

EXTERNAL

AI Index: AMR 49/02/95

EXTRA 125/95

Corporal Punishment

26 October 1995

TRINIDAD AND TOBAGO

Clyde Lewis, aged 50

Clyde Lewis, also known as "Joe Daylight", has been sentenced to 10 strokes with the birch.

Lewis was convicted of the rape of a 20-year-old woman in 1989 and was sentenced to 10 years' imprisonment in addition to the birching. He appealed against the sentence. The appeal was denied on 17 October 1995. Amnesty International believes the sentence of flogging could be carried out in the immediate future.

BACKGROUND INFORMATION

Trinidad and Tobago's law provides for the use of corporal punishment as a sentence imposed by the courts and also as a means of prison discipline. Sentences of flogging are regularly imposed and at least four people have been sentenced to corporal punishment this year.

Amnesty International believes that the use of flogging constitutes a cruel and unusual punishment and as such is a violation of both the Universal Declaration of Human Rights and the United Nations General Assembly's Declaration in December 1975 on the Protection of all Persons from Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.

The use of corporal punishment contravenes a number of international human rights standards to which Trinidad and Tobago is a party, including Article 7 of the International Covenant on Civil and Political Rights and Article 5(2) of the American Convention on Human Rights. The latter states: "No one shall be subjected to torture or to cruel, inhuman or degrading punishment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person".

Corporal punishment is administered by a prison officer with a doctor in attendance who can stop the punishment on medical grounds.

In April 1993 a Magistrate in Port of Spain imposed a sentence of flogging on an 11-year-old boy, who had pleaded guilty to being in possession of cocaine. The Magistrate ordered the sentence to be carried out immediately and her order was put into practice by the police. The Magistrate further ordered the boy to be confined and that he should receive no visitors.

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

- expressing concern at the sentence of corporal punishment imposed on Clyde Lewis;
- urging that if the sentence has not been carried out it be withdrawn on humanitarian grounds;
- pointing out that the state of Trinidad and Tobago is contravening international human rights treaties to which it is a party; please quote from Article 5(2) of the American Convention on Human Rights;
- urging that no more sentences of corporal punishment be imposed and calling for the punishment to be abolished in law.

APPEALS TO:

The Rt Hon Patrick Manning, Prime Minister
Office of the Prime Minister
Whitehall
Queen's Park West
Port of Spain
Trinidad and Tobago
Faxes: +1 809 627 3444
Telephone: +1 809 623 2971/4282
Telegrams: Prime Minister, Port of Spain, Trinidad
Salutation: Dear Prime Minister

The Hon John Eckstein
Minister of National Security
Ministry of National Security
Knox Street
Port of Spain
Trinidad and Tobago
Faxes: +1 809 627 8044
Telephone: +1 809 623 2441
Telegrams: Minister Eckstein, Port of Spain, Trinidad
Salutation: Dear Minister

Keith Sobion, Attorney General
Ministry of Legal Affairs
Red House
St Vincent Street
Port of Spain
Trinidad and Tobago
Telephone: +1 809 623 2971/4282
Telegrams: Attorney General, Port of Spain, Trinidad
Salutation: Dear Attorney General

COPIES TO:

Trinidad Guardian
22 St Vincent Square
Port of Spain
Faxes: +1 809 625 7211

and to diplomatic representatives of Trinidad and Tobago accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 26 November 1995.