

**Leela Ramdeen's presentation for GCL Speaking Tour:
3 to 17 October 2014**

Greetings my brothers and sisters. It is an honour and a pleasure to be here with you today as we observe the 12th World Day Against the Death Penalty, which, in fact, falls on 10 October. This year the focus is on “Mental Health.”

As the World Coalition against the Death Penalty states, the intention is to draw attention to “people with mental health problems who are at risk of a death sentence or execution. While opposing the death penalty absolutely, abolitionists are also committed to see existing international human rights standards implemented. Among these is the requirement that persons with mental illness or intellectual disabilities should not face the death penalty.” I will return to this issue later in my presentation.

BACKGROUND TO GCL:

Members of The Greater Caribbean for Life (GCL) oppose the Death Penalty in all its forms and for any reason. You will note from the brochure that we have circulated, that 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, on 1 October 2013. GCL’s Executive Committee comprises:

- Myself as Chairperson, The Catholic Commission for Social Justice, Trinidad & Tobago;
- Deputy Chairperson: Carmelo Campos-Cruz, Puerto Rico Coalition Against the Death Penalty;
- Secretary: Mariana Nogales Molinelli, Puerto Rico Coalition Against the Death Penalty;
- Deputy Secretary: R.E. Barnes, Bahamas Human Rights Network, or BHRN (pronounced Burn), Bahamas;
- Treasurer: Fenella Wenham, D'Infinite Inc., Dominica.
- Other Executive Members: Dr. Lloyd Barnett, Independent Jamaica Council for Human

Rights; and Mario Polanco, Grupo de Apoyo Mutuo, Guatemala

GCL has been fortunate to recruit the services of Lysiane Darnat as Coordinator of the organisation. She has played a major role in the development of GCL's introductory brochure and Strategic Plan.

Our ultimate goal is the permanent abolition of the death penalty in every country in the Greater Caribbean and the creation of a culture of respect for the human right to life and the inherent dignity of all human beings.

GCL acknowledges that before we were established, many individuals and organizations laboured for years in our region seeking the abolition of the death penalty. It was the First Greater Caribbean Conference against the Death Penalty, held in Madrid in 2011, that paved the way for the creation of GCL.

GCL was incorporated under the laws of the Commonwealth of Puerto Rico on 31 January 2014. Our organization is independent of religious creed and political allegiance and maintains its status as an independent, non-sectarian civil society organization which encompasses persons with the greatest diversity of positions and beliefs.

We recognize the importance of raising our voices as members of Greater Caribbean civil society against State executions; we also understand the great potential of cooperating with other national, regional and international organizations that share the objective of working towards the abolition of the death penalty.

To date, membership of GCL includes representatives from *Antigua & Barbuda, Bahamas, Belize, Cuba, Dominica, Grenada, Guatemala, Guyana, Jamaica, Puerto Rico, St Vincent & the Grenadines, and Trinidad and Tobago*. We are in the process of recruiting more organizations and activists, both from retentionist and abolitionist countries from our region. We hope that you will consider joining us. **Membership Forms** are available. Please take one and complete it.

CHALLENGING TIMES:

We live in challenging times, and in a region in which crime is on the increase. We need a measured response to this social ill – a response that will help us to build a culture of life, rather than one that will continue to feed the culture of death that threatens to overwhelm us. Too often politicians and citizens “bay for blood” with cries of “hang them high”. Sadly, all this does is to raise the

temperature in our respective countries and divert attention from the real issues that should concern us.

As the US Bishops rightly stated: “The death penalty offers the tragic illusion that we can defend life by taking life.” This sentiment was also expressed years ago by Victor Hugo, author of *Les Misérables*, when he said: “What says the law? You will not kill. How does it say it? By killing!”

There is strength in unity, and while we celebrate the fact that about **140 countries** around the world have abolished the death penalty in law or practice, and that there is a global trend to move away from the death penalty, we cannot afford to be complacent. As we have seen, one or two countries that had abolished the death penalty have re-instated it (e.g. Gambia and India).

(98 countries have abolished the death penalty for all crimes. 7 countries have abolished the death penalty for all crimes except extraordinary crimes such as those committed in times of war. 35 countries are in practice abolitionists: the death penalty is still provided for in legislation but no executions have been carried out for at least 10 years and there is an established practice not to carry out executions. 58 countries and territories still uphold the death penalty and use this punishment. In the USA 32 States hold on to what the late Nelson Mandela referred to as “a barbaric act”. 18 States have abolished the death penalty.

During 2013 at least 778 prisoners (excluding China) were executed in 22 countries and at least 1925 people were sentenced to death in 57 countries. These figures only reflect cases of which Amnesty International was aware and the actual number is certainly higher. In 2013, the nations with the highest number of executions were China, Iran, Iraq, Saudi Arabia and the USA. (WCADP).

As long as the spectre of the death penalty stalks our world, we will need to be advocates to rid the world of this scourge, which, as **Pat Browne, former Governor of California** said, “**is primarily inflicted upon the weak, the poor, the ignorant, and minorities.**”

This reminds me of the saying: “**Capital punishment is for those who have no capital.**” The words of Ruth Bader Ginsburg, Justice of the Supreme Court of the USA, reflect this sentiment. She said: “People who are well represented at trial do not get the death penalty.”

The Facts about the Death Penalty outlined by the Death Penalty Information Center is worth noting – see “Race of Defendants executed in the USA”, “Death row inmates by race” etc.

The high murder rate in some Caribbean countries is a major stumbling block in GCL's path. Many politicians in the region continue to use the death penalty as the 'bogeyman' whom they 'whip' out whenever there is a rise in crime. For example, the Prime Minister of Trinidad and Tobago has stated that she sees the death penalty as "a weapon" in her Government's "arsenal" to fight crime.

After GCL was established on 2 Oct 2013, Ms Chiara Sangiorgio, Amnesty International, Nicole Sylvester, GCL's then Deputy Secretary, and I met with the Attorney-General (AG) of Trinidad and Tobago. He made it clear that all the AGs of the English-speaking Caribbean had met and had all agreed not to support the removal of the death penalty from their Criminal Codes. He also stated that Trinidad and Tobago has no intention of removing the mandatory death penalty from its legislation.

GCL faces a number of challenges. For example:

- Any international intervention on human rights issues in our region (especially from Europe) is often perceived as an imposition of former colonial metropolitan powers, and can often be counterproductive. This is why it is critical that a strong local/regional abolitionist movement such as GCL be developed and supported if we are to bring about the necessary cultural shift in public opinion and influence the 'powers that be';
- Recruiting membership in the region. In some countries many are fearful of repercussions if they raise their heads above the parapet and join GCL, or their political persuasion is such that they support the death penalty. So, for example, both the Government and the Opposition in Trinidad and Tobago support the death penalty – and so do most of their supporters. This is why there is an urgent need to educate/sensitize the public about the ineffectiveness and unprincipled nature of the death penalty and to recommend solutions to violent crime in the region.

The 11th World Day Against the Death Penalty (10 October 2013) was dedicated to the Greater Caribbean. GCL members organised a number of activities in their respective countries, for example, seeking to mobilise the media by raising awareness of death penalty issues via media releases, panel discussions on the death penalty and so on.

In June 2014, members of GCL's Executive participated in the **12th General Assembly** of the World Coalition Against the Death Penalty (WCADP) held in Puerto Rico. Since the focus for World Day in 2014 was: **MENTAL HEALTH**, experts and practitioners at the WCADP General Assembly, in advance of World Day, focused on the fact that people with mental health

issues are disproportionately and wrongly affected by the death penalty, both before and after sentencing.

According to the expert psychologists, some of the key aggravating factors were the fact that intellectual disabilities are difficult to diagnose, and qualified experts are often difficult to find. In the Caribbean, it was noted that many defendants in capital cases failed to raise issues of mental health in the courts, because they had not been diagnosed or could not afford forensic experts; and that in some countries, experts were scarce or were employed by the State, which made them less independent.

It was suggested that such cases should be appealed on the grounds of new evidence, which is possible in many Caribbean jurisdictions, to create jurisprudence. As Sue Gunawardena-Vaughn, director of Amnesty International USA's Program to Abolish the Death Penalty said: "A society that denies mental health care to those who need it the most and then subsequently executes them is cruel and inhumane at its very core. All of us need to be asking, 'Is this the kind of society that we envision for ourselves?' My answer is that we can and must do better." (www.amnestyusa.org/node/87240)

Many believe that prisons are becoming the mental institutions of the 21st Century. In 1998 the Bureau of Justice Statistics estimated that 283,000 mentally ill individuals were incarcerated in U.S. jails and prisons. It is estimated that 5-10% of death row inmates suffer from serious mental illness. It is a scandal that in the USA alone since 1983 over 60 persons with mental illness or intellectual disability have been executed. (www.aclu.org/files/pdfs/capital/mental_illness_may2009.pdf)

(see WCADP poster, leaflet, & Handbook of Forensic Psychiatric Practice in Capital Cases (The Death Penalty Project – Nigel Eastman, Tim Green, Richard Latham, Marc Lyall).

(See below for further GCL activities)

The inhumanity of the death penalty:

I now wish to focus on the inhumanity of the death penalty itself. I preface what I say by stating categorically that GCL condemns the rise of violent crime in our region and expresses solidarity with victims. We urge everyone to reach out to the families of victims – and indeed, to the families of offenders to provide pastoral support.

However, in the face of violent crime, GCL 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.

WCADP and other organisations have put forward many **arguments for the abolition of the death penalty**. For example, the death penalty

- violates the right to life which is the most basic of all human rights;
- it violates the right not to be subjected to torture, cruel, inhuman and degrading treatment and punishment – enshrined in many of our Constitutions;
- undermines human dignity which is inherent, inalienable and inviolable;
- is irreversible and irreparable;
- is often handed down to innocent persons and some innocent persons have actually been executed as a result of flaws in the criminal justice system. Michael Radelet and Hugo Adam Bedau have published accounts of more than 400 cases where persons in the USA were wrongfully convicted in capital or potential capital cases.

As Charles Wilton, a volunteer at Amnesty International, reminds us: “When the death penalty was suspended in the United States in the 1972 Supreme Court ruling of *Furman v Georgia*, innocence was a primary consideration. In a concurring opinion to that ruling, Justice Thurgood Marshall wrote, “No matter how careful courts are, the possibility of perjured testimony, mistaken honest testimony, and human error remain all too real. We have no way of judging how many innocent persons have been executed, but we can be certain that there were some.””The Supreme Court lifted its suspension in 1976, declaring that states had appropriately revised their death statutes to be in compliance with constitutional due process requirements. The era of America's new and improved death penalty had begun.”

Sadly, we know that criminal justice systems in the USA and elsewhere continue to be vulnerable to error. I have here a document entitled: *The Innocence List* - produced by the Death Penalty Information Center. It lists 146 persons who have been exonerated after they had been convicted and sentenced to death – from 1973 to 2 Sept 2014. Since that date there have been even more exonerees e.g. Leon Brown and Henry McCollum,

half-brothers who were 15 and 19 respectively when they were convicted and sentenced to death in 1984 (more than 30 years ago) for the rape and murder of an 11 year old girl. Both men have intellectual disabilities and, as reported in the media on their release from prison in North Carolina on Sept 2 2014, they were interrogated under duress until they confessed to the crime. “DNA evidence from the crime scene implicated a man who was convicted of a similar crime...Brown’s sentence had previously been reduced to life in prison, but McCollum remained on death row for more than 30 years.”(www.deathpenaltyinfo.org) .

Juan Melendez, a Puerto Rican who has spent 17 years, 8 months and 1 day on death row for a crime for which he was exonerated, has been involved in GCL’s Speaking Tour. He is number 97 on *The Innocence List*. His experiences truly highlight the inhumanity of the death penalty.

- has no deterrent effect on the incidence of murder. It is useful to note the “results from a survey of the world’s leading criminologists that asked their expert opinions on whether the empirical research supports the contention that the death penalty is a superior deterrent. The findings demonstrate an overwhelming consensus among these criminologists that the empirical research conducted on the deterrence question strongly supports the conclusion that the death penalty does not add deterrent effects to those already achieved by long imprisonment.” (<http://www.deathpenaltyinfo.org/files/DeterrenceStudy2009.pdf>)

This July 2009 survey was conducted by Prof Michael Radelet Ph.D., Professor and Chair, Department of Sociology, University of Colorado-Boulder, and Traci Lacock, a second-year student in the Ph.D. program, Department of Sociology, University of Colorado-Boulder, and a 2005 graduate of the University of Wyoming Law School. The findings are published in an article in the *Journal of Criminal Law and Criminology* 99 (489-508) – entitled: “*Do Executions Lower Homicide Rates? The Views of Leading Criminologists.*”

94% of the criminologists who responded to the poll (about 76 out of 94) stated that there is little empirical evidence from existing research to support the deterrent effect of the death penalty. Radelet and Lacock state in the above article: “Our survey indicates that the vast majority of the world’s top criminologists believe that the empirical research has revealed the deterrence hypothesis for a myth...the consensus among criminologists is that the death penalty does not add any significant deterrent effect above that of long-term imprisonment.”

90% of the criminologists polled said that the death penalty had little effect overall on the committing of murder. 91% said that politicians support the death penalty to appear tough on crime. 75% said that it distracts legislatures from focusing on real solutions to crime. 91.6% said that increasing the frequency of executions would not add a deterrent effect.

(See also Resolution 62/206 – General Assembly of the United Nations – it endorses the claim that there is no conclusive evidence that the death penalty has a deterrent effect).

Here in our Caribbean region, The Honourable the *Chief Justice*, Mr Justice *Ivor Archie* of Trinidad and Tobago, said at the opening of the Law Term, 2010: “I am yet to see any persuasive empirical evidence that executions significantly reduce murder or crime rates generally... social scientists... suggest(s) that the certainty of conviction, and within a reasonably quick time, is a more potent factor.”

It is also worth noting that in the USA, where 32 States maintain the death penalty and 18 States have abolished it, States without the death penalty have had consistently lower murder rates.

The following statements from Governors of Washington, Colorado, and Oregon who have halted executions in these states which still retain the death penalty speak for themselves:

In the past few years, the governors of Washington, Colorado, and Oregon have put a halt to executions in their states because of problems in the death penalty system. Below are some of the reasons they gave for for their actions.



[Governor Jay Inslee, Washington](#), February 11, 2014

"Equal justice under the law is the state's primary responsibility. And in death penalty cases, I'm not convinced equal justice is being served. The use of the death penalty in this state is unequally applied, sometimes dependent on the budget of the county where the crime occurred."

"There are too many flaws in the system. And when the ultimate decision is death there is too much at stake to accept an imperfect system. "

"When the majority of death penalty sentences lead to reversal, the entire system itself must be called into question."



Governor John Hickenlooper, Colorado, May 22, 2013

"If the State of Colorado is going to undertake the responsibility of executing a human being, the system must operate flawlessly. Colorado's system for capital punishment is not flawless."

"As one former Colorado judge said to us, '[The death penalty] is the result of happenstance, the district attorney's choice, the jurisdiction in which the case is filed, perhaps the race or economic circumstance of the defendant.'"

"The death penalty is not making our world a safer or better place."



Governor John Kitzhaber, Oregon, November 22, 2011

"I do not believe that those executions made us safer; and certainly they did not make us nobler as a society."

"The death penalty as practiced in Oregon is neither fair nor just; and it is not swift or certain. It is not applied equally to all."

"I am convinced we can find a better solution that keeps society safe, supports the victims of crime and their families and reflects Oregon values."

Let us focus a bit more on The Greater Caribbean region which is also known as the Caribbean Basin. It is composed of 25 countries. It includes 13 Caribbean island nations, the Caribbean states of South America, and the countries of Central America and Mexico (in addition to the US, British, Dutch and French Caribbean territories).

In the Greater Caribbean, 10 countries are abolitionist in law: Colombia, Costa Rica, Dominican Republic, El Salvador (for ordinary crimes only), Haiti, Honduras, Mexico, Nicaragua, Panama, and Venezuela. "Capital punishment has been abolished for decades in the Spanish-speaking Dominican Republic, and the death penalty is not used in French, British and Dutch dependencies in the Caribbean. Religious and cultural opposition to the death penalty holds sway in the U.S. Caribbean island of Puerto Rico, where jurors often reject federal prosecutors' request for capital punishment."(www.jamaicaobserver.com)

2 countries are considered abolitionist in practice: Grenada (last hanging took place in 1978) and Suriname (the last execution that took place there was in 1982). You will be aware that in May 2014, Justice and Police Minister Edward Belfort, announced that Suriname plans to remove the death penalty from its Criminal Code and increase the maximum jail term for life sentences from 20 to 30 years. A draft modification of Suriname's Criminal Code was due to be sent to the country's National Assembly for consideration.

It is important to note that, as reported in the media, this Justice Minister is of the opinion that "it is not the government's prerogative to decide who lives or dies." In March 2014 he said that "countries that apply it (the death penalty) would be expected to be the safest countries in the world, yet still have many murders committed on a daily basis.

(At the 12th General Assembly of the World Coalition Dr. Ruth Wijdenbosch, Deputy Speaker of the National Assembly of Suriname and Member of the

Executive Committee of Parliamentarians for Global Action (PGA) updated participants on developments in Suriname. She stated that in February 2014, a delegation from the International Commission against the Death Penalty visited Suriname and further encouraged the government of Suriname and the National Assembly to adopt a Criminal Code with no provision for the death penalty. The delegation also recommended the government of Suriname to vote in favour of the UN General Assembly resolution on the global moratorium of the death penalty during the next vote in late 2014. The draft of the revised Criminal Code in which the death penalty has been removed, was first considered by the Surinamese State Council (Staatsraad), after which it was presented by the President to The National Assembly in May 2014. The parliament, where the move for abolition benefits from a consensual support across party lines, immediately established a Special Committee to prepare the bill's discussions. The committee is currently holding hearings with relevant organizations before presenting its findings to the Plenary.

She explained that while parliamentarians were committed to ending capital punishment, they also considered that the pain of relatives who have lost a family member in the hands of criminals was to be considered very seriously, and therefore other amendments to the Penal code were also being considered, such as provisions “to increase the sentences for severe crimes, like murder, from 15 to 20 years and to amend the maximum time for life sentences from 20 to 30 years”.)

13 countries in this region are retentionist: Antigua and Barbuda, Bahamas, Barbados, Belize, Cuba, Dominica, Guatemala, Guyana, Jamaica, St. Kitts & Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago.

It is noticeable that almost all are English-speaking countries. Trinidad & Tobago and Barbados still retain the mandatory death penalty for murder, although Barbados plans to abolish it. No one has been executed in Barbados since 1984.

On 27 March 2014, it was reported in the media that Attorney General Adriel Brathwaite told reporters on Tuesday 25 March 2014 that the mandatory death penalty should be formally dropped. “He said the government is preparing legislation to remove the clause that prevents judges from taking into account the circumstances in which a slaying was committed or other mitigating factors...the government will engage islanders in a public dialogue on the issue.” To date there has been no action taken to put these words into action.

There are **108 persons on the death rows of eight Caribbean countries**, Guyana and Trinidad and Tobago being the most populated ones, with 42 and 36 individuals waiting for execution, respectively (www.worldcoalition.org/worldwidedatabase.html).

The paradox of the retentionist countries in the Caribbean is that since 19 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 oppose abolition. That was the region's first hanging since an execution in Cuba in 2003. Anthony Briggs is the last person to have been executed by the Republic of Trinidad and Tobago – on July 28, 1999. A month earlier, Dole Chadee and eight of his gang members, were hanged in TT.

Even though most of the Caribbean retentionist states have not carried out any execution for the past decade, they have consistently voted against the UN General Assembly resolutions on a moratorium on the use of the death penalty – in 2007, 2008, 2010, and 2012 - and have signed the Note Verbale, dissociating them from the moratorium. The next Resolution on a moratorium on the use of death penalty will be put to vote at the 69th session of the UN General Assembly in December 2014. GCL has written to all PMs in the region asking them to vote for the moratorium.

It is noteworthy that while the English-speaking countries in our region have dissociated themselves from the moratorium, it is almost impossible for any of these countries to implement the death penalty – because of the rulings by the Judicial Committee of the Privy Council, (JCPC) in a series of cases.

The JCPC accepts the legality of judicial death sentences in English-speaking Caribbean countries, and seeks to respect the fact that capital punishment remains on the Criminal Codes of these countries. However, rulings such as that in the 1993 case of **Pratt and Morgan v AG of Jamaica** make it clear that its imposition must conform to strict human rights standards. It must be remembered that Belarus is the only country in the European Union that still retains the death penalty.

(The last executions in the United Kingdom were by hanging, and took place in 1964, prior to capital punishment being abolished for murder (in **1965** in Great Britain and in 1973 in Northern Ireland). Although not applied since, the death penalty was abolished in all circumstances in 1998.) (Wikipedia)

The JCPC concluded in this Jamaican case that "in any case in which execution is to take place more than five years after sentence, there will be strong grounds for believing that the delay is such as to constitute 'inhuman or degrading

treatment' and therefore unconstitutional. The effect of this case is that individuals who spend more than five years on death row cannot be executed” (www.deathpenaltyproject.org/where-we-operate/caribbean).

There are a number of other cases that are of note in our region:

- in the 1996 TT case of *Guerra v Baptiste*, the JCPC stated that 4 years and 10 months was too long a period to hold someone on death row after sentence;
- in 1997 in the Bahamian case of *Henfield v AG of Bahamas*, the JCPC stated that 3 ½ years constituted inappropriate delay;
- in 2009 in *Trimmingham v The Queen* – a case from St Vincent and the Grenadines, the Law Lords laid down 2 key principles as to whether the death penalty should be imposed:
 - a. that the death penalty should be imposed only in cases which, on the facts of the offence are the most extreme and exceptional, ‘the worst of the worst’ or ‘the rarest of the rare’; and
 - b. that there must be no reasonable prospect of reform of the offender and that the object of punishment could not be achieved by any means other than the ultimate sentence of death’.
- in the 2011 Bahamian case of *Ernest Lockhart v The Queen*, Lord Kerr referred to another 2011 case – *Maxo Tido v The Queen*. Inter alia, he said that if the State is thinking of imposing the death penalty, it is not enough to submit a probation report. There may be a need also for more than a consultant psychiatrist’s report. There may be a need also for a report from a clinical psychologist.

As we can see, the JCPC seems to be setting higher and higher human rights standards. It is important to note an issue raised by Parvais Jabbar of the London Death Penalty Project at the General Assembly. He referred to a series of JCPC judicial decisions that limit the application of the death penalty 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. He pointed out that the judiciary could not outlaw capital punishment completely in most English speaking Caribbean countries so that progress through the courts had reached its limits because abolishing the death penalty was, at the end of the day, a political issue.

GCL believes that in our region we need principled, courageous leaders who will take appropriate action to reduce crime and who will find non-lethal means to protect society from offenders.

It is interesting that instead of considering alternatives to the death penalty, Trinidad and Tobago, for example, has tried to nullify the effects of Pratt and Morgan by seeking to amend the country's Constitution. A Bill was laid in Parliament in January and February 2013. However, the Opposition did not support the Bill and since a special majority is required to amend the Constitution, the Bill fell.

GCL members take advantage of every opportunity to appear, for example, on radio and television programmes to promote its work. We are vigilant and make use of reports and research that address anti-crime strategies and risk factors, such as, the 2012 UNDP report entitled: Human Development and the Shift to Better Citizen Security report.

It was launched on 8 February 2012 in Port of Spain, Trinidad and Tobago, "with the participation of the Honourable Kamla Persad-Bissessar, Prime Minister of the Republic of Trinidad and Tobago, UNDP Administrator, Ms. Helen Clark and UNDP Assistant Secretary General, Assistant Administrator and Director of the Regional Bureau for Latin America and the Caribbean, Mr. Heraldo Muñoz.

"This report reviews the current state of crime as well as national and regional policies and programmes to address the problem in seven English- and Dutch-speaking Caribbean countries: Antigua and Barbuda, Barbados, Guyana, Jamaica, Saint Lucia, Suriname, and Trinidad and Tobago. The Report offers recommendations to reduce and prevent violent crime while advancing human development in the region. Issues addressed in the study encompass, but are not limited to patterns of victimisation, gangs, youth violence, policy, the police, prosecution, corrections and courts in addition to risk factors and determinants.

"The study recommends that Caribbean governments implement youth crime prevention through education, as well as provide employment opportunities that target the marginalized urban poor. A shift in focus is needed it says, from a state protection approach to one that focuses on citizen security and participation, promoting law enforcement that is fair, accountable, and more respectful of human rights" (www.undp.org).

A key recommendation states that high rates of violent crime can be turned around by achieving a better balance between legitimate law enforcement and preventive measures, with an emphasis on prevention.

FURTHER GCL ACTIVITIES:

Since its inauguration, in order to raise awareness of its work and to develop a social media presence, GCL has created a Facebook page (www.facebook.com/GCFLife), a website (www.gcforlife.org) and a Twitter account: [twitter@GCLnoDP](https://twitter.com/GCLnoDP).

In **October 2013**, The Inter-American Commission on Human Rights (IACHR) advised Caribbean countries that still have the death penalty in their Criminal Codes, to abolish or at least impose a moratorium on its application. The IACHR, while noting the global trend towards the abolition of the death penalty, stated that: “The American Convention on Human Rights establishes provisions required to limit its application, with the aim of achieving its gradual disappearance.” (See Rabindra Rooplall’s 2013 article in the Guyanese newspaper: Kaieteur News). The IACHR also said it expects that additional progress would be made in this direction until mandatory imposition of this punishment is abolished in all the countries of the region.

As GCL's Chair, I was invited by the **Community Sant'Egidio** to send a brief message to be shown at the **VIII International Congress of Ministers of Justice** for the abolition of the death penalty that was held in Rome in **November 2013**. My presentation can be accessed via You Tube. (www.youtube.com/watch?v=p4g6LIJZzOg)

On **23 January 2014**, a **Memorandum of Understanding (MOU)** was agreed between GCL, the *Caribbean Institute for Human Rights*, and the *International Human Rights Clinic of the Inter- American University of Puerto Rico, School of Law*. The MOU will facilitate the preparation of Universal Periodic Review Shadow Reports on the Death Penalty for the countries of Grenada, Guyana, Jamaica and the USA (limited to Puerto Rico) and other reports sponsored by the United Nations Organization related to the Death Penalty.

Three shadow reports have been submitted by the Partners this year:

1. *Universal Periodical Review, Grenada* (13 June, 2014) – submitted with The Caribbean Institute for Human Rights, and The International Human Rights Clinic Inter-American University of Puerto Rico, School of Law - for consideration during the 21st Session of the UPR Working group of the Human Rights Council, January - February 2015.
2. *Committee on the Elimination of Racial Discrimination, USA* (29 July, 2014, Section V regarding **Puerto Rico**) – submitted with The Advocates for Human Rights and Puerto Rican Coalition against the Death Penalty.

3. *Universal Periodical Review, USA* (15 September, 2014, section regarding **Puerto Rico**) – submitted with The Advocates for Human Rights and Puerto Rican Coalition against the Death Penalty

On **7 February 2014**, GCL issued a Media Release urging the Government of the Bahamas to find non-lethal means to promote the safety and security of citizens. This followed a March in **Nassau** by more than 200 proponents of the death penalty, calling on the Government “to remove impediments to the resumption of capital punishment.” Nassau Guardian reported on GCL’s Media Release.

On **12 February 2014**, GCL wrote to the **Constitutional Reform Commission of Trinidad and Tobago** strongly recommending that the Commission include a recommendation in its report to abolish capital punishment in the country’s Constitution – in The Chapter on Fundamental Human Rights and Freedoms. Following a series of consultations, the Commission produced a report with a recommendation that said Chapter should not be altered. GCL’s letter urges the Commission to re-consider this decision.

In **April 2014**, GCL wrote to the respective Ministers of Foreign Affairs of the Organisation of American States (**OAS**) - Argentina, Brazil, Chile, Costa Rica, Dominican Republic, Honduras, Mexico, Panama, Paraguay, Uruguay, to their Permanent Representative to the OAS stationed in Washington D.C, and to a contact at the French mission, introducing the GCL and commending the Government of each of these States for the leading role it has taken in strengthening the legal and political debate on the death penalty in the Americas – by petitioning for and participating in the public hearing on the Human Rights Situation and the Death Penalty in the Americas, convened by the Inter-American Commission on Human Rights on 25 March 2014.

GCL considers that their participation in this process regionally, as well as their countries’ support at the level of the UN General Assembly for a global moratorium on the death penalty, demonstrates their commitment to the global campaign against capital punishment. In the spirit of collaboration, we expressed in our letter our willingness to support the regional process at the OAS towards the abolition of the death penalty and to cooperate with OAS States in this process.

We asked that recipients of our letter communicate our request to the appropriate officers within the Ministry of Foreign Affairs, in order for us to initiate a constructive dialogue and seek the best avenues for cooperation.

At the beginning of **June 2014**, GCL was successful in our application for funding from the Human Rights and Democracy Programme (HRDP). The grant was allocated to us to: “Strengthen and support anti-death penalty civil society activism in the Greater Caribbean.” This was a multi-country/regional bid and will support the GCL in implementing our Programme of work as outlined in our strategic plan. It includes funding to support, for example, the appointment of a Coordinator to assist GCL in implementing our goals, the organisation of training sessions, the preparation of campaigning material, the organisation of campaigning activities on World Day and beyond to educate the wider public, a speaking tour with invitee speaker in six retentionist countries, the mobilization of further support for abolition through outreach, and to join the international and regional lobbying efforts against the death penalty.

On Human Rights Day (10 October 2013 and 2014), GCL members issued media releases, and organised activities such as a Seminar, a competition for primary schools, a focus on the issue during school assemblies as part of its educational campaign to raise awareness of issues relating to the death penalty and to change hearts and minds so that everyone will respect the right to life of each human being.

THE FUTURE:

There is much work to do and it is heartening to note that new voices are being added to the millions around the world that call for the abolition of the death penalty. For example, **Pope Francis** called for an end to capital punishment in an address on October 23 to the International Association on Penal Law. “It is impossible to imagine that states today cannot make use of another means than capital punishment to defend peoples' lives from an unjust aggressor,’ the Catholic leader said. He cited the Catechism of the Catholic Church, which says that the death penalty can be used only if it is the ‘only possible way of effectively defending human lives against the unjust aggressor,’ and that modern alternatives for protecting society mean that ‘cases in which the execution of the offender is an absolute necessity are very rare, if not practically non-existent.’ Pope Francis said, ‘All Christians and people of good will are thus called today to struggle not only for abolition of the death penalty, whether it be legal or illegal and in all its forms, but also to improve prison conditions, out of respect for the human dignity of persons deprived of their liberty.’ In discussing a variety of criminal justice issues, he critiqued the tendency to focus solely on punishment, rather than addressing broader social issues.” (www.deathpenaltyinfo.org).

I wish to share the Catholic Church's teaching on capital punishment, and in particular, the 2 documents that members of our Antilles Episcopal Conference of Bishops (AEC) have produced:

- the pastoral letter on capital punishment (2000) – in which AEC Bishops rightly stated that: "The prophetic voice of the Church must be heard especially in times of moral and social crisis...regardless of the potential unpopularity of our Gospel message...Capital punishment symbolises a form of despair for the effective reform of persons."

- the AEC Bishop's Pastoral Letter: The Gift of Life – in which AEC Bishops expressed their "firm desire that the leaders and people of Caribbean society move toward the total abolition of the Death Penalty. Therefore, we should place emphasis on the rehabilitation of the offender rather than on his/her elimination."

Let it not be said, though, that Catholics are not concerned about the welfare of victims of crime. I agree with Archbishop Pinder, President of the AEC, who has said: "It is important to note that while we oppose the death penalty, we embrace the victims of violent crimes; those who are hurting and grieving for their loved ones who have been killed, at times in the most heinous ways. We urge each parish to establish victim support groups and seek to meet their physical, mental, spiritual, financial and other needs."

Since we are all made in the image and likeness of God, we must stand in solidarity with both victim and offender and with the families of both.

I end by citing further examples of **the inhumanity of the Death Penalty**. GCL condemns the death penalty not only for its inhumanity but for its potential cruelty. GCL has produced 2 Newsletters to date. In our issue dated July 2014, and in subsequent issues we will briefly examine the various methods of state executions. In this year (2014) three executions in the USA have highlighted the inhumanity and cruelty of the death penalty.

In **January 2014, Michael Lee Wilson**, an **Oklahoma** condemned man actually was heard to say as he suffered death: "I feel my whole body burning". In the same month **Dennis McGuire**, an **Ohio** inmate, suffered for 26 minutes after being injected with a lethal injection during which he repeatedly gasped with his mouth opening and closing. On **22 July Joseph Wood**, another condemned man in **Arizona**, was "gasping and snorting" for 117 minutes, nearly 2 hours, after the lethal injection was administered.

These developments led **Governor Jay Dixon of Missouri** to stay the execution of serial killer, **Joseph Paul Franklin** until a new drug can be found. US States are now seeking to find other drugs for the lethal injection, but the efforts meet with principled objection from countries which will not allow the supply of drugs for this purpose. The authorities have now to balance the morality and economics of obtaining the drugs from underground sources and the scientific effectiveness of the concoctions. Thus, in the determination to carry out executions, the Authorities are applying combinations of drugs, from unknown sources without any assurances as to what tests have been carried out or guarantee that their application will not amount to torture, inhumane treatment and cruel and unusual punishment.

As GCL seeks to build capacity and work to achieve our goals, we invite you to join us on our quest to: *Stop crime, not lives!* I thank you.

NOTES (see list of countries in the region where there are persons on death row).