

PUBLIC

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EXTRA 48/02

Fear of imminent execution/Legal Concern

28 June 2002

BARBADOS

Michael McDonald Huggins (m) aged 27
Frederick Benjamin Atkins (m) aged 31
Lennox Ricardo Boyce (m) aged 25
Jeffrey Joseph (m) aged 27

Those named above are scheduled to be executed by hanging on 2 July. Their appeals for clemency were rejected by the local Mercy Committee earlier this week, despite the fact that legal appeals for all four men have not yet been completed. If carried out, the executions would violate international law and thus constitute murder.

Huggins was convicted for the 1999 murder of 21-year-old Stephen Ricardo Wharton. Atkins was sentenced to hang in July 2000 for the October 1998 murder of 20-year-old Sharmaine Hurley. Boyce and Joseph were sentenced to death for the killing of 22-year-old Marquelle Hippolyte on April 15, 1999. The Court of Appeal affirmed the death sentences of all four on March 27 2002.

Lawyers acting for the men notified the government of their intention to file constitutional motions to the Judicial Committee of the Privy Council (JCPC) in April 2002. This court, located in London, England, is currently Barbados' highest court of appeal.

Despite this, shortly after 3 p.m. on 27 June, Acting Chief Marshal Hugh Arthur read death warrants to the four at the Maximum Security at Glendairy Prisons, Barbados.

BACKGROUND INFORMATION

International law states that the death penalty may only be carried out after a *final* judgment rendered by a competent court and that the death penalty may not be carried out pending any appeal or other recourse procedure relating to the pardon or commutation of sentence (UN *Death Penalty safeguards, paragraph 8*). Proceedings must guarantee the right of review of both the factual and legal aspects of the case, by a higher tribunal, composed of judges other than those who dealt with the case at first instance (UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Report, UN Doc. E/CN.4/1997/60, para. 2)

Barbados is a state party to the International Covenant of Civil and Political Rights (ICCPR), and the American Convention on Human Rights (American Convention). Both treaties state that all rights to appeal, recourse proceedings, including applications to international bodies, have been completed and requests for pardon and commutation must have been exhausted (Article 4(6) of the American Convention; Article 6(4) ICCPR).

The last hangings in Barbados took place in 1984 when Noel Ricardo Jordan, Melvin Inniss and Errol Mopsie Farrell were hanged.

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

- expressing deep concern that Michael McDonald Huggins, Frederick Benjamin Atkins, Lennox Ricardo Boyce and Jeffrey Joseph are scheduled to be

executed despite the fact that all four have notified the government of their intention to exercise their constitutional right of appeal to the Judicial Committee of the Privy Council, and urging the government to refrain from execution;

- noting that the executions would violate Barbados' obligations under international law, including the ICCPR and the American Convention, which state that the death penalty may only be carried out after a *final* judgment by a competent court and that the death penalty may not be carried out pending any appeal or other recourse procedure relating to the pardon or commutation of sentence;

- noting that the UN Special Rapporteur on extrajudicial, summary and arbitrary executions has declared that officials must be instructed not to carry out an execution while any appeal or other procedure is pending;

- expressing deep concern at the intention to resume the use of the death penalty in Barbados after 18 years without executions and calling on the authorities not to take such a retrograde step;

- expressing sympathy for the victims of violent crime and their relatives.

APPEALS TO:

Governor-General

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Prime Minister

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Salutation: Dear Prime Minister

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and to diplomatic representatives of BARBADOS accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.