

BARBADOS

I) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: NOVEMBER 14, 1967

RATIFIED AMERICAN CONVENTION: NOVEMBER 5, 1981

Reservations made at the time of ratification (from <http://www.cidh.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>)

The instrument of ratification was received at the General Secretariat of the OAS on November 5, 1981, with reservations. Notification of the reservations submitted was given in conformity with the Vienna Convention on the Law of Treaties, signed on May 23, 1969. The twelve-month period from the notification of said reservations expired on November 26, 1982, without any objection being raised to the reservations.

The text of the reservations with respect to Articles 4(4), 4(5) and 8(2)(e), is the following:

In respect of 4(4) the criminal code of Barbados provides for death by hanging as a penalty for murder and treason. The Government is at present reviewing the whole matter of the death penalty which is only rarely inflicted but wishes to enter a reservation on this point inasmuch as treason in certain circumstances might be regarded as a political offence and falling within the terms of section 4(4).

In respect of 4(5) while the youth or old age of an offender may be matters which the Privy Council, the highest Court of Appeal, might take into account in considering whether the sentence of death should be carried out, persons of 16 years and over or over 70 years of age may be executed under Barbadian law.

In respect of 8(2)(e) Barbadian law does not provide as a minimum guarantee in criminal proceeding any inalienable right to be assisted by counsel provided by the state. Legal aid is provided for certain scheduled offences such as homicide, and rape.

ACCEPTED JURISDICTION OF THE IA COMMISSION FOR “INTERSTATE COMMUNICATIONS” (ART. 45): NOVEMBER 27, 1982

ACCEPTED JURISDICTION OF IACHR (ART. 62): APRIL 4, 2000

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) Case of Boyce et al. v. Barbados

This case is about the imposition of mandatory death sentence for the crime of murder on Lennox Ricardo Boyce and four more individuals. Section 2 of Barbados’ Offences Against the Person Act of 1994, which imposes a mandatory sentence of death for persons convicted for the crime of murder. In each case, the State failed to consider the specific events of the crime. In addition, the State subjected the victims to uninhabitable prison conditions, and their warrants of execution were read while their complaints were still pending before domestic courts and the Inter-American human rights system. The Court found all these acts to be violations of the American

Convention on Human Rights. Notably, some of the issues addressed in this judgment have also been objects of a judgment issued by the Caribbean Court of Justice.

Key Words: *Access to Legal Procedures; Amnesty, Pardon, and Commutation of Sentence (Right to Seek); Criminal Justice; Death Penalty; Due Process Rights; Judicial Protection (Right to); Life (Right to); Prison and Detention Conditions; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objection, Merits, Reparations and Costs

Judgment of November 20, 2007. Series C No. 169

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 21, 2011
- 2) Order of the Inter-American Court of Human Rights of August 03, 2015

II) Case of DaCosta Cadogan v. Barbados

On May 18, 2005, the Supreme Court of Barbados found Mr. Tyrone DaCosta Cadogan guilty of murder and sentenced him to death by hanging; a sentence that is in accordance with Barbados's Offences Against the Persons Act of 1994. Barbados imposed this mandatory death penalty sentence without considering the specific circumstances of the crime or the mitigating factors. As a consequence of a savings clause in the Constitution of Barbados, the domestic courts could not declare the mandatory death sentence to be invalid even though it violated fundamental rights protected under Barbados's Constitution and the American Convention on Human Rights.

Key Words: *Access to Legal Procedure; Amnesty, Pardon, and Commutation of Sentence (Right to Seek); Death Penalty; Criminal Justice; Due Process Rights; Judicial Protection (Right to); Life (Right to)*

Preliminary Objections, Merits, Reparations and Costs

Judgment of September 24, 2009. Series C No. 204

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 21, 2011
- 2) Order of the Inter-American Court of Human Rights of August 03, 2015

B) Provisional Measures (Art 63.2)

- 1) **Case of Boyce et al. regarding Barbados [November 25, 2004]**
- 2) **Case of Boyce et al. regarding Barbados [June 14, 2005]**
- 3) **Case of Tyrone Dacosta Cadogan regarding Barbados [November 04, 2008]**
- 4) **Case of Tyrone Dacosta Cadogan regarding Barbados [December 02, 2008]**