



Sahadath v. Trinidad and Tobago

Communication No. 684/1996, CCPR/C/74/D/684/1996

Country: Trinidad and Tobago

Region:

Year: 1996

Court: United Nations Human Rights Committee United Nations Human Rights Committee

Health Topics: Health care and health services, Mental health, Prisons

Human Rights: Freedom from torture and cruel, inhuman or degrading treatment

Facts

R.S. was convicted of murder and sentenced to death. On 8 March 1996, the same day that five other warrants of execution were read (although the prison was only equipped to handle two executions a day), R.S. was read a warrant for his execution, to take place on 13 March 1996. Along with a psychiatrist, R.S.'s counsel visited R.S. in jail on 9 March 1996, at which point R.S. mental incapacity was apparent to R.S.'s counsel, psychiatrist and jailers. A stay of execution was granted on 12 March 1996, with a view to obtaining a full psychiatric examination of R.S.

R.S.'s counsel also submitted documentation detailing the appalling living conditions (with respect to crowding, sanitation, ventilation, lack of exercise, etc) in the prison.

On 4 October 1996, Trinidad and Tobago informed the Committee that the death sentence of R.S. had been commuted to a term of imprisonment with hard labor for a period of 75 years.

R.S. claimed that (A) execution of a mentally incompetent prisoner is in violation of customary international law and claims that he is a victim of violations of articles 6, 7 and 10(1) of the International Covenant on Civil and Political Rights (ICCPR); (B) the psychological stress to which he was submitted before and after the issue of the warrant for his execution amounts to a violation of articles 7 and 10(1) of the ICCPR and (C) the conditions of his detention constitute a violation of articles 7 and 10(1) of the ICCPR.

Decision and Reasoning

The Committee held that (1) the issuing of a warrant for the execution of R.S. when R.S.'s mental state at the time of the reading of his death warrant was and should have been apparent to the prison authorities constitutes a violation of article 7 of the ICCPR; (2) based on prior precedents, the appalling prison conditions constituted a violation of article 10 of the ICCPR; and (3) Trinidad and Tobago is under an obligation to provide R.S. with appropriate medical and psychiatric care and to improve the conditions of detention to comply with article 10 of the ICCPR (or release R.S.).

Decision Excerpts

7.2 As to the author's claim that issuing of a warrant for the execution of a mentally incompetent person constitutes a violation of articles 6 and 7 of the Covenant, the Committee notes that the author's counsel does not claim that his client was mentally incompetent at the time of imposition of the death penalty and his claim focuses on the time when the warrant for execution was issued. Counsel has provided information that shows that the author's mental state at the time of the reading of the death warrant was obvious to those around him and should have been apparent to the prison authorities. This information has not been contested by the State party. The Committee is of the opinion that in these circumstances issuing a warrant for the execution of the author constituted a violation of article 7 of the Covenant. As the Committee has no further information regarding the author's state of mental health at earlier stages of the proceedings, it is not in a position to decide whether the author's rights under article 6 were also violated.

7.3 As to whether the conditions as described violate the Covenant, the Committee considers, as it has repeatedly found in respect of similar substantiated allegations, that the author's conditions of detention as described violate his right to be treated with humanity and with respect for the inherent dignity of the human person, and are therefore contrary to article 10, paragraph 1.

â€œ9 In accordance with article 2, paragraph 3 (a), of the Covenant, the State party is under an obligation to provide the author with an effective remedy, including appropriate medical and psychiatric care. The State party is also under an obligation to improve the present conditions of detention so as to ensure that the author is detained in conditions that are compatible with article 10 of the Covenant, or to release him, and to prevent similar violations in the future.â€•

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