

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF NOVEMBER 24, 2000**

**PROVISIONAL MEASURES ORDERED BY THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
IN THE MATTER OF THE REPUBLIC OF
TRINIDAD AND TOBAGO**

JAMES *ET AL.* CASES

HAVING SEEN:

1. The Order of the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") of 16 August 2000, in which it decided:

1. To order Trinidad and Tobago to maintain the Provisional Measures ordered by the Inter-American Court of Human Rights on 14 June 1998, 29 August 1998, 25 May 1999, 27 May 1999 and 25 September 1999 in favour of Wenceslaus James, Anderson Noel, Anthony Garcia, Christopher Bethel, Darrin Roger Thomas, Haniff Hilaire, Denny Baptiste, Wilberforce Bernard, Naresh Boodram, Clarence Charles, Phillip Chotolal, George Constantine, Rodney Davis, Natasha De Leon, Mervyn Edmund, Alfred Frederick, Nigel Mark, Wayne Matthews, Steve Mungroo, Vijay Mungroo, Wilson Prince, Martin Reid, Noel Seepersad, Gangaleen Tahaloo, Keiron Thomas, Samuel Winchester, Peter Benjamin, Kevin Dial, Andrew Dottin, Anthony Johnson, Amir Mowlah, Allan Phillip, Krishandath Seepersad, Narine Sooklal, Mervyn Parris and Francis Mansingh so as not to hinder the processing of their Cases before the Inter-American system.

2. To require Trinidad and Tobago to submit information, on or before 31 August 2000, on the circumstances that led to the execution of Joey Ramiah so that the Inter-American Court of Human Rights may consider it and include it in its report to the next General Assembly of the Organisation of American States.

3. To require the Inter-American Commission on Human Rights to submit, on or before 31 August 2000, detailed information on the status of the Cases of Anderson Noel, Christopher Bethel, Kevin Dial, Andrew Dottin and Anthony Johnson.

4. To urge the State of Trinidad and Tobago to report every two months on the status of the appeals and scheduled executions of Wenceslaus James, Anderson Noel, Anthony Garcia, Christopher Bethel, Darrin Roger Thomas, Haniff Hilaire, Denny Baptiste, Wilberforce Bernard, Naresh Boodram, Clarence Charles, Phillip Chotolal, George Constantine, Rodney Davis, Natasha De Leon, Mervyn Edmund, Alfred Frederick, Nigel Mark, Wayne Matthews, Steve Mungroo, Vijay Mungroo, Wilson Prince, Martin Reid, Noel Seepersad, Gangaleen Tahaloo, Keiron Thomas, Samuel Winchester, Peter Benjamin, Kevin Dial, Andrew Dottin, Anthony Johnson, Amir Mowlah, Allan Phillip, Krishandath Seepersad, Narine Sooklal, Mervyn Parris and Francis Mansingh and to require the Inter-American Commission on Human Rights to send its observations on these reports to the Inter-American Court of Human Rights within six weeks of their receipt.

5. To urge the State of Trinidad and Tobago and the Inter-American Commission on Human Rights to inform the Inter-American Court of Human Rights immediately of any significant developments concerning the circumstances of Wenceslaus James, Anderson Noel, Anthony Garcia, Christopher Bethel, Darrin Roger Thomas, Haniff Hilaire, Denny Baptiste, Wilberforce Bernard, Naresh Boodram, Clarence Charles, Phillip Chotolal, George Constantine, Rodney Davis, Natasha De Leon, Mervyn Edmund, Alfred Frederick, Nigel Mark, Wayne Matthews, Steve Mungroo, Vijay Mungroo, Wilson Prince, Martin Reid, Noel Seepersad, Gangaleen Tahaloo, Keiron Thomas, Samuel Winchester, Peter

Benjamin, Kevin Dial, Andrew Dottin, Anthony Johnson, Amir Mowlah, Allan Phillip, Krishandath Seepersad, Narine Sooklal, Mervyn Parris and Francis Mansingh.

2. The communication of 31 August 2000, received in the Secretariat of the Court (hereinafter "the Secretariat") on the same date, in which the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") submitted to the Court detailed information on the status of the cases of Anderson Noel, Christopher Bethel, Kevin Dial, Andrew Dottin and Anthony Johnson.

3. The communication of the State of Trinidad and Tobago (hereinafter "the State" or "Trinidad and Tobago") of 4 September 2000, in which, pursuant to the Order of the Court (*supra* 1), it presented information regarding the circumstances that led to the execution of Joey Ramiah.

4. The note of the State of 5 September 2000, in which it informed the Court that, pursuant to its Order (*supra* 1), Trinidad and Tobago was in the course of preparing its bi-monthly report on the status of the appeals and scheduled executions of James *et al.* and that it would be forwarding the said report to the Court within the next fourteen days.

5. The communication of the Commission of 18 September 2000, in which it presented its observations of the communication of the State regarding the case of Joey Ramiah (*supra* 3).

6. The note of the Secretariat of the Court of 18 October 2000, in which it requested Trinidad and Tobago to submit its report on the provisional measures ordered by the Court in the Case of James *et al.*

CONSIDERING:

1. That Trinidad and Tobago has been a State Party to the American Convention since 28 May 1991, and that it recognised the jurisdiction of the Court on the same day.

2. That the State gave notice of its denunciation of the Convention to the Secretary General of the Organisation of American States on 26 May 1998, and that, pursuant to Article 78(1) of the said Convention, the denunciation became effective on 26 May 1999.

3. That Article 63(2) of the Convention provides that

[i]n cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court shall adopt such provisional measures as it deems pertinent in matters it has under consideration. With respect to a case not yet submitted to the Court, it may act at the request of the Commission.

4. That, pursuant to Article 25(1) of the Rules of Procedure,

[a]t any stage of the proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, at the request

of a party or on its own motion, order such provisional measures as it deems pertinent, pursuant to Article 63(2) of the Convention.

5. That Article 1(1) of the American Convention specifies the obligation of the States Parties to respect the rights and freedoms recognised in said treaty and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms.

6. That, in conformity with Article 78(2) of the American Convention, the denunciation made by Trinidad and Tobago does not have the effect of releasing it from its obligations with respect to acts occurring prior to the effective date of denunciation which may constitute a violation of the said Convention.

7. That, pursuant to the Orders of the Inter-American Court of 14 June 1998, 29 August 1998 and 25 May 1999, Trinidad and Tobago had a duty to preserve the life and physical integrity of Anthony Briggs and Joey Ramiah, both beneficiaries of the Provisional Measures ordered by this Tribunal.

8. That the State has failed to submit bi-monthly reports concerning the circumstances of the beneficiaries of the Provisional Measures, as required by the Orders of the Court of 29 August 1998, 25 May 1999, 27 May 1999, 25 September 1999 and 16 August 2000.

9. That Trinidad and Tobago has presented its observations on the execution of Anthony Briggs and Joey Ramiah.

10. That Article 68(1) of the American Convention establishes that

[t]he States Parties to the Convention undertake to comply with the judgement of the Court in any case to which they are parties.

11. That the States Parties to the Convention should fully comply in good faith (*pacta sunt servanda*) with all of the provisions of the Convention, including those relative to the operation of the two supervisory organs of the American Convention; and that, in view of the Convention's fundamental objective of guaranteeing the effective protection of human rights (Articles 1(1), 2, 51 and 63(2)), States Parties must refrain from taking actions that may frustrate the *restitutio in integrum* of the rights of the alleged victims.

12. That, pursuant to Article 65 of the Convention,

[t]o each regular session of the General Assembly of the Organi[s]ation of American States the Court shall submit, for the Assembly's consideration, a report on its work during the previous year. It shall specify, in particular, the cases in which a [S]tate has not complied with its judgements, making any pertinent recommendations.

13. That the cases of Haniff Hilaire, George Constantine, Wenceslaus James, Denny Baptiste, Clarence Charles, Keiron Thomas, Anthony Garcia, Wilson Prince, Darrin Roger Thomas, Mervyn Edmund, Samuel Winchester, Martin Reid, Rodney Davis, Gangaleen Tahaloo, Noel Seepersad, Wayne Matthews, Alfred Frederick, Natasha De Leon, Vijay Mungroo, Phillip Chotolal, Naresh Boodram, Joey Ramiah, Nigel Mark, Wilberforce Bernard, Steve Mungroo, Peter Benjamin, Krishendath

Seepersad, Francis Mansingh, Allan Phillip, Narine Sooklal, Amir Mowlah and Mervyn Parris are currently pending before the Inter-American Court; and that the Cases of Anderson Noel, Christopher Bethel, Kevin Dial, Andrew Dottin and Anthony Johnson are currently pending before the Inter-American Commission.

14. That the Inter-American Court requires from the State detailed information on the status of the proceedings of Anderson Noel, Christopher Bethel, Kevin Dial, Andrew Dottin and Anthony Johnson before the domestic courts.

15. That this Court concludes that the situation of "extreme gravity and urgency" of the persons protected by the Orders of the Court of 14 June 1998, 29 August 1998, 25 May 1999, 27 May 1999, 25 September 1999 and 16 August 2000 continues, making it imperative to require the State to maintain the provisional measures necessary to preserve their life and physical integrity.

NOW THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

pursuant to the authority conferred by Article 63(2) of the American Convention on Human Rights and Article 25 of the Rules of Procedure,

DECIDES:

1. To order the State of Trinidad and Tobago to maintain the Provisional Measures ordered by the Inter-American Court of Human Rights on 14 June 1998, 29 August 1998, 25 May 1999, 27 May 1999, 25 September 1999 and 16 August 2000 in favour of Wenceslaus James, Anderson Noel, Anthony Garcia, Christopher Bethel, Darrin Roger Thomas, Haniff Hilaire, Denny Baptiste, Wilberforce Bernard, Naresh Boodram, Clarence Charles, Phillip Chotolal, George Constantine, Rodney Davis, Natasha De Leon, Mervyn Edmund, Alfred Frederick, Nigel Mark, Wayne Matthews, Steve Mungroo, Vijay Mungroo, Wilson Prince, Martin Reid, Noel Seepersad, Gangaleen Tahaloo, Keiron Thomas, Samuel Winchester, Peter Benjamin, Kevin Dial, Andrew Dottin, Anthony Johnson, Amir Mowlah, Allan Phillip, Krishandath Seepersad, Narine Sooklal, Mervyn Parris and Francis Mansingh so as not to hinder the processing of their cases before the inter-American system of human rights protection.

2. To require the State of Trinidad and Tobago to submit, on or before 15 February 2001, detailed information concerning the proceedings of Anderson Noel, Christopher Bethel, Kevin Dial, Andrew Dottin and Anthony Johnson before the domestic courts.

3. To require the State of Trinidad and Tobago to submit information, on or before 15 February 2001, on the status of the cases of all the persons protected by the Provisional Measures ordered by the Inter-American Court of Human Rights, so that the Court may consider whether the State of Trinidad and Tobago has complied with its Orders in order to include such information in its report to the next General Assembly of the Organisation of American States.

4. To urge the State of Trinidad and Tobago to comply with the Orders of the Inter-American Court of Human Rights of 14 June 1998, 29 August 1998, 25 May 1999, 27 May 1999, 25 September 1999 and 16 August 2000 and, after its report of 15 February 2001, to continue to report every two months on the status of the appeals and scheduled executions of Wenceslaus James, Anderson Noel, Anthony Garcia, Christopher Bethel, Darrin Roger Thomas, Haniff Hilaire, Denny Baptiste, Wilberforce Bernard, Naresh Boodram, Clarence Charles, Phillip Chotolal, George Constantine, Rodney Davis, Natasha De Leon, Mervyn Edmund, Alfred Frederick, Nigel Mark, Wayne Matthews, Steve Mungroo, Vijay Mungroo, Wilson Prince, Martin Reid, Noel Seepersad, Gangaleen Tahaloo, Keiron Thomas, Samuel Winchester, Peter Benjamin, Kevin Dial, Andrew Dottin, Anthony Johnson, Amir Mowlah, Allan Phillip, Krishandath Seepersad, Narine Sooklal, Mervyn Parris and Francis Mansingh.

5. To require the Inter-American Commission on Human Rights to send its observations on the reports of the State of Trinidad and Tobago to the Inter-American Court of Human Rights within six weeks of their receipt.

6. To urge the State of Trinidad and Tobago and the Inter-American Commission on Human Rights to inform the Inter-American Court of Human Rights immediately of any significant developments concerning the circumstances of the cases of Wenceslaus James, Anderson Noel, Anthony Garcia, Christopher Bethel, Darrin Roger Thomas, Haniff Hilaire, Denny Baptiste, Wilberforce Bernard, Naresh Boodram, Clarence Charles, Phillip Chotolal, George Constantine, Rodney Davis, Natasha De Leon, Mervyn Edmund, Alfred Frederick, Nigel Mark, Wayne Matthews, Steve Mungroo, Vijay Mungroo, Wilson Prince, Martin Reid, Noel Seepersad, Gangaleen Tahaloo, Keiron Thomas, Samuel Winchester, Peter Benjamin, Kevin Dial, Andrew Dottin, Anthony Johnson, Amir Mowlah, Allan Phillip, Krishandath Seepersad, Narine Sooklal, Mervyn Parris and Francis Mansingh.

Antônio A. Cançado Trindade
President

Máximo Pacheco-Gómez
Pesantes

Hernán Salgado-

Oliver Jackman
Burelli

Alirio Abreu-

Sergio García-Ramírez

Carlos Vicente de Roux-Rengifo

Manuel E. Ventura-Robles
Secretary

So ordered,

Antônio A. Caçado Trindade
President

Manuel E. Ventura-Robles
Secretary