



JUSTICE INSTITUTE GUYANA

UNITED NATIONS
BIENNIAL HIGH LEVEL PANEL
40TH SESSION OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL
GENEVA
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Our Executive Director Melinda Janki was invited to join the UN Biennial High Level Panel at the 40th session of the United Nations Human Rights Council. The panel was chaired by His Excellency Ambassador Coly Seck of Senegal, President of the UN Human Rights Council. Other members of the Panel were Michelle Bachelet, the United Nations High Commissioner for Human Rights, His Excellency Mr Didier Reynders, Deputy Prime Minister and Minister of Foreign Affairs and European Affairs of Belgium, His Excellency Pradeep Kumar Gyawali, Minister for Foreign Affairs of Nepal and Yuval Shany, Chair of the UN Human Rights Committee, and Fatimata M'baye of Mauritania.

Melinda's presentation was introduced with a question from Yuval Shany, Chair of the UN Human Rights Committee

"You have been an advocate against the death penalty in Guyana and the Caribbean region for many years. Based on your experience, what are the main manifestations of discrimination in application of the death penalty in the region, and what strategies have you found effective in your advocacy for abolition?"

This is the text of Melinda's response:

"I start by expressing my deep gratitude to the United Nations and to all of you here this morning for this opportunity. It is an honour to be with you. As an international lawyer I am committed to the UN goals of peace among peoples and respect for the dignity of the individual human being.

When I speak of the Caribbean I mean the English speaking Caribbean -the former British colonies. The rest of the Caribbean countries, with the exception of Cuba, have abolished the death penalty.

The mere existence of the death penalty is a form of discrimination. In Guyana, the Dutch and the British used the death penalty to terrorise enslaved Africans. Capital punishment was essential to the machinery of slavery.

Enslaved Africans were not considered to be people but property. Today in the Caribbean institutionalised inequality is hardwired into our societies. Like slavery the death penalty says that some people are less than others. The death penalty robs the criminal of his dignity as a human being. Yes the criminal must be punished, removed from society, rehabilitated, whatever. Society must be protected. But the State does not have the right to take the life of one of its own citizens. That is barbaric.

It seems that there are about 35 people on death row in Guyana, 8 in Jamaica, 7 in St Kitts Nevis, 4 in Barbados, 3 in St Vincent and the Grenadines, and about 36 in Trinidad and Tobago. But information is hard to come by. If any States wish to provide data that would be most welcome indeed.

The death penalty is only imposed after a trial. But no criminal justice system is perfect. Even the United States of America, which is such a powerful and rich country, is now infamous for the number of innocent people who have been sentenced to death in its courts.

Who is sentenced to death in Guyana and the Caribbean? You know the answer. The poor. The marginalised. The illiterate. The mentally challenged.

The rich and the powerful can hire clever lawyers to save them from the death penalty or get them a not-guilty verdict. The poor can end up with inexperienced or mediocre lawyers. In Guyana there is very little culture of pro bono work. Furthermore out of hundreds of lawyers only a handful of us oppose the death penalty.

The mentally challenged need expert opinion to show why they should not be sentenced to death. They don't get it. The illiterate and undereducated are often terrified of the criminal justice system and unable to understand what is happening. In Guyana there is an added dimension - some of our citizens do not speak English as a first language. They need a translator but don't get one.

But even if the criminal justice system was perfect and did not discriminate, I believe that the death penalty must go. It is barbaric.

As executive director of the Justice Institute Guyana, I have found it invaluable to link up with organisations such as Greater Caribbean for Life, Amnesty International, the Death Penalty Project. It's important to have high level support. Justice Institute sent a memorandum on the death penalty to the President of Guyana and ministers. That memorandum was supported by a select group of highly influential lawyers including former British and Caribbean judges. It's important to have grass roots support. We mobilised a petition against the death penalty and reached our target for signatures very quickly with the help of taxi drivers, farmers, domestic workers and people from all walks of life.

I close by mentioning one success – in December 2018 for the first time ever Guyana abstained on the UN vote for a moratorium on the death penalty.

Thank you.”