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Bahamas: Hangings challenge international human rights protection system

By hanging Trevor Fisher and Richard Woods this morning, the Government of the Bahamas has flagrantly ignored requests by the Inter-American Commission on Human Rights (IACHR) to protect their lives, Amnesty International said today.

Prior to today's executions, only two people -- Thomas Reckley and Dwayne Mckinney, both hanged in 1996 -- had been executed in Bahamas since 1984.

"We deeply regret the hanging of Trevor Fisher and Richard Woods and we are dismayed at the government's contempt for the Inter-American system for the protection of human rights," Amnesty International said.

The executions have undermined the hemispheric regional mechanism for the international protection of human rights which has been developed over the last 50 years, and have irremediably deprived these men of the right to scrutiny of their cases by an international human rights body.

Both men have petitions pending before the Inter-American Commission on Human Rights (IACHR), claiming that their rights as protected by the American Declaration on the Rights and Duties of Man have been violated. The IACHR had told the government that it would issue its conclusions on their requests within two weeks, but the government proceeded anyway.

In hanging them, the Bahamas has disregard its obligation as a member state of the Organisation of American States, to cooperate with the IACHR and comply with its procedures for considering petitions brought by its citizens.

Yesterday, the IACHR faxed a request to the government to commute the two men's death sentences at least until it had issued its decision. A similar request had been made by the European Union. However, the government replied to the IACHR stating that it would carry out the executions.

Amnesty International expresses its sympathy for the relatives of the victims of Trevor Fisher and Richard Woods. However, the organization argues, the death penalty has never been shown as being more effective in deterring crime than any other form of punishment, and on the contrary, it has a brutalizing effect on all those involved in the process.

Background

Trevor Fisher was convicted and sentenced to death in March 1994 for the murder, in 1990, of Durventon Daniels. Following the dismissal of appeals available under national law, on 7 June 1996 a petition was filed on his behalf to the IACHR, seeking recourse under international law. On 5 May 1998, the IACHR declared Trevor Fisher's petition admissible and put his case forward for consideration at its session from 28 September to 16 October 1998.

On 5 October, the Judicial Committee of the Privy Council (JCPC, the Bahamas' highest appeals court located in London) delivered a judgement on a motion brought by Trevor Fisher, in response to a

warrant issued for his execution in March 1998. The motion claimed that it would be unconstitutional for the Bahamas to execute him whilst his petition is pending before the IACHR. The Privy Council ruled by a majority of three to two that it was not unreasonable for the government of the Bahamas to schedule Trevor Fisher's execution as his petition at the time that warrant was issued had been pending before the IACHR for over 21 months. The presiding judge dissented against this decision stating that "It is hard to imagine a more obvious denial of human rights than to execute a man whilst his case is still under legitimate consideration by an international human rights body, after many months of waiting for the result."

Richard Woods was convicted and sentenced to death in January 1995, for the "hit and run" murder, in 1993, of his niece Pauline Johnson. Richard Woods' application to the IACHR was submitted on 28 August 1996.

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