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Trinidad and Tobago: Attorney General should release tape which could prove hanged man's innocence

In a letter sent to Trinidad and Tobago's Attorney General, the Hon. Ramesh Maharaj, Amnesty International criticized his failure to stop Russell Sankerali's execution on 5 June 1999, despite having received a tape which could prove his innocence, and asked him to immediately make the tape public.

"Hours before Russell Sankerali was scheduled to hang, the Attorney General was provided with new evidence which may have saved him from the gallows," Amnesty International said. "Yet nothing was done to stop the execution, causing fears that a possibly innocent man has died for the government's political gain."

"It is disturbing that this evidence is still being suppressed even after the execution was carried out. Under Trinidad and Tobago law this recording should have been disclosed to Russell Sankerali's lawyers before his trial took place in 1996."

"In order to allay fears that the withholding of this tape was politically motivated, it is vital that the Attorney General now release it to the public without delay."

Russell Sankerali was one of nine men executed in June 1999 for their involvement in the murder of the Baboolal family. On the eve of the execution, the Attorney General reportedly received a State Security recording of a 1994 conversation between Clint Huggins, another suspect in the case, and National Security officials, detailing events of the night the murders took place.

Clint Huggins confessed to his involvement in the murders following his arrest. He was murdered in February 1996, before the case went to trial, and his confession statement was read to the jury at the trial. In the 1994 recording Clint Huggins reportedly contradicts the statement read at the trial, stating instead that Russell Sankerali only drove a car to and from the Baboolal family home and stayed in the car unaware of the plan to commit the murders.

If Russell Sankerali did not know of the plan to carry out the murders then under Trinidad and Tobago law he lacked the required intent to be guilty of the offence of murder and should not have been hanged.

Rather than allow the courts to decide on the impact of this evidence, Attorney General reportedly called a meeting on 4 June, where the tape was played for the Prime Minister, the Director of Public Prosecutions and the Minister of National Security. The men then decided that no issue arose from the tape that justified stopping Russell Sankerali's execution.

"This was not their decision to make," Amnesty International said. "Instead of relying on the courts' independent decisions, these government officials were guided by their own political opinions. Only the courts have the legal authority to decide what impact this new evidence could have, and this time they were denied this opportunity."

Amnesty International believes that the government of Trinidad and Tobago has used the death penalty predominantly for political purposes. This view is supported by the announcement of local elections on 4 June 1999, the date of the first three hangings in the Baboolal case.

“If the death penalty were a law and order issue as the government claims, then the Attorney General would have surely taken steps to stay Russell Sankerali’s execution, when he became aware of the new evidence, to allow the courts to examine it,” Amnesty International said.

“Even if Russell Sankerali is found innocent in light of this new evidence, there is now nothing the government can do to remedy this miscarriage of justice. This is a tragic illustration of the irrevocable nature of executions and a prime argument for abolishing the death penalty.”

Accordingly, Amnesty International is once again urging the government of Trinidad and Tobago to implement the recommendations of the United Nations Commission on Human Rights by establishing a moratorium on executions with a view to abolishing the death penalty.

“As long as Trinidad and Tobago continues to execute people, there is an ever-present risk that innocent people will be killed. This risk is compounded by the country’s administration of justice, in particular the negligible amount of legal aid available to capital defendants, which the Attorney General rightly criticized severely before his appointment to Government,” the human rights organisation added.

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