PRESENTATION AT THE 170TH HEARING OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS ON 6 DECEMBER 2018

On 6 December, Leela Ramdeen, GCL’s Chair, Kevin Miguel Rivera Medina, President of the World Coalition Against the Death Penalty (WCADP) and Jessica Corredor Villamil, Programme manager of the WCADP, addressed Commissioners of the Inter American Commission on Human Rights at the Commission’s 170th Series of Hearings - held at the Organisation of American States (OAS) headquarters in Washington, D.C., USA. The President of the IACHR is Justice Margarete May Macaulay, a Jamaican. The aim of the hearing was:

- To call upon the countries that still retain the death penalty, and in particular the English-speaking Caribbean states, to join the universal trend towards the abolition of the death penalty.
- To raise awareness of the living conditions on death row and the death penalty situation in the United States and in Puerto Rico.
- To remind OAS member states of the importance of ratifying the American Protocol on the abolition of the death penalty in light of the 30th anniversary of the adoption of the protocol by the OAS in 2020.

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The hearing also aimed to show how the death penalty violates the fundamental rights provided by national and regional human rights laws in the Americas, especially article 4 and 5 of the American Charter.

Leela Ramdeen reminded Commissioners that GCL had presented a paper at the 154th Thematic hearing of the IACHR on 15 March 2015. She briefly outlined the current situation regarding the death penalty in the English-speaking Caribbean states as well as some of the positive developments, such as the Caribbean Court of Justice’s (CCJ) landmark judgment on the mandatory death penalty in Barbados. On June 27, the CCJ ruled that the mandatory death penalty, as stated in section two of the Offences Against the Persons Act, Ch 141, for persons convicted of murder in Barbados, is unconstitutional. Trinidad and Tobago remains the only country in the Caribbean that imposes the mandatory death penalty.

She also addressed critical human rights issues, such as the living conditions on death row, in light of the UN Standard Minimum Rules for the treatment of prisoners, known as the Nelson Mandela Rules. The presentation ended with some recommendations. Her presentation can be accessed on GCL’s website: https://gcforlife.org/. Here is an extract of her presentation:

“In the past, most of the Caribbean retentionist states have consistently voted against the resolution and have signed the Note Verbale, dissociating them from the moratorium. It is noteworthy, however, that on 16 November, 2018, when the Third Committee of the UN General Assembly considered a draft resolution on a moratorium on the use of the death penalty, for the first time, Dominica voted in favour of the moratorium resolution and Antigua & Barbuda abstained, rather than voting against it.

From 12-14 November, 2018, a delegation of international experts on capital punishment, led by the Death Penalty Project met in Guyana to ‘advocate for the abolition of the use of capital punishment’ there. The prison in Georgetown was burnt in 2017. It is heartening to note that the Minister of Public Security, Hon Khemraj Ramjattan, stated that the gallows will not be rebuilt in the new prison. His personal view is that the death penalty ‘should be abolished totally.’


Even though the Caribbean retentionist states have not carried out any execution for the last ten years, some have sentenced persons to death during this decade. Since the ruling of the Judicial Committee of the Privy Council in Pratt and Morgan v the Attorney General of Jamaica (1993) and following the restrictions contained in a number of rulings in subsequent Privy Council cases, it is now very difficult for these countries to implement the death penalty.

GCL continues to work with partners to educate and inform opinion leaders and the public about the death penalty as a human rights issue and seeks to increase the participation and advocacy capacity of, for example, civil society organisations,
Bar Associations, and the Media in the region to work with us to build a strong movement for the abolition of the death penalty.

On 10 October 2018, the 16th World Day against the Death Penalty focused on: Living conditions on death row. In those countries in our region in which there are death row prisoners, their dignity continues to be adversely affected, for example, solitary confinement means that they are confined to their cells for 23 hours per day. The UN Standard Minimum Rules for the treatment of prisoners, known as the Mandela Rules, have not been embraced by countries in the region.

Scientific literature outlines the psychological harms of solitary confinement. Rule 43 of the Mandela Rules specifically prohibits indefinite solitary confinement and prolonged solitary confinement. Rule 44 states that ‘solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.

GCL’s Chair urged 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. developing and implementing effective witness protection programmes, and dealing with incompetence and corruption, for example, in some Police Forces; and
   c. developing and implementing effective witness protection programmes, and 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 the number of persons sentenced to death, the number of persons on death row, the number of sentences that have been commuted or otherwise reduced, and demographic information concerning all death row inmates, dates of conviction and sentencing, and any other pertinent information;

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;

Kevin Miguel Rivera, President of the World Coalition against the Death Penalty; Leela Ramdeen, Chair, GCL; and Esmeralda Arosemena de Troitino, First Vice President if the Inter American Commission on Human Rights (IACHR) at the IACHR hearing in Washington on December 6, 2018.
5. Take appropriate action to address the root causes of crime, address the needs of the victims of crime, find non-lethal means to protect society from offenders, and employ innovative and effective strategies to prevent and reduce crime. (See recommendations in 2012 United Nation Development Programme report: Human Development and the shift to better citizen security. Also, economist, Marla Dukhanan, states that for every dollar spent on crime in Trinidad and Tobago, only 15 cents were spent on prevention. As the UNDP Report states, there should be more of an emphasis on crime prevention).

Kevin Miguel Rivera Medina addressed the issue of the death penalty in the United States, and in particular the federal death penalty and its implications on the application of the death penalty in Puerto Rico. He also outlined several human rights issues in relation with the conditions of detention for the people on death row in the United States, by focusing on the case of a Puerto Rican on death row.

Jessica Corredor Villamil presented the WCADP’s campaign for the ratification of the international and regional protocols on the abolition of the death penalty. She presented the situation of the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights and addressed the Importance of its regional equivalent, the Protocol to the American Charter on the Abolition of the Death Penalty and the status of its ratification by the OAS member states. She invited the Commission to join the WCADP in its efforts for the ratification of the American Protocol in light of its 30th anniversary in 2020.

The European Union Project

The Death Penalty Project, Greater Caribbean for Life, World Coalition against the Death Penalty, St. Vincent and the Grenadines Human Rights Association, and the University of the West Indies (Cave Hill) are collaborating on a three-year project, funded by the European Union, to build and strengthen a civil society movement for the abolition of the death penalty in Barbados and the Eastern Caribbean.

From October 10th – World Day Against the Death Penalty – partners across project countries have promoted a range of activities to increase awareness of a variety of issues around capital punishment. These have included:

DOMINICA – Member - Cara Shillingford

The Dominican Bar Association and the Kiwanis Club of Roseau organised a Public Speaking Competition on the topic “Why should the death penalty be abolished?”

It will involve two components:
1. students will speak for five minutes, and
2. students will be asked questions by the judges and be required to justify their position for five minutes

The Competition will take place on January 28, 2019.

A training seminar is also to be arranged to inform Parliamentarians of reasons for abolition of the Death Penalty.

GRENADA – Member - Ruggles Ferguson

The Grenada Chapter of Greater Caribbean For Life proposed Media Releases, Radio talk-programmes, a panel discussion and an essay competition, a public forum, publication of a sheet on why the death penalty should be abolished and a letter to Parliamentarians.
Progress report (continued)

An essay competition was launched involving High School students writing a letter to a Member of Parliament on “Why abolish the death penalty?” On October 10th a panel discussion was held among T.A. Marryshow Community College (TAMCC) students on the Death Penalty and Human Dignity.

On December 10th - Human Rights Day, the winners of the essay competition were announced and a Public Forum held on “Promoting Human Rights and Abolishing the Death Penalty”.

ST VINCENT & THE GRENADINES – Member – Jeanie Ollivierre P
Press releases and interviews were sent to all media houses; radio, newspapers and television by the Network of NGO and the SVG Human Rights.

The LIONS Club partnered for their Annual Public Speaking competition 2018 and inclusion of the Death Penalty as a topic for debate. “Violent and unpunished crime now seems to be a part of our daily lives. Enforcing the death penalty has now become our only recourse.”

The NGO Network and Marion House held education sessions with students and parents of one of the Catholic Secondary schools, the St Martin’s Secondary School, with about 120 students and another session with the parents of the St Joseph’s Convent, Marriaqua.

Radio & television programmes: included a Catholic Forum; the Catholic weekly radio programme National television was utilized to highlight and educate on International Human Rights Day, focusing on the Regional Message prepared and forwarded by Leela Ramdeen.

BARBADOS – Members – Andrew Pilgrim, Florence Seemungal, David Berry and Michelle Braithwaite
Activities in this project commenced on World Day Against the Death Penalty, October 10th. Andrew Pilgrim prepared 10 videos created for each one of the arguments against the death penalty as “Ras Pilly”. Speaking in familiar Barbadian dialect, the messages carry over easily to all citizens. These can be found at the following link :- https://www.instagram.com/ras_pilly/

Andrew Pilgrim, also known as Ras Pilly, attorney-at-law (Barbados)

The sessions were of a very interactive nature, which allowed the students to questions and interact as presentations were made. Of the 4 schools that participated and presented on the topic, only 1 was in favour of the Death Penalty.
The Faculty of Law, Cave Hill, University of the West Indies, hosted the Pre-action Meeting in June. It has also assisted the survey being conducted by Professor Roger Hood and Dr. Florence Seemungal and by sending out letters to opinion leaders in the six Eastern Caribbean States in the Project and Barbados seeking their cooperation in the survey.

ST. LUCIA – Member – Ramon Raveneau
A lecture and panel discussion was held on World Day Against the Death Penalty concerning the country making a move towards abolition.

The full Report can be assessed on the GCL Website

GCL MEDIA RELEASES
The Greater Caribbean for Life (GCL) calls for more humane living conditions for those on death row

This year, the 16th World Day against the Death Penalty (10 October) focused on the living conditions of those sentenced to death. Leela Ramdeen, Chair of GCL, stated: “Too often the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) are ignored and many prisoners on death row are confined to harsh and inhumane conditions. A revised version of the 1955 Rules was adopted unanimously by the UN General Assembly on 17 Dec 2015. The Rules set out the minimum standards for good prison management, including to ensure the rights of prisoners are respected.”

“Although conditions of detention for people sentenced to death vary from one country to another, they always affect not only the person sentenced to death, but also their families, relatives, lawyers, and others. People on death row have very little contact with their family and lawyers, as access to death row is often very limited”, says the World Coalition against the Death Penalty.

Inhuman living conditions on death rows also include overcrowding, solitary confinement, substandard physical and psychological health care, a lack of access to sufficient religious services and insufficient access to natural light, fresh air and outdoor activities as many are confined in small cells for up to 23 hours per day. Ariel Dulitzky, director of Texas’ Human Rights Clinic, says: “Any person who is kept in solitary confinement for more than 15 days starts to suffer mental and psychological effects that cannot be reversed, and that fits the definition of torture.”

While we all take action to reduce crime and address the needs of victims, let us not lose our humanity by trampling on the dignity of those on death rows. This diminishes all of us.

We welcome the fact that Pope Francis has revised the Catholic Catechism (2267) making it clear that “the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person, and she works with determination for its abolition worldwide.”

Today 142 countries have abolished the death penalty in law or practice. Let us devote our energies to find non-lethal means to hold offenders accountable for their crimes and more effective/humane ways of building just societies; promoting respect for life and for the rule of law.

As the World Coalition against the Death Penalty states: “According to Amnesty International’s 2017 annual report, at least 21,919 people were known to be under a sentence of death worldwide at the end of 2017. The Cornell Center on the Death Penalty Worldwide estimates the number of people sentenced to death around the world to be slightly less than 40,000. Although people on death row are entitled to the same basic rights and treatment conditions as other categories of prisoners, as set out in the Nelson Mandela rules, many testimonies document the inhumane living conditions that people sentenced to death endure.
Human Rights Day, December 10, 2018—The Greater Caribbean for Life calls on citizens to promote human rights

The Greater Caribbean for Life (GCL) calls on all citizens to promote human rights. On Monday December 10, the world observed Human Rights Day. This year Human Rights Day will mark the 70th anniversary of the Universal Declaration of Human Rights. The theme is: Stand up for human rights! The UN's official hashtag for the campaign to promote and defend universal human rights is #StandUp4HumanRights.

As the UN states, “December 10 marks the launch for the 50th anniversary of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Together with the Universal Declaration of Human Rights, this campaign will highlight the value of freedom of speech, freedom of worship, freedom from want, and freedom from fear.” This Bill is the glue that binds us together globally.

The former UN Deputy Secretary-General, Jan Eliasson rightly said: “There can be no peace without development, no development without peace, and no lasting peace or sustainable development without respect for human rights and the rule of law.”

Even though our human rights are based on shared values like dignity, respect, equality, fairness, and independence; and even though these are usually protected in many countries’ Constitutions and Laws, we live in a country/world where each day the rights of billions are being trampled upon. And while some of us may live in relative freedom, let us never fail to champion the cause of those who yearn for theirs. Each of us is responsible not only to uphold human rights but to promote them.

Today, human rights are in crisis. We cannot afford to sit on the sidelines or to be indifferent in the face of this crisis. We must speak out and act against the many human rights violations. You and I can and must make a difference.

Pope Francis has said: “The firm commitment for human rights springs from an awareness of the unique and supreme value of each person” – made in the image and likeness of God.

We believe that the measure of any society is whether what we do threatens or enhances the life and dignity of the human person...Human rights are not only violated by terrorism, repression or assassination, but also by unfair economic structures that creates huge inequalities.”

In a world in which many have lost their moral compass and in which selfishness and greed obfuscate priorities and stand as obstacles to the promotion of human rights, GCL calls on all people of goodwill to stand on the side of justice; to respect, protect and promote human rights which are universal, inalienable and inviolable.

Corresponding to our human rights are duties and responsibilities. Are we doing all that we can to fulfill our human rights obligations? Today, let us read the 30 Articles of the Universal Declaration of Human Rights and reflect on whether or not our own biases and prejudices cause us to harden our hearts against those whose rights we should be championing; commit to speak out/write about injustices/human rights violations and to promote the common good.

We call on our Governments in the region to examine their legislation, policies, procedures, and practices to ensure they are people-centred; that they promote the full range of human rights; and that they seek to build the common good. We will not build the common good if we continue to hold on to laws that purport to defend life by taking life. The death penalty has no place in the 21st Century. Let's stop crime, not lives. One way of improving our human rights record, therefore, would be to remove the death penalty from our statutes and abolish it. The time to act is NOW.

GCL’s Toolkit

GCL has produced a Toolkit which is intended to support the advocacy work of individuals and organizations that are...
involved in working towards the abolition of the death penalty, particularly those involved with the 5 partners in the 3-year European Union Funded Project (2018 - 2021) titled: “Building a Platform for Abolition: Strengthening the Anti-Death Penalty Movement in Barbados and the Eastern Caribbean.” (See report on pages 1 and 2 above)

The Toolkit, which is not exhaustive, is divided into six sections. The first section provides an overview, with facts and figures, of capital punishment/the death penalty globally. The second section highlights relevant issues relating to the death penalty in the English-speaking Caribbean, including key developments in this region. The third section provides users with information about international and regional instruments relevant to the death penalty. The fourth section outlines reasons why the death penalty should be abolished.

The fifth section seeks to equip activists with advocacy tools/methods - practical approaches to support their work. The sixth section provides a list of useful links to organizations involved in the struggle to abolish the death penalty.

You can access the Toolkit via GCL’s website: https://gcforlife.org/

Get Involved

GCL are seeking to identify individuals, organisations and groups based in the target countries - Antigua & Barbuda, Barbados, Dominica, Grenada, St Kitts & Nevis, St Lucia, and St Vincent and the Grenadines - who are interested in being involved in the project. Financial assistance will be made available each year for organisations seeking to hold events or activities to raise awareness and promote the abolition of the death penalty.

For further information or if you wish to be involved in any way, please write to GCL at gclvdp@gmail.com.

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GCL is recruiting new members!

Cultural and social changes are long term processes. Individuals and organisations can contribute incremental change in our countries and promote the establishment of more just societies without resorting to the death penalty. GCL believes that we can all speak much louder if we speak with one voice.

Therefore, we are recruiting new members from the Greater Caribbean region to join our organization. You, your friends, and/or organisations wish to join GCL, please write to gclvdp@gmail.com.

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ORGANIZATIONS
- Amnistía Internacional Puerto Rico
- Bahamas Bar Association
- Bahamas Human Rights Network
- Cátedra UNESCO de Educación Por la Paz (Puerto Rico)
- Catholic Commission for Social Justice (Trinidad and Tobago)
- Comisión Cubana de Derechos Humanos Greaves y Reconciliación Nacional, Cuba
- D’Infinite (Dominica)
- Frazer, Housty & Yearwood, Attorneys at Law (Guyana) - sfraser@fhylaw-gy.com
- Grupo de Apoyo Mutuo (Guatemala)
- Human Rights Commission of Belize
- Human Rights for All (Antigua and Barbuda)
- Jamaica Independent Council for Human Rights
- Main Parade Chambers (Belize)
- Movimiento Pro Justicia (Guatemala)
- Puerto Rico Coalition Against Death Penalty
- St. Vincent and the Grenadines Human Rights Association

INDIVIDUALS
- Rev. Peter Espeut, Jamaica
- Madeeta Branche
- Dr. Anthony Nicholas Carter (Barbados)
- Brian Clarke (Barbados)
- Joey Leon Fox (Bahamas)
- Mary Frances (St. Lucia)
- Rev. Gwendolyn Ruth (Trinidad)
- Melinda Janki (Guyana-Justice Institute)
- Janet P. Kemp (Bahamas)
- James McGregor Millington (Barbados)
- Antoinette Moore, Human Rights Commission of Belize
- Nefaste Morris (Guyana)
- Ayana Nelson (Grenada)
- Jackie Leanna Pinder (Bahamas)
- Crystal Annastacy Robinson (Guyana)
- Fernando Saavedra (Mexico)
- Godfrey P. Smith, Marine Chambers (Belize)
- Selwyn Strachan (Grenada)
- Shellon Collins (Guyana)
- Carmen Aida Ibarra
- Cara Shillingford (Dominica)
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