

EXTERNAL (for general distribution)

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Death Penalty

28 June 1991

BELIZE

Catalino O'Neil (aged 27)

On 14 March 1991, Catalino O'Neil was sentenced to death by hanging by the Supreme Court of Belize, after being found guilty of the murder of his ex-common-law-wife, on 10 May 1990. He appealed against his conviction. Amnesty International is concerned that on 12 June 1991, his appeal was dismissed and the conviction confirmed by the Appeals Court.

The death penalty is mandatory for murder in Belize. Catalino O'Neil's appeal is the first appeal to be dismissed by the Appeals Court since the appeal of Kent Bowers was turned down in 1985. Kent Bowers was subsequently executed in June 1985, despite a petition for clemency reportedly signed by 2,500 people.

According to the Constitution of Belize, the Governor General has the prerogative of mercy in death penalty cases, acting under the advice of the Belize Advisory Council. The Advisory Council is made up of 12 members, all citizens of Belize, appointed by the Governor-General. One of its functions is to advise the Governor General on the exercise of the royal prerogative of mercy, through the Privy Council in the United Kingdom. Catalino O'Neil's lawyer has presented an appeal to the Advisory Council, which is expected to meet in the next week. Amnesty International is urging the Governor-General to grant the prerogative of mercy and to commute the death sentence imposed on Catalino O'Neil.

BACKGROUND INFORMATION

The government of Belize informed the United Nations' Secretary-General for his 1985 report on capital punishment that between 1979 and 1985 28 death sentences were imposed, and one execution was carried out. Since 1985, Amnesty International has learned of at least 8 further death sentences imposed, but none were carried out. In December 1990, Amnesty International appealed on behalf of Luis Santos, sentenced to death in November 1990. (See Luis Santis - Death Penalty Case, AI Index: AMR 16/02/90). Amnesty International subsequently learned that his sentence, as well as that of two other death row prisoners, was overturned by the Appeals Court and a retrial ordered in all three cases. After pleading guilty to a lesser charge of manslaughter all three were sentenced to eight years' imprisonment. At the time of writing, Catalino O'Neil is the only prisoner currently known to be on death row.

Amnesty International opposes the death penalty unconditionally, believing it to be the ultimate form of cruel, inhuman and degrading treatment and a violation of the right to life as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments. Amnesty International works for the abolition of the death penalty throughout the world and for clemency in all cases where executions are feared to be imminent, regardless of the nature of the crime for which

a prisoner has been convicted.

Intergovernmental organizations have expressed support for abolishing the death penalty in recent years. In December 1989 the United Nations' General Assembly adopted a Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The Protocol states that "Each State party shall take all necessary measures to abolish the death penalty within its jurisdiction". In the table of voting on the Protocol, Belize appears as "Absent".

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- stating Amnesty International's unconditional opposition to 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 treatment or punishment, as proclaimed in the Universal Declaration of Human Rights (please mention this first);
- welcoming the reduction in the use of the death penalty in recent years in Belize;
- expressing concern at reports that Catalino O'Neil has been sentenced to death;
- urging the Governor-General to grant clemency to Catalino O'Neil and commute the death sentence passed on him;

APPEALS TO

H.E. Dr. Dame Minita E. Gordon
Governor-General
Office of the Governor-General
Belize House, Belmopan
Belize

Telegrams: Governor General, Belmopan, Belize
Telexes: 211 BH

Rt. Hon. George Price
Prime Minister, Minister of Defence,
Finance and Home Affairs
Office of the Prime Minister
East Bloc, Belmopan
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Telegrams: Prime Minister, Balmopan, Belize
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Hon. Glenn Godfrey
Attorney General
Attorney General's Office
Belmopan, Belize

Telegrams: Attorney General Godfrey, Belmopan, Belize

COPIES TO:

Human Rights Commission of Belize
PO Box 617
Belize City, Belize

Mr. Oscar A. Sabido
5 King Street
Belize City, Belize (Lawyer for Catalino O'Neil)

The Reporter (Newspaper)
147 West Street
Belize City, Belize

and to diplomatic representatives of Belize in your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 2 August 1991.