



Covering events from January - December 2000

## TRINIDAD AND TOBAGO

### Republic of Trinidad and Tobago

**Head of state:** Arthur Napoleon Raymond Robinson

**Head of government:** Basdeo Panday

**Capital:** Port-of-Spain

**Population:** 1.3 million

**Official language:** English

**Death penalty:** retentionist

**2000 treaty ratifications/signatures:** UN Refugee Convention and its 1967 Protocol



**Death sentences continued to be imposed but no executions were carried out. In an attempt to increase the number of executions, Trinidad and Tobago withdrew from the (first) Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). Sentences of corporal punishment were imposed but not carried out. Reports of ill-treatment by police persisted and conditions of detention continued to cause grave concern.**

### Background

The government ignored repeated requests to meet with AI. In September, following a visit by AI's Secretary General, the Prime Minister and Attorney General accused AI "and its internal agents" of demonstrating "scant regard for the sovereignty" of Caribbean nations. In October, the Attorney General read out a nine-page statement to the House of Representatives accusing AI of being inaccurate and "an instrument of persecution, oppression and subversion" of small Caribbean countries. The Attorney General also published a lengthy criticism of the entry on Trinidad and Tobago in the *Amnesty International Report 2000*.

Elections were held in December. The ruling United National Congress party was returned to power with an increased majority.

### Death penalty

There were at least 63 men and four women on death row at the end of the year. There were no executions or death warrants issued. In October the Offences Against the Person (Amendment) Act became law, making the death penalty for murder mandatory for one out of three categories of murder, or for those who had committed more than one murder.

On 27 March Trinidad and Tobago withdrew from the (first) Optional Protocol to the ICCPR, denying individuals the right to petition the UN Human Rights Committee. The government justified the withdrawal on the grounds that the UN Human Rights Committee was preventing executions, despite the execution of 10 men in 1999.

The government sought to increase the number of executions through the Constitution Amendment

(No. 3) Bill, commonly known as the "Hanging Bill", which limited the issues upon which condemned prisoners could lodge legal appeals and stipulated that once a death warrant had been signed by the President, the High Court would have "no jurisdiction". However, the government failed to have this Bill passed into law.

In June the Judicial Committee of the Privy Council (JCPC) in the United Kingdom - the final court of appeal of Trinidad and Tobago - overturned the conviction of death row inmate Desmond Baptiste. He had signed a written confession despite having no lawyer present and having difficulty reading and writing, and had not been advised of his right to have a lawyer present during interrogation. The ruling also found significant fault with the judge's directions to the jury. Desmond Baptiste was released from prison.

The JCPC's ruling commuting the death sentences of six Jamaican prisoners in the case of Neville Lewis and others had implications for Trinidad and Tobago's administration of the death penalty (see Jamaica entry).

### **Corporal punishment**

Sentences of flogging or whipping continued to be imposed by the courts. In October, the government informed the UN Human Rights Committee that no prisoners had been subjected to corporal punishment in 2000, but that 17 prisoners were whipped in 1999.

### **Abuses by police**

There continued to be reports of ill-treatment and excessive force by the police. In January the Prime Minister announced that another inquiry would take place into the police service and convened an advisory committee to undertake this. Critics noted that no previous recommendations arising out of reviews of the police service had ever been implemented.

In February the National Security Minister stated that a total of 769 complaints had been submitted and recorded by the Police Complaints Authority for 1999.

In July the Police Commissioner was criticized by members of the Commission of Inquiry into the independence of the judiciary for his vehement public refutation of allegations made by a religious foundation regarding the ill-treatment of homeless children by police.

- On 4 February a *TNT Mirror* reporter, NyInd Dwarika, was allegedly beaten by police in San Fernando, after he stopped to check a man lying on the ground who appeared to be unconscious. He received injuries to

his chest and knee as a result of beatings with police batons and was subsequently denied access to medical attention and legal assistance. He was later charged with obstructing the police.

### **Police shootings**

There were allegations that police used excessive force.

- A 17-year-old girl, Anisha Neptune, was shot dead by a Special Reserve Policeman in Diego Martin on 1 May outside the Four Roads Police Station, where she had gone following the arrest of her brother earlier that day. The police officer involved allegedly told police investigators that the girl and her mother had attacked him with stones, and that his gun had been fired during this fight. Anisha Neptune's mother denied that such a fight took place, and claimed that she was gunned down in cold blood.

### **Detention conditions**

In October police officers at the Belmont Police Station threatened to close their station because of deplorable and inhuman conditions. They were protesting against overcrowded and insanitary conditions, where detainees spent most of or all day locked in overcrowded cells without bedding, sleeping on the concrete floor, with buckets for sanitation.

### **Intimidation and abuse of journalists**

The government continued to criticize the press and to make comments that could incite politically motivated violence. In January journalists were attacked by political activists attending a rally after a speaker told the crowd the media should be "chased away" and "humiliated". In February the Prime Minister told a rally of his supporters to "do them before they do us" and declared "virtual war" on the government's opponents. In May, two men entered the home of government critic and journalist Professor Selwyn Cudjoe and assaulted his family in what appeared to be a politically motivated attack.

### **Gay men and lesbians**

Sexual acts between consenting adults of the same sex remained illegal and gay and lesbian people were regularly subjected to discrimination and intimidation. The government continued to attempt to pass the Equal Opportunities Bill with a clause excluding discrimination on the basis of sexual orientation. The Bill failed to become law. In September, the Minister for Trade accused AI of wanting to turn the population of Trinidad and Tobago "into homosexuals".

### **AI country visits**

AI visited Trinidad and Tobago in February and September.

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