

News Release, May 2009

“Barbados’ Compliance with Inter-American Court Ruling”

On 20 November 2007, in the case of Boyce et al v Barbados, the Inter-American Court of Human Rights found in a landmark judgment that the mandatory death sentence imposed on all those convicted of murder in Barbados violates the right to life as it is arbitrary and fails to limit the application of the death penalty to the most serious crimes.

The Inter-American Court of Human Rights had also found other serious violations of the American Convention on Human Rights to the detriment of all of the applicants. The Court held, *inter alia*, that the prison conditions endured by the applicants constituted cruel, inhuman and degrading treatment.

On 30th January 2009, the Government of Barbados provided the Court with its Compliance Report on the actions the State proposes taking in order to adhere to the judgment of the Inter-American Court of Human Rights in this case. Barbados have agreed in principle to comply with the judgment in full and the Death Penalty Project welcomes this decision.

Foremost, the decision of the Government to adopt legislative measures to abolish the mandatory aspect of the death penalty is a positive step towards the restriction of capital punishment.

The State’s Compliance Report was followed more recently by a statement from the Deputy Prime Minister, Freundel Stuart on 3 May 2009, in which he stated that the Government of Barbados would be moving to abolish the mandatory death penalty:

“The Mandatory death sentence can no longer be defended. The judge should have some power to determine what sentence should be imposed for a capital offence, with the benefit of a pre-sentencing report.”

This statement of the Deputy Prime Minister reflects the view of the Inter-American Court of Human Rights that the power to have the sentence commuted by an executive body, as is the current situation in Barbados, is not the same as having the appropriate punishment determined by a competent court of law.

We would encourage the State to ensure that the proposed legislative amendments apply retrospectively so that all prisoners presently under sentence of death in Barbados will have their death sentences quashed and be entitled to a re-sentence hearing.

We also welcome the decision of Barbados to repeal s.26 of the Constitution which had for so long effectively preserved pre-independence legislation from constitutional challenge on the basis that it contravened fundamental human rights guarantees. This will provide the people of Barbados with a Constitution that the domestic courts can interpret in a contemporary fashion to take account of evolving international standards.

Saul Lehrfreund MBE and Parvais Jabbar, Human Rights Lawyers and Executive Directors of the Death Penalty Project state:

“The decision of Barbados to comply in full with the Orders of the Inter-American Court of Human Rights by taking measures to bring its domestic law into conformity with its international obligations to human rights is a ground breaking development in the implementation of international human rights standards. It sets an example to other states about fulfilling obligations to its citizens through the active enforcement of decisions of human rights institutions.”

This Report marks a major success for the Death Penalty Project in association with Simons Muirhead & Burton Solicitors and Doughty Street Chambers, who represented the victims in the domestic courts and before the Inter-American Commission and Court of Human Rights.

Notes to Editors

1. The Death Penalty Project is an international human rights organisation providing free legal representation to many individuals still facing the death

penalty in the Caribbean and Africa. The project receives generous support from the Sigrid Rausing Trust, the Oak Foundation, the UK Foreign & Commonwealth Office, Simons Muirhead & Burton, solicitors and by a grant from the Foundation of the Open Society Institute.

2. Lenox Boyce, Jeffrey Joseph Michael Huggins and Frederick Atkins were represented before the Inter-American Commission of Human Rights by Saul Lehrfreund MBE and Parvais Jabbar of the Death Penalty Project, with Alair Shepherd QC of the Barbados Bar, Douglas Mendes SC of the Trinidad & Tobago Bar and Keir Starmer QC (prior to taking up office as Director of Public Prosecutions) and Alison Gerry and Ruth Brander of Doughty Street Chambers in London. The death sentences of Lenox Boyce, Jeffrey Joseph and Michael Huggins have now been commuted. This decision would also have applied to Frederick Atkins, however, unfortunately he died in prison in 2005 due to illness.

3. For further information please contact Saul Lehrfreund or Parvais Jabbar, Executive Directors of the Death Penalty Project at Simons Muirhead & Burton.

Saul Lehrfreund:	Mob: 07834 767 402	saul.lehrfreund@smab.co.uk
Parvais Jabbar:	Mob: 07956 186 767	parvais.jabbar@smab.co.uk

