Rico).

<sup>36</sup> See generally Jasmine B. Gonzales Rose, *The Exclusion of Non-English-Speaking Jurors:*

*Remedying a Century of Denial of the Sixth Amendment in the Federal Courts of Puerto Rico*, 46

Harv. C.R.-C.L. L. Rev. 497; see also U.S. Census Bureau, *Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for Puerto Rico: 2006-2008* (April 2010), <https://www.census.gov/hhes/socdemo/language/>.

<sup>37</sup> P. R. Const. Art. II, Section 7.

<sup>38</sup> Carmelo Campos Cruz, *supra*.

<sup>39</sup> *Pueblo v. Juan Martinez Cruz*, 2006 TSPR 074, and (in reconsideration) 2006 TSPR 110.

<sup>40</sup> Sources: Amnesty International, Death Penalty Project, Death Penalty Worldwide database and others.