

PUBLIC

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30 December 1999

Further information on EXTRA 101/99 (AMR 14/01/99, 4 August 1999) and follow-up (AMR 14/03/99, 10 August 1999 and AMR 14/04/99, 15 December 1999) - Death penalty / Imminent execution

BAHAMAS

John Higgs  
David Mitchell

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John Higgs and David Mitchell are scheduled to be hanged on 6 January 2000 at 6:30am. The appeals process for both men is now exhausted.

The warrants for their execution were read on 28 December on the orders of the Governor General of the Bahamas, Sir Orville Turnquest.

Amnesty International and the men's lawyers made a last minute appeal to the advisory committee to grant commutation. On 21 December 1999, however, the committee concluded that their cases "were not proper ones in which the prerogative of mercy should be exercised" (the advisory committee consists of three government ministers who meet to decide whether to grant the power of pardon).

Amnesty International is concerned that the Bahamian government has scheduled the execution of John Higgs and David Mitchell despite the fact that both men have petitions pending before the Inter-American Commission on Human Rights (IACHR), reportedly due to be heard in February 2000.

The date of the men's executions coincides with that of Epiphany, a church festival celebrated on 6 January in commemoration of the manifestation of Christ to the Wise Men of the East. Bahamas is a deeply religious country.

The son of David Mitchell's victim is reported to have appealed for clemency on his behalf.

#### BACKGROUND INFORMATION

John Higgs was sentenced to death in 1995 for the murder of his wife, Joan Higgs. He was retried in August 1996 and again sentenced to death. David Mitchell was convicted of the 1994 murder of Horst and Traude Henning, and sentenced to death in November that year.

#### FURTHER RECOMMENDED ACTION: Please send telegrams and faxes in English or your own language:

- urging the government to commute the death sentences of John Higgs and David Mitchell;
- expressing concern that the Bahamian government has scheduled their execution to go ahead on 6 January 2000 despite the fact that the IACHR is reportedly due to consider petitions filed by both men in February 2000;
- urging the government to stay the executions pending the decisions of the IACHR on the men's petitions;
- expressing sympathy for the relatives of Joan Higgs, Horst and Traude Henning, along with all victims of violent crime and their relatives;
- pointing out, however, 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:**

Prime Minister

The Honourable Hubert Ingraham  
Sir Cecil V. Wallace Centre  
PO Box CB 10980  
Nassau, Bahamas

**Telegrams: Prime Minister, Nassau, Bahamas**

**Telephone: + 1 242 322 2805**

**Faxes: + 1 242 327 5806**

**Salutation: Dear Prime Minister**

Attorney General

The Honourable Janet Bostwick  
Attorney General  
PO Box N-3007  
Nassau, BAHAMAS

**Telegrams: Attorney General, Nassau, Bahamas**

**Telephone: + 1 242 322 1141**

**Faxes: + 1 242 322 2255**

**Salutation: Dear Attorney General**

The Governor General

His Excellency Sir Orville Turnquest  
Governor General  
PO Box N-8301  
Nassau, Bahamas

**Telegrams: Governor General, Nassau, Bahamas**

**Telephone: + 1 242 22 1875**

**Faxes: + 1 242 322 4659**

**Salutation: Dear Governor General**

**Copies to:** diplomatic representatives of the Bahamas accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**