

LEELA RAMDEEN'S PRESENTATION AT THE WCADP GENERAL ASSEMBLY

21 JUNE 2014

THE DEATH PENALTY IN THE CARIBBEAN.

Good morning, my friends. I wish to start by quoting Chief Justice, Ivor Archie of Trinidad and Tobago, who 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."

As the Chair of the Greater Caribbean for Life (GCL) and Chair of the Catholic Commission for Social Justice in Trinidad and Tobago, I wish to share with you progress that we are making in this region. Carmelo, our Moderator today, is Vice-Chair of this organization which, as you will note from the brochure that we have circulated, 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 & T
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: Nicole Sylvester, President of St. Vincent and the Grenadines Human Rights Association;
- 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 our Consultant who played a great role in assisting us to prepare our strategic plan and will Coordinate our work as we move forward to implement this 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 a full-fledged regional organization against the death penalty.

That organization is the GCL, which was incorporated under the laws of the Commonwealth of Puerto Rico on 31 January 2014. It is important to note that GCL 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.

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.

Before sharing information about the work in which GCL has been involved, it is important to contextualize our work within the region. The Greater Caribbean, also known as the Caribbean Basin, 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;

2 countries are considered abolitionist in practice: Grenada and Suriname.

You will be aware that in May 2014 (last month), 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".

13 countries 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. 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, respectively¹.

No one has been executed in Barbados since 1984. On 27 March 2014, it was reported in the media² 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."

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 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 – in July 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 and have signed the Note Verbale, dissociating them from the moratorium.

“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.”³

It is clear that the Judicial Committee of the Privy Council, while accepting the legality of judicial death sentences in English-speaking Caribbean countries, and thereby seeks to respect the fact that capital punishment remains on the Criminal Codes of these countries, rulings such as that in the 1994 Jamaican case of Pratt and Morgan, make it clear that its imposition must conform with strict human rights standards.

The Privy Council 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"⁴.

In the major part of the world, the homicide rate averaged at 6.9 per 100,000 people, but in Latin America and the Caribbean it was as high as 20 people per 100,000 - “In Trinidad and Tobago, the murder rate

increased five-fold over a decade,” said Heraldo Muñoz, assistant Secretary General of the United Nations.

The high murder rate 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 the murder rate.

After GCL was established on 2 Oct 2013, Ms Chiara Sangiorgio, Amnesty International, Nicole Sylvester, GCL’s 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.

Since its inauguration, in order to raise awareness of its work and to develop a social media presence, GCL has created a Facebook page⁵, a website⁶ and a Twitter account: twitter@GCLnoDP.

With the collaboration of the World Coalition, GCL was also able to secure funding and appointed Lysiane Darnat as a part-time Consultant for a period of four months. She was instrumental in assisting GCL in producing, for example, a high quality pamphlet about GCL and its work, and supporting the Executive in the production of a Strategic Plan.

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.

Members of the Executive met with the consultant on 11 and 12 January 2014 for its first meeting at the Universidad del Sagrado Corazón in San Juan, Puerto Rico.

During two days of intense work, a clear action plan was agreed upon – focusing mainly on short-term action that should be taken. Ideas for medium and long-term action were also noted. In addition, a draft logo was approved.

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.

On Human Rights Day (10 December 2013), GCL members organised activities such as a Seminar and a competition for primary schools 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.

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.

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 Human Development and the Shift to Better Citizen Security report⁷ which is of great use to us.

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.

“The Caribbean Human Development Report (CHDR) reviews the state of crime as well as the current efforts and programmes to address crime 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 CHDR 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.”

Among other things, it urges countries in our region, particularly the seven countries on which the research focused, to provide a better balance between law enforcement and preventive measures – with an emphasis on preventive measures.

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.”⁸ 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.

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.

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.⁹

At the beginning of June, 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 14 June, GCL, The Caribbean Institute for Human Rights, and The International Human Rights Clinic Inter-American University of Puerto Rico, School of Law, submitted a Shadow Report on the Death Penalty in the Republic of Grenada for consideration during the 21st Session of the UPR Working group of the Human Rights Council, January - February 2015.

There is much work to do. While GCL condemns the rise of violent crime in our region and expresses solidarity with victims, our 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.

I end with the words of Gregory Delzin, Attorney-at-Law, Trinidad and Tobago, and a supporter of GCL. In Dec 2013, he was a panellist at a Seminar that I organized in Trinidad on the DP:

“One of the most disturbing aspects of the death penalty, in my view, is that, human life appears to be valued according to the mood of society: Crime is high; hang them high, Crime is low, we then can afford to be charitable. The idea that the value of human life is dependent on the mood of society, undermines the very foundation of human rights. It makes human life subject to politics, media, public relations, lies, innuendo, fear, mauvais langue or simple ignorance.”

So, 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

¹ Source: Death Penalty Worldwide database, <http://www.worldcoalition.org/worldwide-database.html>

	Prisoners on death row
Antigua and Barbuda	7
Bahamas	1
Barbados	4
Belize	0
Cuba	0
Dominica	0
Guatemala	0
Guyana	42
Jamaica	8
St. Kitts & Nevis	7
Saint Lucia	0
Saint Vincent and the Grenadines	3

Trinidad and Tobago	36
Total	108

²http://www.jamaicaobserver.com/news/Barbados-to-abolish-mandatory-death-penalty_16336850

³ *Ibid.*

⁴ <http://www.deathpenaltyproject.org/where-we-operate/caribbean/>

⁵ www.facebook.com/GCFLife

⁶ www.gcforlife.org

⁷ [http://www.undp.org/content/dam/undp/library/corporate/HDR/Latin%20America%20and%20Caribbean%20HDR/C bean HDR Jan25 2012 3MB.pdf](http://www.undp.org/content/dam/undp/library/corporate/HDR/Latin%20America%20and%20Caribbean%20HDR/C%20bean%20HDR%20Jan25%202012%203MB.pdf)

⁸See: Rabindra Rooplall's article in the Guyanese newspaper: Kaieteur News: <http://www.kaieteurnews.com/2013/10/10/caribbean-urged-to-abolish-death-penalty/>

⁹ <https://www.youtube.com/watch?v=p4g6L1JZzOg>