

FOR THE URGENT ATTENTION OF UA COORDINATORS AND CAMPAIGN COORDINATORS IN SECTIONS:
YOUR MOST URGENT ATTENTION TO THIS ACTION IS APPRECIATED.

(UA Coordinators/Home Government Lobbyists/EC contact persons in Australia, Canada (ES), FRG, Netherlands, UK, US sections please note that this UA replaces TLX 46/91 dated 16 July 1991 and subsequent follow-ups dated 26 & 29 July 1991. These sections are also encouraged to take immediate action as outlined below).

EXTERNAL (for general distribution)

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Death Penalty

1 August 1991

GRENADA:

Callistus BERNARD
Bernard COARD
Leon CORNWALL
Lester REDHEAD
Ewart LAYNE

Amnesty International received reports that the above five prisoners were scheduled to be executed earlier this week. The five are among fourteen former members of the People's Revolutionary Government (PRG) sentenced to death in 1986 for the murder of Prime Minister Maurice Bishop and others in 1983. Appeals in the case of all fourteen were dismissed on 10 July 1991.

It has since been reported that temporary stays of execution have been granted in the above cases, pending the hearing of a last-minute motion filed by the prisoners' lawyers. The motion is due to be heard by the Grenada Court of Appeal on 7 August 1991, and it seeks a further stay of execution on a number of grounds. However, if the motion is unsuccessful, executions could still be scheduled after that date. It is feared that the government may wish to execute the above prisoners before returning Grenada to the East Caribbean Supreme Court (ECSC) system which would restore the right of appeal to the Judicial Committee of the Privy Council (JCPC) in London (see below). The government was reportedly intending to return to this system on 1 August 1991 but may now delay this until a final disposition of the above case. Public opinion in Grenada is said to be strongly in favour of hanging the above five.

Nine other defendants in the same case remain on death row. Earlier reports that their death sentences had been commuted appear to be unfounded. These prisoners include Bernard Coard's wife, Phyllis Coard, also a former PRG minister. There are at least seven other prisoners under sentence of death in Grenada. The last execution was carried out in 1978.

Two Amnesty International representatives are currently in Grenada to seek meetings with government representatives to convey the organization's concerns about the possible resumption of executions.

BACKGROUND INFORMATION

The defendants in the above case were convicted of the murder of PRG Prime Minister Maurice Bishop and ten others at the People's Revolutionary Army (PRA) headquarters at Fort Rupert on 19 October 1983. The killings had

taken place following a power-sharing dispute between opposing factions within the Central Committee of the PRG, during which Maurice Bishop was placed under house arrest. On 19 October 1983, Maurice Bishop was freed by several thousand supporters and taken to Fort Rupert. He and the others were reportedly shot by firing squad after the army regained control of the Fort. A Revolutionary Military Council (RCM) briefly assumed control of the government. This was overthrown after troops from the United States, assisted by forces from other Caribbean countries, invaded Grenada on 15 October 1983.

Those suspected of involvement in the killings, including the above defendants, were detained for several months before charges were brought in February and March 1984. The trial began in April 1986 after several adjournments, and ended in December 1986. 10 of the 14 sentenced to death for murder were members of the Central Committee of the PRG who had not been present when the killings took place but were found guilty of having ordered or instigated them. They include Bernard Coard, deputy leader of the PRG, Leon Cornwall, former Ambassador to Cuba, and Ewart Layne, a Lieutenant Colonel in the PRA. The evidence against them was mainly circumstantial, consisting of witness testimony about the actions of the Central Committee before and immediately after the events of 19 October 1983. The others, including Callistus Bernard and Lester Redhead, were found guilty of having carried out or been present during the killings. A key prosecution witness, Fabien Gabriel, had originally been charged with murder but was granted a conditional pardon in return for testifying for the state. Appeals began in May 1988 and ended in September 1990, with the Grenada Court of Appeal reserving judgment until its decision dismissing the appeals given in July 1991.

The defendants had refused to recognize the jurisdiction of the Grenada Supreme Court system under which they were tried. On this ground they had dismissed their defence counsel at the start of the trial and refused to participate in the proceedings, except to make unsworn statements to the court. Their lawyers have argued that the reinstatement of the 1974 Constitution in late 1983 required a return to the East Caribbean judicial system (ECSC) which provided, among other things, the right of final appeal to the JCPC in London. The appeals court ruled in 1986 that the Constitution required Grenada's eventual return to this system but upheld the temporary legitimacy of the Grenada Supreme Court for the purposes of the above trial.

In July 1991, the Grenada parliament passed legislation providing for a return to the ECSC, which will again provide right of appeal to the JCPC. This has not yet been signed into effect by the Governor General, although he could do so at any time. The legislation reportedly contains a clause excluding defendants whose cases have already become final from lodging further appeals under the ECSC, including appeals to the JCPC. This clause would appear to exclude the defendants in the above case from benefiting from a possible appeal to the JCPC. Other defendants in Grenada, including other condemned inmates on death row, will eventually have recourse to this avenue of appeal.

Amnesty International has sent observers to various stages of the trial and appeal in the above cases.

Amnesty International's concerns:

Amnesty International has appealed to the Grenadian Government to commute the above death sentences on humanitarian grounds. The organization said that the resumption of executions in Grenada after 13 years would be a retrograde step for human rights and that such a move would be contrary to the spirit of international human rights standards which encourage governments to restrict progressively their use of the death penalty with a view to its ultimate abolition.

Amnesty International has also raised the following concerns about the circumstances of the trial of the above defendants which the organization said provided strong additional grounds for clemency:

- Amnesty International believes that it would be unjust to execute prisoners sentenced under the temporary Grenada Supreme Court system who are denied recourse to an avenue of appeal which will shortly be available to other defendants in Grenada. The delay of re-entry into the ECSC system until final disposition of the present case gives rise to further concern that moves to execute the above prisoners may be taken for reasons of expediency rather than in the interests of justice.

- There is also evidence suggesting bias on the part of the trial jury against the defendants, which Amnesty International believes may have fundamentally undermined their right to a fair trial. Members of the panel from whom the trial jurors were selected showed hostility toward the defendants by, among other things, shouting and jeering when the defendants announced their intention to dismiss their defence counsel before the trial began on 11 April 1986. Amnesty International's observer who attended part of the proceedings was informed by the defendants' lawyers that members of the jury panel had also made threats and hostile remarks toward them and the defendants on other occasions.

- Amnesty International has also expressed concern about the circumstances in which a number of the above defendants were held following their arrest in October and November 1983, and the treatment leading to the signing of confessions in some cases. Several of the above defendants were initially arrested by United States troops and held incommunicado, blindfolded and manacled in oppressive conditions aboard US aircraft carriers before being transferred to Richmond Hill Prison where they continued to be denied access to legal counsel for several weeks. During this period, a number of the defendants, including Ewart Layne and Lester Redhead, signed statements which were used in evidence against them at their trial. They had not had access to lawyers before the statements were taken. Ewart Layne signed a statement after being held for several days in a wooden crate at Point Salines airport. Several other defendants alleged that they were ill-treated during interrogation in November 1983 as a result of which they signed self-incriminating statements. A number of unexplained injuries to the accused were also revealed during the voir dire stage of the trial, giving rise to unanswered questions about how these injuries were sustained. Amnesty International told the government that it believes that these circumstances are also relevant matters for consideration in the exercise of mercy.

- Amnesty International told the government that it regretted that the written decision of the Grenada Court of Appeals dismissing the appeals in

the above case has not yet been made available; this might have enabled the organization to comment more substantively on the issues of concern raised.

Safeguards guaranteeing the rights of those facing the death penalty adopted by the United Nations Economic and Social Council in 1984 (ECOSOC Resolution 1984/50) provide, among other things, that "Capital punishment may only be carried out pursuant to a legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in Article 14 of the International Covenant on Civil and Political Rights ...". Amnesty International is concerned that such safeguards have not been fully met in the above cases for the reasons outlined above.

RECOMMENDED ACTION: Telexes/faxes/telephone calls and airmail letters:

Appeals are particularly welcome from prominent people, members of governments, church groups, legal/bar associations etc.

- urging that all death sentences be commuted;
- noting that no executions have taken place since 1978 and that a resumption of executions would be contrary to the spirit of international human rights standards, which encourage governments to restrict progressively the use of the death penalty with a view to its ultimate abolition.

Appeals may also urge the government to take into account some of the trial concerns listed above as strong additional grounds for clemency.

APPEALS TO:

Sir Paul Scoon
Governor General

[Salutation: Dear Governor General]

Government House
Upper Lucas Street
St George's, Grenada

Telexes: 3423 GRENEX GA (attn: Governor General)

Faxes: +809 444 4184

Tel: +809 440 2401

The Honourable Dr Francis R Alexis
Attorney General, Minister of Legal Affairs and Local
Government

[Salutation: Dear Minister]

Ministry of Legal Affairs
Botanic Gardens
St George's, Grenada

The Honourable Nicholas Brathwaite
Prime Minister

[Salutation: Dear Prime Minister]

Botanic Gardens
St George's, Grenada

Telexes: 3457

Faxes: +809 444 4116

Joan Purcell

Designated Minister Advisory Committee on the Prerogative
of Mercy

[Salutation: The Honourable Joan Purcell]

Ministry of Tourism, Civil Aviation and Women's Affairs
St George's, Grenada

Telexes: 3422 MINTCA GA

Tel: +809 440 0366/7/8

N.B You may have some difficulty getting through on telex/fax numbers given for The Honourable Joan Purcell and The Honourable Nicholas Brathwaite. If this is the case, send appeals to these people via the telex number given for The Governor General (3423 GRENEX GA). In the event that such difficulties may occur, phone calls/telexes/faxes and express letters should be made to diplomatic representatives of Grenada in your own country.

COPIES TO the following newspapers:

- The Grenadian Voice, PO Box 310, Melville Street, St George's, Grenada
Tel: 0101 (809) 440 1498/440 3983; Faxes: 0101 (809) 440 4117
- The Grenada Newsletter, PO Box 65, Scott Street, St George's, Grenada
Tel: 0101 (809) 440 2538
- Caribbean Contact Ltd, PO Box 616, Bridgetown, Barbados
- The Indies Times, Grenville Street, St George's, Grenada
- The Informer, Young Street, St George's, Grenada
Tel: 0101 (809) 440 1530
- The West Indian, West Indian Publishing Co Ltd, 45 Hillsborough Street,

St George's, Grenada
Tel: 0101 (809) 440 2118

and to diplomatic representatives of Grenada in your own country.

PLEASE SEND APPEALS AS SOON AS YOU CAN. Where possible, appeals should arrive by 7 August 1991.