

PUBLIC

AI Index: AMR 49/002/2005

UA 158/05

Imminent execution

09 June 2005

TRINIDAD AND TOBAGO

Lester Pitman, (m) aged 28

The authorities of Trinidad and Tobago yesterday issued a warrant for the execution of Lester Pitman. He is currently scheduled to be hanged on the morning of 13 June. Amnesty International is gravely concerned that a death warrant has been issued before Lester Pitman has exhausted all legal remedies available to him.

Lester Pitman was sentenced to death on 14 July 2004 for the murder of British national John Cropper, his mother-in-law, Maggie Lee and sister-in-law Lynette Lithgow Pearson on 11 December 2001. His co-defendant, Daniel Agard, was also sentenced to death but his conviction was overturned by the Court of Appeal in March 2005 and a new trial ordered. Daniel Agard was the great-grandson of Maggie Lee. Lawyers representing Lester Pitman, filed notice on 22 April 2005 with the Court of Appeal that their client intended to appeal against his death sentence in a higher court.

John Cropper's widow, Angela Cropper, has publicly spoken out against the death penalty. In a news paper interview given shortly after the trial of Pitman and Agard, Angela Cropper stated: "I question the principle of capital punishment. I know that this is a risky position to take, given the present state of our society and the fear that grips us all. The society seems to accept the death penalty as a way of dealing with crime but we do so without any public dialogue about how effective or ethical it is...the more we stomach capital punishment the more inured we become to violence. I know that John and my sister were against the death penalty. I can speak for them with confidence because of my knowing that, like me, they felt any killing, whether it is committed by an individual or by the State itself, is a step too far."

International laws and standards pertaining to the use of the death penalty unequivocally state that an execution cannot be carried out while legal or clemency hearings are available to the defendant. For example, paragraph 8 of the United Nations Economic and Social Council resolution 1989/64 (adopted on 24 May 1989) regarding the Implementation of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty states "an execution may not be carried out pending any appeal or other recourse procedure or other proceedings relating to pardon or commutation of the sentence". Article 14(5) of the International Covenant on Civil and Political Rights to which Trinidad and Tobago is a party states: "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

Despite this, Trinidad and Tobago has previously executed prisoners who had legal avenues of appeal available to them. In 1994, during the administration of the People's National Movement who currently govern the country, Glen Ashby was executed as two courts examined his appeals. One of the courts subsequently issued a stay of execution as the hanging took place. On 22 June 1999, Anthony Briggs was executed despite an order, issued on the 25 May 1999, from the Inter-American Court on Human Rights that his life "be preserved until such time as the Court... issues a decision on the matter".

BACKGROUND INFORMATION

The last executions in Trinidad and Tobago took place in June and July 1999 when 10 men were hanged. However, a recent surge in the crime rate has inspired the government to seek the resumption of executions. Since the beginning of 2005, over 151 persons have been murdered in Trinidad and Tobago. 260 were killed in 2004 and 229 in 2003. On 7 June 2005, the Attorney General of Trinidad and Tobago announced to Parliament that: "Our international image has been affected. Our national pride has been offended. Our sense of terror has increased all as a relatively small band of criminals have held us to ransom and sought to change our lives...Government intends that every person on death row will be hanged if the opportunity is available to the State. If the courts intervene, the State will, cognisant with the rule of law, do everything within its power to pursue the sentence of death in relation to every person on death row."

For more information on the death penalty in the English speaking Caribbean, please see *State killing in the English-speaking Caribbean: a legacy of colonial times* (AMR 05/003/2002, April 2002).

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

- expressing sympathy for the victims of violent crime and their relatives;
- expressing deep concern at the intention to resume the use of the death penalty in Trinidad and Tobago after five years without executions and calling on the government not to take such a retrograde step;
- expressing deep concern that Lester Pitman is scheduled to be executed on 13 June 2005;
- expressing concern that Trinidad and Tobago has issued a death warrant to a prisoner who clearly has several legal appeals available to him in violation of international standards and laws pertaining to the use of capital punishment;
- emphasizing that the death penalty has not been shown to be any more of a deterrent to violent crime than any other forms of punishment

APPEALS TO:

Prime Minister

The Rt. Honourable Patrick Manning,
The Office of the Prime Minister
White Hall, Queen Park West
Port of Spain
Trinidad and Tobago

Fax: +868 622 0056

Salutation: Dear Prime Minister

Attorney General

The Hon. John Jeremie
Ministry of the Attorney General
Cabildo Chambers
25-27 St Vincent Street
Port-of-Spain
Trinidad and Tobago

Fax: +868 625 6578/6530

Email: ag@ag.gov.tt

Salutation: Dear Attorney General

Minister of National Security and Rehabilitation

Senator The Hon. Martin Joseph
Ministry of National Security and Rehabilitation
31-33 Abercromby St
Port of Spain
Trinidad and Tobago

Fax: +868 627 8044

Email: mns@tstt.net.tt

Salutation: Dear Minister

and to diplomatic representatives of Trinidad and Tobago accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. All appeals must arrive by 13 June 2005.