

News Release, 20th December 2007

“Inter-American Court Ruling on Death Penalty in Barbados”

We welcome the recent decision of the Inter-American Court of Human Rights on behalf of four prisoners originally sentenced to the mandatory death penalty in Barbados (Lennox Boyce, Jeffrey Joseph, Frederick Atkins and Michael Huggins. Regrettably, Frederick Atkins died in prison in 2005 due to illness).

The Court found 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 Court stated that:

“The Court considers that “in the determination of punishment, [the Offences Against the Person Act] mechanically and generically imposes the death penalty for all persons found guilty of murder”. This is in contravention of the prohibition of the arbitrary deprivation of the right to life recognised in Article 4(1) of the Convention, as it fails to individualise the sentence in conformity with the characteristics of the crime, as well as the participation and degree of culpability of the accused.”

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

The victims were represented by Saul Lehrfreund and Parvais Jabbar of the Death Penalty Project, Keir Starmer QC, Ruth Brander and Alison Gerry of Doughty Street Chambers, Douglas Mendes SC of the Trinidad Bar and Alair Shepherd QC of the Barbados Bar. The public hearing in this case was held at the seat of the Court in Costa Rica on 11th July 2007, during the Court’s seventy-sixth regular period of sessions.

After the judgment was delivered, Keir Starmer QC who appeared before the Court said:

“This case has silenced the whispering of some states around the world which, in their attempt to cling onto the cruel punishment of the mandatory death sentence, suggest that their legal systems are different and fairer than others. Barbados has repeatedly emphasised its commitment to international law. Now is the time to demonstrate that commitment by abolishing the mandatory death penalty as required by this landmark judgment.”

The judgment marks a major success for the Death Penalty Project in association with Simons Muirhead & Burton Solicitors and Doughty Street Chambers, who represented the victims, and who have been providing free legal representation to prisoners facing the death penalty in the English speaking Caribbean for the last fifteen years.

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

“In declaring the mandatory sentence of death to be unlawful in a modern democratic society, the decision reflects the notion that law should move progressively towards the greater protection of human rights. In order to ensure a fair trial in accordance with international and regional norms there must be a sentencing hearing where a judge considers the individual circumstances of the crime and the offender before the death penalty could ever be imposed. The Inter-American Court have declared that the law and practice in Barbados does not conform to contemporary human rights standards in the application of capital punishment. Barbados should now take measures to bring its domestic law into conformity with its international obligations to 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. For further information please contact Saul Lehrfreund or Parvais Jabbar, Executive Directors of the Death Penalty Project at Simons Muirhead & Burton or Keir Starmer QC or Ann Conway-Hughes, Chief Executive at Doughty Street Chambers.

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