

NEWS RELEASE 4<sup>TH</sup> MARCH 2008

## PRIVY COUNCIL ALLOWS APPEALS IN TWO KEY DEATH PENALTY CASES

---

### LESTER PITMAN

Lester Pitman's appeal to the Privy Council has been allowed on the basis of new medical evidence which may cast doubt on the safety of his conviction for murder and the legality of the sentence of death.

The case has been remitted to the Court of Appeal of Trinidad and Tobago after the Privy Council admitted the fresh evidence about Pitman's mental state. The Court of Appeal will now have to consider the safety of the conviction and the legality of the sentence in light of that evidence.

According to the new medical evidence, Pitman has an IQ of 52. A result below 70 is generally considered to show severe mental impairment. Psychiatric tests show that he is also extremely compliant and suggestible. This new evidence may cast doubt on the value of his confession, which was made in the police station without the presence of a lawyer or family member, whether he is fit to plead, whether he has a defence of diminished responsibility, and the legality of passing a death sentence on him.

In June 2005, Trinidad read Pitman a warrant of execution while his appeal to the Privy Council was pending. Only an emergency order from the High Court of Trinidad saved his life.

### Notes to Editors

1. The Appellant was represented by Edward Fitzgerald QC of Doughty Street Chambers and Alison Macdonald of Matrix Chambers who were instructed by Simons, Muirhead & Burton.
2. For further information please contact Saul Lehrfreund and Parvais Jabbar, Executive Directors of the Death Penalty Project at Simons, Muirhead & Burton. See below for direct telephone numbers.

---

### LESLIE PIPERSBURGH AND PATRICK ROBATEAU

Leslie Pipersburgh and Patrick Robateau have had their convictions for four murders and an attempted murder quashed. Both had been sentenced to death.

At their original trial, the prosecution relied heavily on five dock identifications of Pipersburgh and Robateau. The judge failed to direct the jury adequately in relation to this evidence, which is generally considered to be extremely unreliable. It was primarily because of this failure that their Lordships held that the convictions were unsafe.

The Privy Council went on to clarify the correct procedure for dealing with alleged admissions made to 'persons in authority' who are not police officers.

Lord Rodger also gave guidelines on the appropriate sentencing procedure when a discretionary death sentence is being considered. His Lordship emphasized the need to obtain social enquiry and psychiatric reports for every prisoner being considered for a death sentence. These help inform the decision as to whether there is any possibility of a prisoner reforming and readapting to society. In recent capital cases elsewhere in the Caribbean it has been held that a discretionary death sentence should only be passed in exceptional circumstances and only when there is no possibility of reform or social re-adaptation.

Given its conclusion that the convictions were unsafe, the Privy Council did not need to rule on whether the sentences of death by hanging would constitute inhuman and degrading punishment and that the carrying out of those sentences would accordingly be unconstitutional.

The case has been remitted to the Court of Appeal of Belize, which will decide whether Pipersburgh and Robateau must face a fresh trial.

#### **Notes to Editors**

1. The Appellants were represented by Edward Fitzgerald QC of Doughty Street Chambers, Simeon Sampson SC of the Belize Bar and Alex Bailin of Matrix Chambers who were instructed by Simons, Muirhead & Burton.
2. For further information please contact Saul Lehrfreund and Parvais Jabbar, Executive Directors of the Death Penalty Project at Simons, Muirhead & Burton.

Direct Telephone Numbers:

Saul Lehrfreund : 0203 206 2746

Parvais Jabbar: 0203 206 2747