

EXTERNAL

AI Index: AMR 49/08/96

14 March 1996

Further information on EXTRA 37/96 (AMR 49/06/96, 11 March 1996) - Death Penalty

TRINIDAD AND TOBAGO

Michael WANZAR
Kenneth TEESDALE
Raffick SAHADATH
Elvis PENNY
Franklyn GONZALES

All five prisoners scheduled to be executed on 13 March 1996 have now received a stay of execution from Trinidad and Tobago's High Court. The stays were granted to allow for further hearings on 25 March 1996.

Four of the prisoners, Michael Wanzar, Kenneth Teesdale, Elvis Penny and Franklyn Gonzales received stays on the grounds that they had been under sentence of death for more than five years and therefore came under the ruling in Pratt and Morgan v. The Attorney General of Jamaica (see original EXTRA for full details).

Raffick Sahadath's execution was stayed to allow for further hearings on his mental health. According to a psychiatric evaluation conducted on 9 March 1996, Sahadath suffers from "auditory hallucinations and is probably suffering from severe mental illness that may be significantly affecting his ability to think and behave normally." The psychiatrist recommended that further evaluation of Sahadath's mental condition was required to determine the "nature and extent of the disorder." Prison employees made gestures indicating that they believed Raffick Sahadath to be insane to Sahadath's attorney when he visited the prison.

Sahadath's defence lawyers were given 24 hours to file affidavits on his mental health for the hearing on 25 March 1996.

Amnesty International is concerned that the execution of Raffick Sahadath may be contrary to the safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the United Nations Economic and Social Council (ECOSOC) in May 1989 (Resolution 1989/64), which recommends "*eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence, whether at the stage of sentence or execution.*" Resolution 1984/50, adopted in May 1994, also states "*the death penalty shall not be carried out on persons who have become insane.*"

All five prisoners have made submissions to the United Nations Human Rights Committee (HRC). The HRC has made a Rule 86 appeal that the executions not go ahead until the committee has had an opportunity to consider the appeals (see original EXTRA for details).

FURTHER RECOMMENDED ACTION: Please telephone, or send telegrams/telexes/faxes/express/ airmail letters in English or in your own language:

- welcoming the stays of execution;

- expressing deep concern that Trinidad and Tobago attempted to execute Raffick Sahadath despite his severe mental illness; make reference to the ECOSOC guidelines;
- urge that no executions take place in Trinidad and Tobago.

APPEALS TO:

The Rt Hon Basdeo Panday
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and to diplomatic representatives of Trinidad and Tobago accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.