

TRINIDAD AND TOBAGO

The killing of Anton Cooper: “What I saw was murder”

Introduction

On 25 June 2001, Anton Cooper, 27, was taken into custody at the Golden Grove Remand Centre in Arouca for an alleged assault on his cousin.

Less than 24 hours later, Anton Cooper was found naked, wet and dead in his cell. A post-mortem certificate stated that he died from “asphyxia associated with multiple blunt traumatic injuries.” A full pathologist’s report indicating cause of death has yet to be released.

Following Anton Cooper’s death, the acting Commissioner of Prisons publicly promised that a senior prison officer would be mandated to undertake an investigation into the matter, but maintained that prison officers did not beat Cooper. To date, no findings of any investigation have been made public, despite widespread concern in the media and other sectors of society.

Amnesty International believes that there is an overwhelming *prima facie* (at first glance) case that Anton Cooper was murdered by prison guards. However, it appears -- one year on -- that the authorities have manifestly failed to adequately investigate who was responsible for his death.

The alleged events leading to the death of Anton Cooper

Several local newspapers carried reports from prisoners claiming to have witnessed the beating of Anton Cooper. They provide a distressing account of Anton Cooper’s final hours. The accounts are harrowing and led the acting Prison Commissioner to state that, if the allegations were true, the killing of Anton Cooper amounted to “barbarism to the highest level”.¹

Witness reports vary, but are consistent regarding the nature of the assault on Anton Cooper.

¹Quoted in “Prison beating ‘barbaric’: Matter will be investigated says commissioner”
Trinidad Guardian, 5 July 2001.

The *Trinidad Express* interviewed witnesses from the prison and reported that "several prisoners...heard blows and screams coming from Cooper's cell. One prisoner said there were about nine men beating Cooper. They hit him with their batons, punched him with their hands and kicked him and left him there".² According to one prisoner, after Anton Copper continued to scream in pain and called for a doctor, the guards returned and beat him again.

The *Sunday Mirror* carried an interview with a former prisoner, who spoke on the condition of anonymity because of fears for his safety. However, the former prisoner did indicate that he was willing to testify officially about the incident. He told the newspaper:

"[Anton Cooper] started crying for his mother, and this apparently got four officials annoyed, and they pulled him out of his cell block. They put a paper hat on him and a paper gun in his hand and told him he was a soldier in war and he should shoot anyone on sight. Every time someone passed by and he didn't aim the gun at his 'enemy' he was repeatedly cuffed, kicked, slapped and hit with their batons. Not satisfied they made him sit over a pail of filth [most likely excrement] and walk like a dog while they laughed their heads off...what I saw was murder."³

The prisoner stated that this brutality was witnessed by at least five other prisoners and that other prisoners refused to eat dinner that night as a form of protest.

One of the most distressing accounts came from Donaldson Forbes, a fellow prisoner. In a letter to the *Trinidad Guardian*, Forbes named the three prison officers he believed were responsible for beating Anton Cooper and alleged that the three had previously been involved in regular "beating sprees". In the letter, Forbes stated:

"...they beat him [Anton Cooper] from 7pm to 1 am. [He] was made to take off his clothes and he was beaten about his body. His face, the right side, was badly swollen and bleeding. Blood was running down his face and onto his body. He was made to take a bath around 10pm to 11pm and he was beaten while taking his bath.

The said officers took out the sleeping mat from his cell and wet down his cell. After the officers finish beating him they rested him in the wet, cold cell. Then they wet him from head to toe with nothing to lay down on but the cold concrete.

Editor, Anton bawl (sic) from pain from 1am to about 4 amAnton died at the hands of these....officers.

²"Same rights, same justice", *Trinidad Express*, 5 July 2001.

³"Six witness to Golden Grove murder" *Sunday Mirror*, 8 July 2001.

Editor, I will like very much for an investigation to be conducted in this matter. Please note that I am not afraid to come forward to make known to those in authority of what I have witnessed."⁴

Amnesty International is aware that prison inmates do not always make the most reliable and truthful witnesses. Prisoners may be motivated to "get even" with guards or a dislike for their captors. However, the organization believes the above accounts to be credible for two main reasons: the accounts are consistent with each other; and the inmates must be aware that they may place themselves in danger by speaking out, and yet are willingly to do so when they have nothing to gain except possible reprisals.

The response from the authorities

With the exception of the initial response of the acting Commissioner of Prisons, who stated he was going to appoint a senior prison officer to investigate the death of Anton Cooper, the authorities overseeing prisons and law and order in Trinidad and Tobago have been largely silent on the issue.

Around the 18th October 2001, Arima magistrates court ordered a coroners court to examine the case of the death of Anton Cooper. The senior magistrate of the court has stated that a date for the hearing cannot be set until copies of statements taken by police investigating Anton Cooper's death are sent to the court. The statements were requested on 4th September 2001 but have still not been received.

Despite numerous letters asking searching questions and requesting details of the progress of investigations, both from Amnesty International and from the lawyers representing the Cooper family, the authorities have provided no information about the death of Anton Cooper and the status of the investigation into his death.

The only explanation as to how Anton Cooper died has come from the Secretary General of the Prison Officers' Association (POA). He has told the media that a "preliminary investigation" (he did not state who carried out the investigation) revealed that prison officers were not responsible for Anton Cooper's death.⁵ The Secretary General further claimed that Anton Cooper appeared to be mentally unstable whilst in custody and that when he was left alone in a cell "he messed up the walls with his stools". Therefore, officers stripped Anton

⁴ "Officers killed Anton Cooper with licks", *Trinidad Guardian*, 5 July 2001.

⁵ "Night of licks and screams. Prisoners tell terrible tale of how inmate died", *Trinidad Express*, 3 July 2001.

Cooper naked as a routine measure to prevent suicide. The Secretary General of the POA appeared to be advocating the theory that Anton Cooper died of self-inflicted wounds.

Anton Cooper's family have never received an adequate explanation for his death. Rhonda Kernahan, Anton Cooper's sister, saw his body before his burial and observed gaping wounds at the back of his head, a cut on his face, bruises under his eyes, hands and legs and a swollen penis. The family is convinced these injuries could not have been self-inflicted.

The authorities failed to officially inform the family of Anton Cooper's death. Rhonda Kernahan went to the police station after hearing rumours that her brother was dead: "We went to the (police) station and asked them...Only then they look in a book and tell us that it was written there that Anton Cooper died."

Prison conditions in Trinidad and Tobago

Amnesty International has long-term concerns about prison conditions in Trinidad and Tobago. Over a number of years the organization has documented reports of torture and ill treatment at the hands of security forces and prison guards. Conditions in the majority of prisons fall below minimum standards and constitute cruel, inhuman and degrading treatment. Excessive overcrowding with inmates being kept in small cells with other prisoners, rats, lice and cockroaches, and lack of sleeping, bathing and sanitation facilities are commonplace. Medical care is also often inadequate. A new prison has recently been opened, which Amnesty International hopes will relieve some of the overcrowding.

The appalling conditions suffered by prisoners also affects prison guards. The Prison Officers' Association has claimed that staff at the Golden Grove Prison dormitory have to put up with leaking roofs, one functioning toilet, cockroaches, rats and leaking pipelines. The POA were quoted as stating that Amnesty International's 2001 report on prison conditions was "highly factual".⁶

Amnesty International believes that such appalling prison conditions exacerbate the pressures on prison officers and provide fertile ground for discontentment and frustration. Such emotions are more likely to lead to an atmosphere in which prisoners' human rights are violated.

Lack of investigation puts Trinidad and Tobago in violation of its obligations under international laws and standards

⁶ "Amnesty partly right on T&T jails says Prison Assn chief", *Trinidad Express*, 1 June 2001.

By failing to investigate adequately the death of Anton Cooper, Trinidad and Tobago is in violation of a number of its obligations under international human rights laws and standards. For example, the UN Principles on Extra-legal Executions, paragraph 9, states:

"There shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide."

The failure to fully investigate Anton Cooper's death violates international standards such as the "Right to Life" under Article 6 of the International Covenant on Civil and Political Rights, irrespective of whether any state officials are eventually found to be implicated. This is because state parties to the ICCPR have a duty to ensure that the right to life is respected and any potential breaches are fully investigated.

Conclusion: the time to act is now

In May 2002, the Attorney General of Trinidad and Tobago publicly stated her support for the enforcement of laws pertaining to the protection of human rights: "In Trinidad and Tobago our statute books abound with legislation [for the protection of human rights]. We have to ask the question, what of the enforcement of these laws?"⁷ Amnesty International welcomes the Attorney General's willingness to examine whether laws designed to protect human rights are adequately implemented in Trinidad and Tobago.

The case of Anton Cooper is a test for the mechanisms designed to protect human rights. To date, such mechanisms have been found to be wanting.

Amnesty International can envisage only three explanations for the cause of Anton Cooper's death:

- Anton Cooper somehow managed to inflict upon himself horrific fatal injuries;
- Other prisoners in the institution beat him to death;

⁷ Quoted in "Morean wants more teeth for rights laws", *Trinidad Express*, 13 May 2002.

- Prison officers beat him to death.

One year after Anton Cooper died, the question of how he died remains unanswered. Whichever of the possible explanations for Anton Cooper's death prove to be true, the authorities manifestly failed to protect his life.

In the unlikely event that Anton Cooper caused his own death -- and Amnesty International views this as the least likely explanation -- the prison authorities failed to access his mental health adequately and to protect him from self-harm. The theory that Anton Cooper killed himself strains credibility. It is technically possible for an individual to die from asphyxiation caused by a hard blow to the larynx, such as a karate chop but it is also highly unlikely Anton Cooper could have inflicted such a blow upon himself by throwing himself around his cell. Any blow to the larynx caused in this manner would very likely be softened by other areas of the body also taking some of the force and, would not be sufficient to cause suffocation. Amnesty International concurs with the opinion of the *Trinidad Guardian* that "clearly the naked Cooper could not have inflicted these injuries on himself unless, of course, he was armed with an instrument with which he inflicted the blows."⁸

"We expect the investigation into the death of Anton Cooper to be thorough and impartial... if this investigation finds that police or prison officers were responsible for this death they will be prosecuted to the full extent of the law...if Anton Cooper was murdered and the persons who killed him get off, or even get off with a mere slap on the wrist, then they will surely arrogate a power unto themselves that will lead to further abuses. And that, as history has shown time and time again, is how a society slides into darkness: not by the acts of criminals but by the criminal acts of those who are supposed to administer the law."

"Same rights, same justice", editorial of the *Trinidad Express*, 5th July 2001.

If Anton Cooper was killed by prison guards (and to date the only evidence available points to this explanation) or other prisoners, the authorities have failed to hold the individuals concerned responsible and bring them to justice. Such impunity cannot go unchallenged. It is incumbent upon the authorities in Trinidad and Tobago to investigate fully the killing of Anton Cooper and bring those responsible to account.

In the longer term, the authorities must ensure that international standards pertaining to the treatment of prisoners are enforced and that the working conditions for prison officers do not contribute to violations of prisoners' human rights.

⁸ "Examine Prison Service" editorial, *Trinidad Guardian*, 6 July 2001.

Recommendations

Amnesty International is calling upon the Trinidad and Tobago authorities to:

- (i) ensure that a "thorough, prompt and impartial investigation" is held immediately into Anton Cooper's death, in accordance with international standards. The Trinidad and Tobago authorities should follow the UN Principles on Extra-legal Executions in conducting this investigation.
- (ii) ensure that any investigative team has the necessary training to undertake such an investigation and is adequately equipped and funded
- (iii) ensure that the police and prison authorities cooperate immediately with the Chief Magistrate so that the inquest into Anton Cooper's death may be held without further delay. However, the investigation by the Chief Magistrate should not be used as an excuse to delay laying criminal charges and bringing to trial any individual implicated in the death of Anton Cooper.
- (iv) ensure that all evidence is made available to those investigating the death of Anton Cooper.
- (v) initiate a wider inquiry into prison conditions in Trinidad and Tobago, both for prisoners and prison officers, but with particular reference to allegations of violence by prison staff.
- (vi) initiate a comprehensive training programme for all police and prison officers on international human rights standards, including Code of Conduct for Law Enforcement Officials (adopted by the United Nations' General Assembly on 17 December 1979). The prohibition of torture and ill-treatment and how to deal with situations which have often led to the use of excessive force should be an important part of the training.