

EXTERNAL

AI Index: AMR 14/01/96

6 March 1996

Further information on EXTRA 62/95 (AMR 14/06/95, 31 May 1995) and follow-up (AMR 14/07/95, 16 June 1995) - Death Penalty

BAHAMAS

Thomas RECKLEY

new names:

Dwayne MCKINNEY

Cyril DARVILLE

Thomas Reckley, Dwayne McKinney and Cyril Darville are to be hanged on 13 March 1996. The Ministry of Public Affairs and Immigration made the announcement after the Advisory Committee on the Prerogative of Mercy found that clemency should not be granted in these cases. If the hangings are carried out, they will be the first to take place in the Bahamas for 12 years.

Thomas Reckley was convicted of murder in November 1990. He was originally scheduled to be executed on 30 May 1995, but received a 10-day stay of execution, one hour before he was due to be hanged. He was then scheduled to be executed on 9 June 1995, but again received a last-minute stay of execution. He has apparently won a total of five stays of execution.

In June 1995 the Judicial Committee of the Privy Council (JCPC) in London - the final court of appeal for many Commonwealth countries, including the Bahamas - dismissed Reckley's appeal which had argued that to execute him after four-and-a-half years would amount to inhuman or degrading treatment, in violation of Bahama's Constitution. This was rejected on the grounds that there had been no blame or inordinate delay within the Bahamas legal system.

However, in 1993 the JCPC issued a key ruling in a Jamaican case, that of Pratt and Morgan, that "in any case in which execution is to take place more than five years after sentence there will be strong grounds for believing that the delay is such as to constitute "inhuman or degrading punishment or other treatment"". As Reckley has now spent more than five years on death row there are strong grounds, according to the Pratt and Morgan ruling, for commuting his death sentence.

Dwayne McKinney was sentenced to death on 27 April 1992. His appeal to the Bahamas Court of Appeal was rejected on 26 January 1994. An appeal to the JCPC was dismissed on 28 June 1995.

Cyril Darville was sentenced to death on 13 August 1992 for a shooting in 1990. His appeal to the Court of Appeal was dismissed on 4 October 1994.

In the Bahamas the Constitution provides for an Advisory Committee on the Prerogative of Mercy, which recommends whether a prisoner should be granted clemency or not. The Chairperson of the committee, who is not bound by the advice of the Committee, advises the Governor General on the final action to be taken. The Governor General then exercises his power "in accordance with the advice of the Prime Minister." There are currently over 40 prisoners under sentence of death in the country, 15 of whom have spent more than five years on death row.

Amnesty International opposes the death penalty in all cases as a violation of the right to life, and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal declaration of Human Rights.

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

- expressing deep concern that Thomas Reckley, Dwayne McKinney and Cyril Darville are scheduled to be executed and urging that their death sentences be commuted;
- welcoming the fact that no executions have taken place in the Bahamas since 1984, and stressing that a resumption of executions would be a retrograde step and would be contrary to a worldwide trend towards the abolition of the death penalty;
- expressing sympathy for the victims of violent crime and their relatives;
- noting that in Thomas Reckley's case, the JCPC ruling that there are strong grounds for believing that execution in any case after more than five years would constitute "inhuman or degrading punishment or other treatment".

Other points may also be added:

- noting that detailed research in many countries has produced no evidence that the death penalty deters crime more effectively than other punishment;
- the death penalty is brutalizing to all who are involved in the process;
- it is arbitrary and often falls disproportionately on minority and underprivileged groups;
- it denies the widely accepted principle of rehabilitating the offender;
- it does not alleviate the suffering caused to the victims of crime.

APPEALS TO

His Excellency Orville Turnquest
Governor General
PO Box N8301
Nassau, Bahamas
Telephone: +1 809 322 1875
Faxes: +1 809 322 4659
Telegrams: Governor General, Nassau, Bahamas
Salutation: Your Excellency

The Honourable Hubert Ingraham,
Prime Minister
Office of the Prime Minister
Churchill Building
PO Box N 3746
Nassau, The Bahamas
Faxes: +1 809 327 5806
Telegrams: Prime Minister, Nassau, Bahamas
Salutation: Dear Prime Minister

COPIES TO:

Senator Brent Symonette,
Attorney-General
PO Box N 3007
Nassau, Bahamas

Faxes: +1 809 322 2255

The Honourable Janet Bostwick
Minister of Foreign Affairs
Ministry of Foreign Affairs
PO Box N3746
Nassau, Bahamas

Faxes: +1 809 328 8212

The Nassau Daily Tribune (newspaper)
Shirley Street
PO Box N-3207
Nassau, Bahamas

Faxes: +1 809 328 2398

and to diplomatic representatives of the Bahamas accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.