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EXTRA 73/99 Death Penalty 18 June 1999

TRINIDAD AND TOBAGO Anthony Briggs

The government of Trinidad and Tobago has violated both national and international law by scheduling Anthony Briggs to be hanged on 22 June 1999 while his case is still pending before the Inter-American Court on Human Rights.

Anthony Briggs was convicted with Wenceslaus James of the 1992 murder of Siewdath Ramkissoon, and sentenced to death in June 1996.

Following unsuccessful appeals to the national courts, a petition was filed on behalf of Anthony Briggs with the Inter-American Commission on Human Rights (IACHR) in October 1997, claiming that his rights guaranteed under the American Convention on Human Rights had been violated.

Despite the fact that the IACHR was still considering his petition, the government scheduled him to be hanged on 4 August 1998. However, he was granted a stay of execution after filing a motion to the national courts claiming it would be unconstitutional to hang him while the petition was pending before the IACHR.

In August 1998, the IACHR referred his case to the Inter-American Court on Human Rights, because it considered that as the government had scheduled him to hang he was at risk of "irreparable damage". The Court issued an order to the government of Trinidad and Tobago on 29 August 1998 to preserve his life. This order is still in place.

In March 1999, the Judicial Committee of the Privy Council in London, Trinidad and Tobago's highest national appeal court, ruled in a case brought by two other men under sentence of death in Trinidad and Tobago, Darrin Roger Thomas and Haniff Hillaire, that executions should be stayed until petitions to international bodies are finally disposed of and the rulings of the Inter-American Commission on Human Rights and the Inter-American Court on Human Rights have been considered by the relevant authorities.

On 9 March 1999, the IACHR issued its decision on Anthony Briggs's petition, finding that the state had violated his right to full and free exercise of the rights and freedoms recognized in the American Convention on Human Rights. The IACHR also found that his right to be tried within a reasonable time or to be released had also been violated, as he had been detained for three years and three months before he was brought to trial.

Based on its findings the IACHR recommended that Anthony Briggs was entitled to effective remedy including commutation of his sentence.

On 20 May 1999 the government requested that the Inter-American Court on Human Rights discharge the order of 29 August 1998. The IACHR opposed the state's request on the grounds that the government had failed to remedy the violations of the American Convention on Human Rights. In an order dated 25 May the Court decided to maintain the order to preserve Anthony Briggs's life "until such time as the Court... issues a decision on this matter." The Court, to date, has not issued its decision.

BACKGROUND INFORMATION

On 26 May 1999, Trinidad and Tobago became the first state to withdraw from the American Convention on Human Rights. The government also withdrew the jurisdiction of the Inter-American Court on Human Rights. The government stated that the withdrawals were necessary because the IACHR was taking too long to consider petitions filed by people under sentence of death. Despite these withdrawals the government is still obliged to comply with the IACHR and the Inter-American Court on Human Rights, in cases filed with these bodies before 26 May 1999.

Dole Chadee, also known as Nankissoon Boodram, Joey Ramiah, Ramkalawan Singh, Joel Ramsingh, Russell Sankeralli, Bhagwandeem Singh, Clive Thomas, Robin Gopaul and Stephen Eversley were the last people to be hanged in Trinidad and Tobago on 4, 5 and 7 June 1999. Their executions were the first to take place in the country for five years.

RECOMMENDED ACTION: Please send TELEGRAMS AND FAXES in English or your own language:

- expressing concern that Anthony Briggs is scheduled to be hanged on 22 June 1999 even though his case is currently pending before the Inter-American Court on Human Rights;
- pointing out that by issuing the execution warrant, the government has violated the ruling of the Judicial Committee of the Privy Council in the case of Darrin Roger Thomas and Haniff Hillaire to stay executions until petitions are finally disposed of by the Inter-American Commission on Human Rights and the Inter-American Court on Human Rights;
- pointing out that the execution warrant also violates the order of the Inter-American Court on Human Rights to take measures to preserve his life until such time as the Court issues a decision on the matter;
- expressing concern that the government is once again challenging the authority of the Inter-American system for the protection of human rights which has been developed over the past 50 years;
- urging the government to implement the recommendation of the Inter-American Commission on Human Rights to provide effective remedy for violations of his rights guaranteed by the American Convention on Human Rights including commutation of his sentence;
- reminding the government that despite its withdrawal from the American Convention on Human Rights and its withdrawal of the jurisdiction of the Inter-American Court on Human Rights on 26 May 1999, it is obliged to provide effective remedy for violations of the American Convention on Human Rights that occurred before that date, and is still obliged to comply with the Inter-American

Commission on Human Rights and the Inter-American Court on Human Rights in cases filed with the bodies before 26 May 1999;

- pointing out that the death penalty is the ultimate cruel, inhuman and degrading punishment, which violates the right to life and has a brutalizing effect on all involved in its application.

APPEALS TO:

Prime Minister, The Rt. Hon. Basdeo Panday, Office of the Prime Minister
Level 19, Central Bank Tower, Eric Williams Plaza, Independence Square
Port of Spain, Trinidad and Tobago

Telegrams: Prime Minister, Port of Spain, Trinidad/Tobago

Faxes: + 1 868 627 3444

Salutation: Dear Prime Minister

Attorney General, The Hon. Ramesh Lawrence Maharaj, Ministry of the Attorney
General, Winsure Building, 24-28 Richmond Street, Port of Spain, Trinidad and
Tobago

Telegrams: Attorney General, Port of Spain, Trinidad/Tobago

Faxes: + 1 868 625 0470 / 6530

Salutation: Dear Attorney General

COPIES TO:

Minister of National Security, Senator The Hon. Joseph Theodore, Ministry of
National Security, 18 Knox Street, Port of Spain, Trinidad and Tobago

Faxes: + 1 868 627 8044

The President, The Hon. Arthur Napoleon Robinson, President of the Republic
The President's House, Circular Road, St. Ann's, Port of Spain, Trinidad and
Tobago

Faxes: + 1 868 625 7950

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

PLEASE SEND APPEALS IMMEDIATELY.