



# Greater Caribbean for Life

## NEWSLETTER

**stop crime,  
not lives**

No. 13, July 2022

### *Announcement - General Assembly 10 September 2022, 11 am AST*

The General Assembly of the membership of the Greater Caribbean for Life will be held by Zoom on Saturday September 10<sup>th</sup>, 2022, at 11:00 am AST. [Click here to register.](#)

#### AGENDA

1. Call to Order
2. Roll Call
3. Welcome – Chairperson
4. Guest Speaker – Sister Helen Prejean, prominent abolitionist activist and author of *Death Man Walking*
  1. Presentation of Report of the Executive Committee
  2. Presentation of last Financial Statements (as of 31 December 2021)
  3. Proposal to amend GCL's Constitution (will be circulated latter)
  4. Election of Executive Committee
  5. Presentation of next events and activities
  6. Any other business
  7. Adjournment

#### Highlights

- ◆ GCL's press release (Privy Council decided to keep the mandatory death penalty in T&T)
- ◆ Death penalty in Cuba's new Penal Code
- ◆ An opinion on the Death Penalty from Grenada
- ◆ Puerto Rican Coalition against Death Penalty presents before UN Decolonization Committee
- ◆ Regional news from St. Vincent and the Grenadines, Jamaica, Barbados, and Trinidad and Tobago
- ◆ International news
- ◆ Reports issued by Amnesty International and the Death Penalty Information Center

GCL congratulates our Chair, Leela Ramdeen, for her nomination to the Abolition Awards in the category of Advocacy initiatives by civil society organisations. The winners of these awards will be announced during the 8th World Congress Against the Death Penalty in Berlin next November.

Thanks, Leela for your continuous and tireless commitment to social justice and abolition of capital punishment!

#### Quote of this issue

***Anyone who studied capital punishment will know that the history of capital punishment was the perpetuation of the cycle of violence.***

**Hon. Delroy Chuck,  
Minister of Justice of  
Jamaica, July 2022**

## YOU CAN CONTACT US AT

444 De Diego, Suite 1510, San Juan, Puerto Rico 00923-3007,  
Tel: 1(787)648-5624

✉ [gclvdp@gmail.com](mailto:gclvdp@gmail.com)

🌐 [gcforlife.org](http://gcforlife.org)

📘 GCFLife

🐦 [@GCLnoDP](https://twitter.com/GCLnoDP)

15 Pinewood Avenue, Ridgeview Heights, Tacarigua,  
Trinidad, W.I., Tel: 1(868)299-8945

## Introduction

Climate change and extreme weather are adversely impacting many parts of the world. Some countries are experiencing temperatures that are hotter than those that we have in the Caribbean. At the same time, discussions about the implementation of the death penalty are increasing in many countries in our region, mainly because of the significant rise in serious crime. High-ranking officers in Jamaica, St. Vincent and the Grenadines have recently endorsed the implementation of capital punishment, which remains on the law books in 13 countries in the region.

On the other hand, for almost 14 years, there have been no State executions in the Caribbean. The last hanging in the region took place in St Kitts & Nevis in 2008. At the same time, Spanish-speaking Cuba has recently approved a new Penal Code that maintains the death sentence for 28 crimes. Also, the number of countries in the region imposing death sentences and the number of such sentences have decreased over the years.

The Greater Caribbean for Life reaffirms our commitment, since our creation in 2013, to work towards the complete abolition of capital punishment in our region. Our entity comprises exclusively of activists and organisations from the different countries and territories of the Caribbean. As active members of our societies who are committed to building peace and harmony, we are convinced that better and safer communities will result if our governments take the next step to remove the death penalty from our laws, and instead, devise more humane strategies for ensuring that offenders are made accountable to society for their crimes.

**If you are not a member yet, we strongly encourage you and/or your organisation to join us and follow us on social media.**

## ***GCL's press release (Privy Council decided to keep the mandatory death penalty in T&T)***

18 May 2022

The Greater Caribbean for Life (GCL) and the Catholic Commission for Social Justice are extremely disappointed in the judgment delivered on 16 May by the Judicial Committee of the Privy Council (JCPC) to uphold that the mandatory death sentence for murder in Trinidad and Tobago (TT) is constitutional - because of the savings clause in TT's Constitution. The JCPC, TT's highest court, unanimously dismissed the appeal filed by Jay Chandler, who had

been convicted and sentenced to death by hanging in 2011.

TT is the only country in the Americas that retains the mandatory death penalty for murder- as laid down in section 4 of the Offences Against the Person Act 1925 - when TT was a British colony.

The 9 Law Lords at the JCPC opined that the savings clause extended beyond the mandatory death penalty and that allowing the appeal would introduce considerable uncertainty into the law. They were not persuaded by the reasoning of the Caribbean Court of Justice (CCJ) in *Nervais & McEwan* that the case of 2005 Charles Matthew (*Matthew v The Queen* [2004] UKPC 33) was wrongly decided. And so, they did not overturn that decision.



*Judicial Committee of the Privy Council*

In a case in 2018, when the CCJ ruled that the savings clause in Barbados' Constitution was unconstitutional, the then President of the CCJ, Sir Dennis Byron, stated, *inter alia*: "Laws should not be calcified to reflect Colonial times." GCL and CCSJ agree with this statement.

In the year 2022, we urge the Government of TT to reflect on these words and change the 1925 law. We note the statement by Lord Hodge, one of the most senior judges on the JCPC, that the decision to do so is not a question for judges on the JCPC, but for TT's Parliament. He said: "The 1976 Constitution saves existing laws, including the mandatory death penalty, from constitutional challenge."

We agree with Parvais Jabbar, Co-Executive Director of The Death Penalty Project who said: "Whilst today's decision by the Privy Council is extremely disappointing, the case has once again brought this critical issue to the fore. We hope it will lead Trinidad and Tobago to re-examine the savings law clause which continues to protect old laws most modern democracies consider morally objectionable, including laws which discriminate on grounds of gender, religion, or sexuality...it is imperative that the government now take the necessary measures to ensure that a punishment, that they themselves accept to be cruel and inhuman, is removed."

“If capital punishment is an anachronism by itself, the mandatory death penalty is an uncivilized legal rule in the 21st century”, stated Carmelo Campos-Cruz, human-rights activist, and Deputy Chair of GCL. “Even the United States, the only country that sentences and executes yearly in our hemisphere, declared the mandatory death penalty unconstitutional in 1976. The US Supreme Court decided 46 years ago on *Woodson v. North Carolina* that “It is now well established that the Eighth Amendment draws much of its meaning from the evolving standards of decency that mark the progress of a maturing society. As the above discussion makes clear, one of the most significant developments in our society's treatment of capital punishment has been the rejection of the common law practice of inexorably imposing a death sentence upon every person convicted of a specified offense (cites omitted)”, added Campos-Cruz.

GCL & CCSJ echo these sentiments. The words of the Law Lords on the Privy Council about the mandatory death sentence being recognised internationally as cruel and unusual punishment, and indeed is so recognised by TT, should spur us to action. They said:

“In the Board's view, the 1976 Constitution saves existing laws, including the mandatory death penalty, from constitutional challenge. The consequence of that is that the state of Trinidad and Tobago has a statutory rule which mandates the imposition of a sentence, which will often be disproportionate and unjust. The sentence is recognised internationally as cruel and unusual punishment. The state does not dispute that characterisation...”

Years ago, the late Lloyd Best stated that TT is in a state of pre-collapse. I know that he would hope that we would use our human ingenuity to meet the challenges that we face today. The JCPC rightly states that the decision to remove the savings clause should be left to politicians and not the courts. Therefore, we urge the Government Trinidad and Tobago to take appropriate action to remove it and to focus on human development and crime prevention rather than expend time and energy in doing what Sir Shridath Ramphal, a former Secretary-General of the British Commonwealth, refers to as "holding on to the tailcoats of our Colonial masters.", stated Leela Ramdeen, Chair of GCL.

## ***One step forward, one step back: the death penalty in Cuba's new Penal Code***

by Carmelo Campos-Cruz, Professor, Human Rights Activist and CGL's Deputy Chair

Next year will be the twentieth anniversary of the last executions in Cuba, where on 11 April, 2003, Lorenzo Enrique Copello Castillo, Barbaro Leodanis Sevilla and Jorge Luis Martinez on April 11, 2003, were executed by firing squad for terrorism. . In 2008, President Raul Castro commuted the death sentences of the last two persons on death row in Cuba. Since then, no death sentence nor execution has been carried out in this country. Contrary to the opinion of some sectors of the abolitionist community, capital punishment has not been abolished in Cuba, neither by formal abolition nor moratorium. Although almost two decades without executions gives a strong impression that this cruel punishment has been discarded by Cuban society.



***Lorenzo Enrique Copello Castillo, Barbaro Leodanis Sevilla and Jorge Luis Martinez***

It is important to remember the statement made by Raul Castro after commuting the death sentences in 2008: “This does not mean we have eliminated the death penalty from the penal code. It would be irresponsible and ingenuous to renounce the dissuasive power that capital punishment has on the real terrorists, the imperialist mercenaries.” In an optimistic note, Cuba has abstained in all the resolutions

On an optimistic note, Cuba has abstained in all the resolutions presented at the UN General Assembly to call for a moratorium in the use of the death penalty.

Last May, the Cuban National Assembly of Popular Power approved a new Penal Code, that substitute the Penal Code of 1987, as amended. As with most issues related to this country, the discussion of this legislation has focused mainly on views for or against the Cuban government. Instead of getting into this endless discussion, let's briefly discuss the main changes and similarities between the new and preceding Penal Code regarding the death penalty.

The new Penal Code includes some positive steps to reduce the use of capital punishment:

1. Abolishes the application of a death sentence for women. (Art. 33.2).
2. Eliminates the death penalty for the following crimes: Sexual aggression (Art. 395.5); Grooming (corruption of minors) (Art. 402.2); and Robbery with violence or intimidation in people. (Art. 415.4)
3. Increases from 20 to 25 years the age in which a death sentence can be imposed to a man. (Art. 33.2)
4. Maintains that the death penalty "is exceptional and is only applied by court in the most serious cases of commission of the crimes for which it is established." (Art. 33.1)

Nevertheless, other provisions of the new Penal Code are a negative:

1. The most important is that the death penalty is retained for the following offences: various crimes against the external security of the State (Arts. 112-116); various crimes against the internal security of the State (Arts. 119, 121, 123 and 115-126); various crimes against peace and international law (Arts. 128 and 134-136); other acts against the security of the State (Art. 142); various offences, as set out in the Law against Terrorism of 2001 (Arts. 151, 153-157, 161-162, 166 and 169-170); Production, processing, transport, trafficking, acquisition, introduction or extraction of illicit drugs or similar substances from the national territory (Art. 235); and Murder under certain circumstances (Arts. 344-345).
2. Increases from 20 to 30 years in prison an alternative penalty for capital punishment relating to the crimes enumerated before.

3. Maintains life without parole, approved initially in 1999, as an alternative to the death penalty (Art. 34.1).

As we know, in the struggle to end State killings, every step forward is important to get closer to our objective. Although the new Penal Code of Cuba presents some advances to limit its application, many crimes are still punishable by death. From a penologist point of view, it is also interesting to see how Cuban legislation has been increasing the number of years in prison during the last decades, sadly imitating the discredited model adopted by its many times opponent, the United States of America.

Let's hope that almost twenty years without executions is a good argument as to why the Cuban people do not need capital punishment!

## *An opinion on the Death Penalty*

by Milton Joesiah Coy-Quashie

Human Rights and Social Justice advocate and member of GCL's Executive Committee

The death penalty (capital punishment) has occupied a very delicate, emotional and humane space in our consciousness - as a society and individually. There seems to be a love-hate relationship with the use of and the perceptions promoted around the death penalty. Conveniently some hate it and condemn it; Hypocritically, some accept the double standards and live with it.

Issues like corporal punishment (beatings, etc.) and capital punishment are now coming under review. Can we really justify state sponsored and ordered murder as a path to justice? The lessons from the global pandemic and lockdown brought home some harsh realities to everyone. How can a state or system, consciously implement a physical death sentence on its citizens as punishment for a crime committed against an individual of society? Any reviews done or to be done have to consider 'the context' in appreciating its relevance and its justification as the human family evolves.

Here in Grenada, one person is listed as having been on death row at Her Majesty's Richmond Hill's Prisons...St. George's, Grenada. This has been so for more than five years. This is in itself a human rights violation, as established in the Pratt and Morgan case.

There is little or no public discussion on the issue.... Save and except when some heinous crimes like murder or crimes of passion, are committed. The social response is always to 'apply the death penalty'.

The justice we seek to implement within our own societies have to come from within our own consciousness of the value of human life. The death penalty should not be used indiscriminately, disproportionately, illegally, and immorally on citizens anywhere in the world. This society—Grenada and the Caribbean region, should reject any ideology that promotes the death penalty as part of the justice system.

More and more countries around the world are getting rid of capital punishment and are promoting an abolitionist position to the issue. Officially, the state hasn't executed anyone since 1978 and has indicated a position of moratorium on the death penalty. Human rights and social justice advocates are appealing to the local human rights committees and institutions; the government and members of civil society organisations to have open conversations and consultations on the death penalty.

A conversation is necessary because there are religious and spiritual issues to consider; there are emotional, social, and family matters to be examined. There are also issues of moral and spiritual consciousness: after all it is about Life and Death.

The death penalty has never been proven to deter crimes. Today, the death penalty does not stop crimes and certainly going forward, using the death penalty to curb crimes, is not likely to achieve our objectives.

## ***Puerto Rican Coalition against Death Penalty presents before UN Decolonization Committee***

The United Nations Special Committee on Decolonization convened in New York on 19 June 2022 for a hearing about Puerto Rico. Representatives from 40 Puerto Rican organizations requested the United Nations address the current colonial state of the Island.

Amongst the speakers was Madeline Colon, attorney at law and Coordinator for the Puerto Rican Coalition Against the Death Penalty. The death penalty was abolished by law in

Puerto Rico in 1929 and by the Constitution of Puerto Rico approved in 1952.

Colon indicated that Puerto Rico is a jurisdiction that abolished the death penalty and elevated the abolition to its constitution, a death penalty shall never be imposed. Nevertheless, in Puerto Rico, the death penalty is imposed on the residents of Puerto Rico if they are accused before a US Federal tribunal under the Federal Death Penalty Act. For years, the Federal Government has tried to impose the death penalty in the territory without success, since no jury has issued a verdict of death.



She explained how this situation is paramount in demonstrating the colonial subordination of the Puerto Ricans to the Government of the United States. On another note, the situation denounced by Attorney Colon is indicative of how the fight against the death penalty prevails in Puerto Rico, even though it was abolished by law more than 90 years ago.

## ***More regional news***

### **St. Vincent and the Grenadines – PM declarations to reintroduce the death penalty, loop (23 May)**

Young Vincentians recently took a stand against violence in St Vincent and the Grenadines in light of recent crimes committed on the island.

Prime Minister Dr Ralph Gonsalves addressed the issue of violence in society during a radio programme on Sunday.

He said there is certainly an issue, increasingly, with a number of persons, young in particular, who seem not to be able to differentiate between some of the things they may see on television or on YouTube and the kind of violence which is often portrayed.

“As though they are immune to any reflection as to what this thing represents. It numbs them in some way and dulls their consciousness about this matter.



**Dr. Hon. Ralph E. Gonsalves**  
*Prime Minister of St. Vincent and the Grenadines*

“As though they are immune to any reflection as to what this thing represents. It numbs them in some way and dulls their consciousness about this matter.”

But fundamentally it’s how we all grow up and we interact with one another in this society, which will be fundamental in us dealing with this terrible cancer.”

He noted the recent decision of the Privy Council in relation to Trinidad and Tobago where it has on this occasion confirmed that the death penalty in its mandatory aspect is constitutional.

“Contrary to an earlier position that came out of our own Court of Appeal and at the CCJ,” said the prime minister.

He continued: “Of course there are many persons who feel quite strongly and some may say in our circumstances it is a matter which may be meritorious in the way in which they state it.

Maybe the practical abolition of the death penalty probably has induced some persons to have less restraint in using violence of an ultimate kind. That’s a matter which increasingly we will have to look at again.”

## **Jamaica - National Security Minister favours life sentences to death, *The Jamaica Gleaner* (26 May)**

While not ruling out a return to the death penalty, National Security Minister Dr Horace Chang says imposing a life sentence will be more effective in the drive towards eradicating crimes and criminality in the society.

Chang made that distinction in an interview with reporters

in St James on Tuesday while he was presenting tablet computers to students at the Glendevon Primary and Infant School in his St James North Western constituency.

“When you take a big man who is seen as a don, you put him before a court and before a jury, try him and find him guilty, we can lock him away; and it diminishes his status in the community,” said Chang.

“It sends a signal that we are in control and I think that’s an important message to the wider community,” he said is the preferred punishment to apply to those who use the gun to commit murder.



**Dr. Hon. Horace Chang**  
*Minister of National Security of Jamaica*

## **Trinidad & Tobago - Two new death sentences, *The Trinidad & Tobago Guardian* (2 June)**

Two brothers from east Trinidad have been convicted of murdering a man and attempting to murder his brother and cousin, after forcing them to help process their marijuana harvest over a decade ago.

John and Victor Flores were convicted of murder, two attempted murder charges and one for firearm possession at the end of the virtual judge-alone trial before Justice Hayden St Clair-Douglas yesterday afternoon.

After delivering the guilty verdicts for the siblings, Justice St Clair-Douglas told them that they would face the mandatory death penalty of death by hanging at a later date.

However, he noted that their attorneys would still have to present submissions on the sentences they should receive for the lesser offences, as such was required despite it being a formality due to the sentence for the substantive charge.

## **Barbados - Appeal Court vacates death sentence, *Caribbean Nation Weekly* (8 June)**

The Court of Appeal in Barbados has ruled that Jamar Dwayne Bynoe, who was previously been sentenced to death by hanging for his role in the 2010 fire at a store that resulted in the deaths of six women, return to the High Court for sentencing.

But the Appeal Court upheld his conviction even as it vacated 'the sentence of death.

## **Florida, USA – State Supreme Court upholds death sentence of Jamaican national, *Tampa Bay Times* (9 June)**

The Florida Supreme Court has affirmed the death sentence of Granville Ritchie, who was convicted in 2019 for the rape and murder of 9-year-old Felecia Williams in Temple Terrace.

In an opinion released Thursday, a majority of the court found no legal basis to overturn Ritchie's death sentence. But they did criticize several statements that the lead prosecutor, Assistant State Attorney Scott Harmon, made during closing arguments in the trial's penalty phase.



*Granville Ritchie*

They included comments implying that the jury shouldn't extend mercy to the defendant because he hadn't shown any mercy to the victim. They also included discussion of Ritchie having immigrated from Jamaica, and comparisons the prosecutor made between Jamaica and the American legal system.

Some of the prosecutor's rhetoric could be taken as anti-immigrant, and has no place in the courts, the justices wrote.

While the court found some of the comments were improper, they were isolated statements in an otherwise proper argument based on the case evidence. Evidence of

the "horrific and senseless crimes against the victim" produced the jury's finding in favor of a death sentence, not the prosecutor's comments, the court wrote.

## ***International news***

### **Abolition advances in Africa!**

The crusade to abolish the death penalty is a truly global movement. Contrary to those persons who still approve the use of capital punishment and sustain that the abolition is an exclusively European matter, many activists from all the regions of the World fight tirelessly to end capital punishment. Recent news from two African nations is an excellent example.

### **Central Republic of Africa, *Vatican News* (30 May)**

The National Assembly of the Central African Republic voted on 27 May to end capital punishment with a law passed by acclamation which must now be promulgated by President Faustin Archange Touadéra.

The last official execution in the Central African Republic took place in 1981. In the intervening period, the justice system has no longer requested the death penalty against a convicted person, though the possibility of capital punishment remained. Human rights defenders say the abolition of the death penalty is a positive signal.

### **Zambia *Africa News* (25 May)**

President Hakainde Hichilema "has announced he is making moves to abolish the death penalty in the country. He termed it a "big decision" by the government.

"We will work with parliament to run this process as we transition away from the death penalty and focus on the preservation, and rehabilitation of life while still delivering justice for all," he said on the eve of Wednesday's Africa Freedom Day.

"This is important. We believe in it. Africa Freedom Day is a symbol of our collective commitment to secure a better future for all."

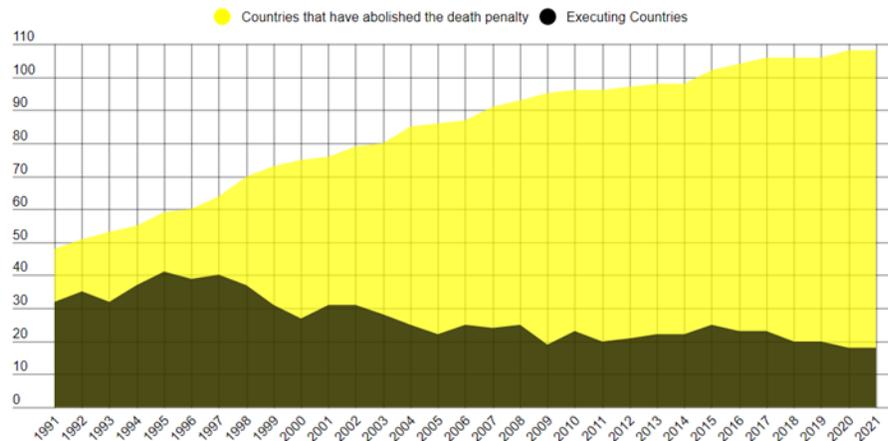
Let's follow their example and eradicate State killings as a clear declaration of our freedom and independence.

## Amnesty International issued Global Report on the death penalty (2021)

As stated on its Web page, this report covers the judicial use of the death penalty for the period January to December 2021. Amnesty International reports only on executions, death sentences and other aspects of the use of the death penalty, such as commutations and exonerations, where there is reasonable confirmation. In many countries governments do not publish information on their use of the death penalty.

The Caribbean recorded seven death sentences on 2021 (Guyana with four and Trinidad & Tobago with three) and there were 80 people known to be under sentence of death as of 31 December 2021.

Trend towards abolition



## Death Penalty Information Center reviews the capital punishment in the United States during the first semester of 2022. DPIC (1 July)

At the halfway point of 2022, the United States is on pace to mark the eighth consecutive year with fewer than 30 executions and fewer than 50 new death sentences. But even as the death penalty declines, a few states have attempted to ramp up executions and the United States Supreme Court has continued to impede death-row prisoners' access to the courts and impair judicial enforcement of defendants' constitutional rights.

The low numbers of new death sentences imposed and executions carried out have come from a small number of jurisdictions that historically have been heavy users of capital punishment. As in past years, the few people executed have disproportionately been vulnerable defendants with mental illness, intellectual disability, innocence claims, and inadequate legal process. Problems with lethal injection continued to mar the execution process.

DPIC's monitoring of media coverage of capital trials has identified at least seven new death sentences that were imposed in five states from January through June 2022. That pace remained near the record low 18 new death sentences imposed during the pandemic years of 2020 and 2021. Five of the seven defendants sentenced to death are defendants of color: three are Black and two are Latinx.

(Click the title of this article to access the complete news.)

If you, your friends, and/or organisations wish to join GCL, please write to [gclvdp@gmail.com](mailto:gclvdp@gmail.com).

### GCL'S EXECUTIVE COMMITTEE

Leela Ramdeen - Chair (Trinidad and Tobago)

Carmelo Campos-Cruz - Deputy Chair (Puerto Rico)

Jeanie Ollivierre - Secretary (St. Vincent and the Grenadines)

Zoraida Diaz - Treasurer (Puerto Rico)

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