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EXTRA 73/02

Death Penalty / Legal Concern

13 September 2002

BARBADOS

proposal for return to practise of death penalty

The government of Barbados is currently attempting to alter the country's constitution in an attempt to facilitate the resumption of executions.

If passed, the Constitutional (Amendment) Act 2002 would prevent condemned prisoners from challenging their executions on the grounds of the length of time they have spent under sentence of death and the prison conditions under which they are held. If enacted into law, the provisions of the Act would invalidate previous court rulings currently binding on Barbados for those sentenced to death after the Act is passed. Such a provision would also remove these important issues from examination by future courts as the law and human rights standards evolve.

The Constitutional (Amendment) Act also seeks to place limits on the length of time allowed for intergovernmental human rights bodies - such as the UN Human Rights Committee - to examine complaints from prisoners. By placing time limits upon the appeals of prisoners to intergovernmental human rights bodies, the government of Barbados is undermining its own commitments under such treaties as the International Covenant on Civil and Political Rights (ICCPR).

Prisoners have no control over the length of time taken by bodies such as the Human Rights Committee to examine their complaints. This renders the protections provided by human rights bodies meaningless, if the authorities of Barbados carry out the execution of the persons before allowing time for their complaints to be examined. Furthermore, no legal aid is granted to condemned prisoners to utilise human rights protection mechanisms such as those offered by the Inter-American Court of Human Rights. Therefore prisoners are forced to rely on the goodwill of attorneys willing to offer their services *pro bono* (free of charge).

The passing of the Act appears to be motivated by a desire to deal with the current level of violent crime in Barbados. The Attorney General, who has proposed the Act, recently stated: "The paramount obligation of any government is to protect its citizens, and a government should not appear to be powerless in the face of problems."

The Act was passed in August by the Lower House of Parliament by a vote of 25-0 and will now go before the Senate for approval in the near future. If passed by the Senate, the Act will need to be signed into law by the Governor General and will become effective in October.

Amnesty International fears that the Constitutional (Amendment) Act, if passed into law, will lead to the resumption of hanging in Barbados and the possibility of numerous executions.

BACKGROUND INFORMATION

Under the Judicial Committee of the Privy Council (JCPC) ruling in the 1993 case of *Pratt and Morgan*, condemned prisoners cannot currently be executed in the Barbados if they are held on death row for longer than five years. The ruling was binding on all the countries of the English-speaking Caribbean that have the JCPC as their final court of appeal and has prevented hundreds of executions being carried out in the region (for more information see *State killing in the English-speaking Caribbean: a legacy of colonial times*, AI index AMR 05/003/2002, April 2002; and *Open letter to the Attorney General and people of Barbados*, AI index AMR 15/002/2002, August 2002). The last execution carried out in Barbados was in 1984, when three men were hung on the same day.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the ultimate form of cruel and inhuman punishment. The death penalty is irrevocable and can be inflicted on the innocent. It has never been shown to deter crime more effectively than other punishments and brutalises those involved in the process of executions and wider society as a whole.

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

- expressing concern that the government of Barbados intends to remove established legal protections currently available to those facing execution;
- underlining that this step would be a retrograde step, which clearly runs counter to the worldwide trend towards the abolition of the death penalty, pointing out that in recent years, the governments of South Africa, Chile, East Timor, Ukraine, Cote d'Ivoire and Angola have abolished the death penalty;
- expressing your unconditional opposition to the death penalty as a violation of one of the most fundamental of human rights - the right to life;
- emphasizing that the death penalty has not been shown to be any more of a deterrent to violent crime than other forms of punishment;
- emphasizing that AI's opposition to the death penalty in no way seeks to detract from the suffering of the victims of violent crime and of their relatives and friends.

APPEALS TO:

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and to diplomatic representatives of Barbados accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.