

PUBLIC

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EXTRA 101/99

Death Penalty

4 August 1999

BAHAMAS

John Higgs
David Mitchell

The Bahamian government has scheduled John Higgs and David Mitchell to be hanged on 10 August 1999.

John Higgs was convicted in August 1996 and David Mitchell was convicted in November 1994 of unrelated murders.

Their executions have been scheduled despite the fact that the Inter-American Commission on Human Rights (IACHR) is still considering petitions filed by both men which claim that their human rights, as protected by the American Declaration on the Rights and Duties of Man ("the American Declaration"), have been violated. The government have scheduled the executions because both petitions have been pending before the IACHR for more than 18 months.

Amnesty International is concerned that the scheduling of these executions is counter to the Bahamian government's obligation as a member state of the Organization of American States (OAS) to cooperate with OAS bodies, including the IACHR - whose functions include safeguarding the human rights of individuals, as enshrined in the American Declaration.

Going ahead with the executions while the IACHR is still considering the men's petitions would also contribute to undermining the regional mechanisms for the protection of human rights developed over the last 50 years.

BACKGROUND INFORMATION

The death penalty is the mandatory punishment for murder in the Bahamas.

In October 1998, the Judicial Committee of the Privy Council ruled on a constitutional motion brought by death row prisoner Trevor Fisher, that it was not unconstitutional to execute a person whose petition has been pending before the IACHR for more than 18 months. Trevor Fisher and Richard Woods were hanged on 16 October 1998, even though the IACHR had informed the government of the Bahamas it would issue its decision on both cases within the next two weeks.

Despite this ruling by the Bahamas national courts, the government is still obliged to respect its international obligations and to await the IACHR decision on these cases.

RECOMMENDED ACTION: Please telephoen and send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- urging the government not to execute John Higgs and David Mitchell;
- reminding the government that despite the ruling of the Judicial Committee of the Privy Council on Trevor Fisher's constitutional motion the Bahamian government has an obligation as a member of the Organisation of American States not to execute John Higgs and David Mitchell while their petitions are pending before the IACHR;

- urging the government to uphold the integrity of the Inter-American System for the protection of human rights by staying the executions pending the decisions of the IACHR on the men's petitions;
- expressing sympathy for the victims of violent crime and their relatives but stating that in many cases when a person convicted of murder has been executed by the state, the family of the victim have said that the execution did nothing to alleviate their feelings of anger and loss;
- 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;
- urging the government to implement the 1999 recommendation of the United Nations Commission on Human Rights to establish a moratorium on executions with a view to completely abolishing the death penalty.

APPEALS TO:

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COPIES TO:

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and to diplomatic representatives of Bahamas accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.