

PRESENTATION

HON. SIR C.M. DENNIS BYRON

Chief Justice, Eastern Carribean Court of Appeal

**Inter- American Commission on Human Rights**  
**The International Justice Project**  
**Working Session on implementation of International Human Rights Obligations**  
**and Respect for International Standards**  
**in the Inter-American System**  
**Panel No.3**  
**Dennis Byron, Eastern Caribbean Supreme Court**

**Introductory Remarks**

I am honored to have been invited to participate in this project and I trust that I will be able to make a valuable contribution. The concept of using the medium of capital punishment to dramatize the impact of international human rights and obligations is interesting. I have considered that the session would be well informed on the contents of the human rights conventions in the Inter-American system and that you would be more interested in the practical application in our respective countries. My contribution is under four main categories:

**[1] The authority of Judges in the Commonwealth Caribbean to consider international human rights obligations.**

In **Spence & Hughes**<sup>1</sup>, I expressed the legal position at paragraph 36 that:

“...the IACHR, the UDHR and the ICCPR cannot have the effect of overriding the domestic law or constitutions of these sovereign independent states. It is a matter of constitutional principle that if Parliament has legislated and the words of the statute are clear, the statute must be applied even if its words are in breach of international law, see **Reg v Home Secretary, Ex Parte Brind** (1991) 2 WLR 588 at page 603-604. Para 37. However it is also well settled law that domestic provisions whether of the Constitution or statute law should as far as possible be interpreted so as to conform to the state’s obligations under international law. **Neville Lewis v the Attorney General of Jamaica; Matadeen v Pointu** (1999) 1 A.C. 98.”

Margaret Demerieux<sup>2</sup> has discussed at length the role of international law in Domestic law in the Caribbean. She explained the “adoptionist and transformation theories” - the one under which international law is intrinsically part of domestic law, and the other which requires specific enactment. Today’s exercise does not permit discussion of this. But it is important to note that the discussion has been going on in our jurisprudence for well over the last quarter of a century, with many instances of the citation of international norms in the judicial reasoning and decision making process. Interestingly, at least in so far as it relates to the topic under review, there was the **Abbott**<sup>3</sup> case where it was argued that as an adherent to the UDHR, Trinidad and Tobago

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<sup>1</sup> St. Lucia Criminal Appeal No. 14 of 1997.

St. Vincent and the Grenadines Criminal Appeal No. 20 of 1998.

<sup>2</sup> Margaret Demerieux, Fundamental Rights in Commonwealth Caribbean Constitutions (Bridgetown, Barbados, W.I. : Faculty of Law Library, University of the West Indies, 1992).

<sup>3</sup> “Abbott v A.G of Trinidad,” Trinidad & Tobago Reports XX (1970-1979) (Part 1):200.

should have outlawed capital punishment. The court treated the UDHR as a treaty which would require legislation to alter domestic law. In the case of **Collymore**<sup>4</sup>, in holding that the right to freedom of association did not include the right to strike, the court referred to the fact that the I.L.O Convention No 87 on Freedom of Association did not contain the right to strike. In the **Bata Shoe Co.**<sup>5</sup> case, Art 7 of the ECHR was cited judicially to demonstrate that the provision in the constitution outlawing retrospective criminal legislation was a reflection of rules recognized internationally. **A.G. v Antigua Times**<sup>6</sup>, cited the UDHR and Article 25 of the ECHR in deciding that artificial persons could claim the protection of the Bill of Rights clauses in the constitution. In **Minister of Home Affairs v Fisher**<sup>7</sup>, a case from the Bahamas, the court decided that the word “child” in a statute did not mean “legitimate child”. The judgment emphasized that the ECHR, the ICCPR and the UDHR were part of the ancestral line that spawned the Caribbean constitutions and that the broad principle of a legal recognition of a family unit expressed in these conventions must have been taken to have influenced legislative policy and therefore the judicial interpretation.

I would therefore say that the authority is implicit in the fact that judges in the Commonwealth Caribbean have been considering international human rights and obligations in the decision making process for more than the last quarter of a century.

## **[2] The Caribbean experience of capital punishment and international human rights obligations**

The use of the word “experience” implies an interest in real life experiences, and I have interpreted the enquiry to require some discussion on the effect of the Inter-American human rights conventions on capital punishment. The detail that this approach is capable of producing made me however decide to limit this answer to the Eastern Caribbean.

At the level of the trial court there has been adherence to the principles of ensuring that sentences do not offend the constitutional prohibition against cruel and unusual punishment. I should refer to the largely unheralded case of **Morrel Cox v A.G.**<sup>8</sup> in which the applicant applied by certiorari to quash the death warrant and commute the death sentence of a murder convict facing imminent execution. D’Auvergne J on 22<sup>nd</sup> September 1999 applying Pratt & Morgan and basing her decision on the principle that 4 years and 9 months had elapsed since sentence, and that such delay had made the imposition of the death penalty cruel and unusual punishment, granted the stay of execution and substituted a sentence of life imprisonment.

It is very interesting to note that very few executions have actually taken place in our jurisdictions, during the twenty year period (1983 – 2003).

### **[i] St. Christopher and Nevis**

Of twenty-five death sentences handed down in this jurisdiction there have only been two judicial executions within this time – both in 1998. Of the remaining twenty-three, the Appellate Court quashed four capital sentences, reduced five convictions for murder to manslaughter, twelve prisoners were given commuted sentences by the Prerogative of Mercy Board while two matters

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<sup>4</sup> “Collymore v A.G.,” Appeal Cases (1970): 538.

<sup>5</sup> “Bata Shoe Co. (Guy) Ltd v C.I.R and A.G.,” West Indian Report 24 (1976): 172.

<sup>6</sup> A.C (1976): 16.

<sup>7</sup> All England Report 3 (1979): 21.

<sup>8</sup> St. Lucia High Court Criminal Suit No. 714 of 1999.

are pending before the Court of Appeal.

**[ii] Commonwealth of Dominica**

Nineteen death sentences were pronounced in the jurisdiction of which one was executed judicially. Six had their sentences commuted by the Prerogative of Mercy Board and one prisoner's sentence was reduced to ten years imprisonment by the Appellate Court.

Since *Spence v Hughes* there have been eleven murder trials. Six verdicts of guilty of murder were handed down. Three of these were sentenced to life imprisonment, one prisoner had his sentence reduced from death to life by the Appeal Court and two are pending sentencing hearings. The other five murder trials resulted in verdicts of guilty of manslaughter.

**[iii] Grenada**

Forty-nine death sentences were handed down in the jurisdiction. There have been no judicial executions in Grenada throughout that time, since all prisoners on death row over the last ten to fifteen years had their sentences commuted to life imprisonment.

**[iv] St. Lucia**

Over the period under review fourteen prisoners were sentenced to death in St. Lucia. During that period there have been five judicial executions. A number of others have been granted commuted sentences by the Prerogative of Mercy Committee while others have had successful appeals reducing their crime to manslaughter.

Since *Spence v Hughes* there have been ten murder indictments of which five were found guilty of murder and one sentenced to death. Four were given life sentences. It should be specially noted that in the single case that the jury were required to determine whether the sentence should be capital or not, the jury decided in favour of a non-capital sentence. The other five were found guilty of manslaughter. One of these was sentenced to community service and put on a bond to keep the peace.

**[v] Montserrat**

Only one prisoner was given the death sentence. This was later commuted to life imprisonment. Montserrat is a British Dependent Territory and the death penalty was abolished in that country in 1991.

**[vi] Saint Vincent and the Grenadines**

Twenty-six prisoners were sentenced to death in St. Vincent and the Grenadines. Of the twenty-six convictions, there have been seven judicial executions throughout that time and three remain on death row. Nine prisoners have had their sentences reduced to manslaughter by this Court and seven sentences were commuted by the Prerogative of Mercy Committee.

Since *Spence v Hughes* there have been fifteen murder indictments. Five were convicted of murder, two of which were sentenced to death and three sentenced to life. Two prisoners were convicted of manslaughter.

**[vii] Antigua & Barbuda**

Since *Spence v Hughes* there were three murder trials. Two were convicted of murder and one was acquitted. Of the two convictions, one was sentenced to twenty years imprisonment, the other to twenty-five years imprisonment.

In summary, the Eastern Caribbean States analysis indicates that of one hundred and thirty-four death sentences handed down there have been thirteen judicial executions. This represents 9% of all death sentences. It also indicates that the Prerogative of Mercy Committee, a politically appointed board, has been very active. Seventy-seven death sentences have been commuted to life or lesser sentences. This represents about 58% of the capital sentences imposed by the Courts.

After *Spence v Hughes*, of forty-six murder trials, five have been sentenced to death, and seventeen to life. This is represented by about 10% on death row and about 37% receiving a life sentence. It does not appear that any executions have in fact taken place during this period. It could be further noted that in the States of Anguilla, Grenada, Montserrat and the British Virgin Islands no judicial executions have taken place over the period 1983 to December 2002.

The experience of the past twenty years or so has given the impression that despite the political and other rhetoric advocating capital punishment, the reality is that the Courts have imposed the death penalty in some cases. But in those cases the politically appointed Prerogative of Mercy Committee has commuted the death sentences imposed in the majority of the cases. Since *Spence v Hughes* when the judiciary has considered mitigating circumstances, the imposition of non-capital sentences of murder has occurred in about 90% of the cases, which is not much different from the previous percentages.

**[3] Examples of judgments such as *Spence & Hughes v The Queen* and other decisions in which judges in the Commonwealth Caribbean have interpreted and applied international human rights principles, standards, jurisprudence, whether and how those rulings have been complied with.**

*Maheia, Bull and Guevara v The A.G. of Belize*<sup>9</sup> - Judgment of Justice Meerabux  
Appellants argued that a mandatory death sentence was arbitrary and disproportionate. They relied heavily on *Woodson v Carolina*<sup>10</sup> and on the Indian decision of *Bachan Singh v The state of Punjab*<sup>11</sup>. The respondents cited the earlier Court of Appeal decision in *Lauriano*<sup>12</sup>. The Judge accepted the arguments of the respondents and held that the mandatory death sentence is not as mandatory as it may appear to be at first; as the process supplies “the necessary flexibility” and when “viewed in its entirety” the procedure appears to conform with the standards of civilized society, and not to be inhumane and degrading. The rationale in *Woodson* could not be imported into Belize and other Caribbean countries, where the societal values and attitudes to death penalty are markedly different from America, a highly developed country and a super power. Moreover the US Supreme Court was deeply divided on the issue.

This decision has been overtaken by *Reyes*.

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<sup>9</sup> Action No. 149 of 1996.

<sup>10</sup> *United States Supreme Court Reporter* (1976): 944.

<sup>11</sup> S.C 2 (1980): 684.

<sup>12</sup> “*Lauriano v Attorney General of Belize*,” Belize Civil Appeal No. 15 of 1995.

### **Melendez v R<sup>13</sup>**

Accused was found guilty of murder and sentenced to death. At the reading of the *allocutus* his counsel tendered a birth certificate showing that the accused was under the age of 18 at the date of the commission of the offence. The trial judge sentenced the accused to be detained at Her Majesty's pleasure. The accused argued on appeal that the sentence was in breach of the principle of separation of powers. It was held that selection of punishment is an integral part of the administration of justice and cannot be committed to the hands of the executive. Sentence was invalid and must be quashed. The Irish case of *Deaton v. A.G. and the Revenue Commrs.*<sup>14</sup> was relied on.

### **Neville Lewis et al v The A.G. of Jamaica<sup>15</sup>**

Six appellants were sentenced to death after conviction of murder. Issues to be decided were whether on a petition for mercy (after all domestic appeals have been exhausted) the appellants were entitled to know what material the Jamaican Privy Council had before it, and to make representations as to why mercy should be granted; and secondly, whether they have a right not to be executed before the Inter-American Commission on Human Rights or the UNHRC has finally reported on their petitions. In answering these questions in the affirmative, the majority judgment in the Privy Council relied on the fact that Jamaica had ratified the American Convention on Human Rights (1969) and domestic legislation should as far as possible be interpreted so as to conform to the state's obligation under such a treaty. The majority founded its decision on Article 4 of the Convention and the Advisory Opinion of the Inter-American Court on Article 4. The majority took the view that:

“Whether or not the provisions of the Convention are enforceable as such in domestic courts, it seems clear to their Lordships that the States' obligation internationally is a pointer to indicate that the prerogative of mercy should be exercised by procedures which are fair and proper and to that end are subject to judicial review”.

The court also held that:

“when the report of the international human rights bodies is available, that should be considered and if the Jamaican Privy Council do not accept it they should explain why. Whether they are bound to wait for the report is a question to be considered separately”

Further,

“In considering what natural justice requires, it is relevant to have regard to international human rights norms set out in treaties to which the state is a party, whether or not those are independently enforceable in domestic law”.

On the second issue, i.e. whether the appellants have a right not to be executed before the Inter-American Commission on Human Rights or the UNHRC has finally reported on their petitions, the Jamaica Court of Appeal held that the Jamaica Privy Council ought to await the result of petitions before the International Human Rights bodies so as to be able to give it consideration in determining whether to exercise the Prerogative of Mercy.

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<sup>13</sup> *Belize Law Reports* 3: 289.

<sup>14</sup> *Irish Reports* (1963): 18.

<sup>15</sup> Jamaica Privy Council Appeal No. 60 of 1999.

Appeal No. 65 of 1999.

Appeal No. 69 of 1999.

Appeal No. 10 of 2000.

The State, before the Privy Council, argued that the Convention has not been incorporated into domestic law and therefore no enforceable rights could arise under it; the legality of an execution, as a matter of domestic law, could not be affected by the terms of an international treaty not incorporated into domestic law". The Privy Council's previous decision of *Fisher v Minister of National Security*<sup>16</sup> was relied upon.

The Board held that when Jamaica acceded to the American Convention and to the International Covenant and allowed individual petitions, the petitioner became entitled under the protection of the law provisions of the Constitution to complete the human rights petition procedure, and to obtain reports of the human rights bodies for the Jamaican Privy Council to consider before it dealt with the application for mercy, and to the staying of the execution until those reports had been received and considered. In the circumstances, execution consequent upon the Jamaican Privy Council's decision without consideration of the Inter-American Commission report would be unlawful.

*[Note: Jamaica has since withdrawn from the Optional Protocol]*

It should be noted that one of the Lord Justices, Lord Hoffman, delivered a vigorous dissent in this matter.

In the Jamaican Case **Dale Boxx**<sup>17</sup>, Downer JA considered that:

“The independence and impartiality of the tribunal is necessary if the requirement of a fair hearing is to be maintained up to the point of sentencing. After sentence, the Executive takes over. This analysis suggests that a mandatory sentence of death is incompatible with sections 14 and 20 of the Constitution. It may well be that any mandatory sentence does not afford the accused a fair hearing before sentence is imposed and would be incompatible with section 20 of the Constitution. Such a decision is for another day when the matter of the mandatory life sentence is fully argued. In such a circumstance, the case of **R. v. Smith (Edward Dewey)** [1987] 1 SCR 1045 which is referred to later, must be given due consideration. This issue is so important that this Court (Downer, Harrison, Walker JJA) has ordered that the constitutionality of the mandatory life sentence be argued in the cases of **Keith Carnegie v. R** SCCA 44/00, **Renford Daley v R** S.C.C.A. 43/01 and **Ricardo Beckford v. R.** SCCA 64/2001.”

I will say no more on this issue because I have not as yet become aware of the outcome of those hearings.

[4] Examples of the strategies that capital litigants have used in raising international human rights law before Caribbean Courts, and government representatives have used in considering and responding to international human rights arguments raised in such litigation before Caribbean courts.

### **Thomas v Baptiste**<sup>18</sup>

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<sup>16</sup> *Weekly Law Reports* 2 (2000): 1368.

<sup>17</sup> Jamaica Criminal Appeal No. 123 of 2000.

<sup>18</sup> *W.L.R* 3 (1999): 249.

The appellants were convicted of murder and sentenced to death. They exhausted their domestic appeals. The Trinidad Government published certain “Instructions relating to applications from persons under sentence of death”. These instructions prescribed time limits, after which executions would not be further postponed, for each stage of such applications to the Inter-American Commission on Human Rights. The timeline was not adhered to and a warrant for execution was read to each appellant. The prisoners applied for redress under the section of the Constitution that guaranteed protection of the law. The Privy Council, by a narrow majority, held that although the Government of Trinidad and Tobago was entitled to take appropriate measures to ensure that the international appellate processes did not prevent lawful sentences from being carried out, and to provide an overall time limit for the completion of all those processes, the provisions of separate and successive time limits for each application and for each stage of each application had the effect of curtailing the petitioners’ rights more than was necessary to prevent delay and that accordingly, the instructions were disproportionate to their object and therefore unlawful.

The Board also held that all litigants, including condemned men, had the general common law right, affirmed by the Constitution, not to have the result of any pending appellate or other legal process rendered nugatory by executive action before completion. By ratifying the American Convention on Human Rights which provided for individual access to the Commission, the government had made that process for the time being part of the domestic criminal justice system so that the due process provision of the constitution applied.

### **Downer & Tracy<sup>19</sup>**

The Petitioners, all convicted murderers on death row, petitioned the Inter American Commission on Human Rights alleging violations of one or more Articles of the Convention. In particular they relied on Articles 4, 5, 8, 24 and 25 of the Convention, relating to the mandatory nature of the death penalty for the crime of capital murder, and argued that the mandatory death penalty [MDP] for the crime of capital murder was a violation of the Convention.

The petitioners referred to the decisions of the highest courts of several common law countries, including the USA, South Africa, and India and stressed the need for individualized sentencing. Petitioners also argued that the MDP offends the principle of equality before the law. Petitioners argued further that the procedures of the local Privy Council that exercises the prerogative of mercy do not provide an adequate mechanism for individualized sentencing; no objective criteria are used by the local Privy Council. Petitioners also complained about pre-trial delays.

The Commission held that the MDP was in violation of Article 4 (the right to life); Article 5 (Right to humane treatment); and Article 8 (Right to due process) of the Convention.

In arriving at its decision the Commission examined the experience of other international human rights authorities, as well as the high courts of various common law jurisdictions that have retained the death penalty. The Commission concluded that a common precept has developed whereby the exercise of guided discretion by sentencing authorities to consider potentially mitigating circumstances of individual offenders and offences, is considered to be a condition *sine qua non* to the rational, humane, and fair imposition of capital punishment.

[International human rights law and domestic law seem therefore to have a reciprocal effect on each other. As in *Spence*<sup>20</sup>, this case and others were heavily relied on by the domestic courts]

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<sup>19</sup> Report No. 41 of 2000, OEA.

<sup>20</sup> St. Lucia Criminal Appeal No. 14 of 1997 ...

The Commission also found that the exercise of the Prerogative of Mercy provides an adequate opportunity consistent with the requirements of the Convention for the proper implementation of the death penalty.

**Rudolph Baptiste<sup>21</sup>**

The Petitioner was convicted of the murder of his mother following his intervention to prevent his mother from beating his 13 year old brother with a belt. By letter of 3<sup>rd</sup> November 1997 the Petitioner requested the Commission to conduct an on-site visit to Grenada where he was detained.

The State did not respond to any of the Commission's communications.

The Petitioner noted that he was unable to pursue a constitutional motion in the Grenada court and, citing *Champagne, Palmer & Chisholm v. Jamaica*, argued that the absence of Legal Aid for an impecunious individual to pursue a Constitutional Motion is sufficient failure on the part of the State to satisfy the Commission that the constitutional remedy is not available. The Petitioner alleged that the MDP violated the American Convention, a document which is a living, breathing and developing instrument reflecting contemporary standards of morality justice and decency; and that it shares this quality with other international instruments.

The Petitioner argued that there are no criteria for the exercise of the prerogative of mercy and no information as to whether such discretion is exercised on an accurate account of the admissible evidence as to the facts relating to the circumstances of the offence. Petitioner also claimed that there is no right on the part of an offender to make either written or oral comments on the question of pardon *Reckley v. Minister of Public Safety*<sup>22</sup> was cited.

The Petitioner also argued that his right to equality before the law was aggravated by the fact that he has no right to be heard before the Advisory Committee; and that the State had violated his rights under Article 5 of the Convention because of his conditions of detention.

The Commission upheld the contentions of the Petitioner and held for the same reasons as were outlined above in *Downer & Tracy*<sup>23</sup> that the State has violated the Petitioner's rights under Article 4(1) of the Convention not to be arbitrarily deprived of his life and that the MDP was unlawful.

The Commission considered the Petitioner's allegations as to his conditions of detention and held that they failed to meet the minimum standards articulated by international authorities for the treatment of prisoners.

The Commission also considered that the State's obligations regarding legal assistance for constitutional Motions flow from both Article 8 and Article 25 of the Convention; and held that when a convicted person seeking constitutional review of the irregularities in a criminal trial lacks the means to retain legal assistance to pursue a constitutional motion, and where the interests of justice so require, legal assistance should be provided by the State.

In light of its findings the Commission requested the State to take all appropriate measures to stay

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<sup>21</sup> Case 11.743, Report No. 38 of 2000, OEA.

<sup>22</sup> W.L.R 2 (1996):281.

<sup>23</sup> No. 41 of 2000.

the prisoner's execution.

### **Eversley Thompson v St. Vincent & the Grenadines Communication<sup>24</sup>**

This was a communication of the views of the Human Rights Committee under Article 4 Para 4 of the Optional Protocol to the International Covenant on Civil and Political Rights.

Thompson was arrested and charged with the murder of a 4 year old girl. He was convicted of murder and sentenced to death.

Counsel argued before the Committee that the mandatory death sentence did not allow the judge to impose a lesser sentence taking into account mitigating circumstances, and was therefore unlawful.

Counsel also submitted that the conditions in the Kingstown prison amounted to violations of articles 7 and 10 in relation to Thompson.

Counsel also claimed a violation of Article 14 because no legal aid is available for constitutional motions and Thompson, who is indigent, was therefore denied the right of access to court guaranteed by article 16 of the St. Vincent Constitution.

The State Party was requested not to carry out the death sentence against Thompson while his case was under consideration by the committee. About a year later the Committee received information that a warrant for Thompson's execution had been issued. An immediate message was sent to the State Party reminding it of the previous request. The State party replied that it was not aware of the prior request but granted a stay of execution.

The State party presented submissions to the Committee in response to submissions made on behalf of Thompson. It was submitted that the MDP is allowed under international law and that in St. Vincent there is a differentiation between types of killings. Only for the offence of murder is there a MDP.

As to the prison conditions, the State party referred to the Committee's constant jurisprudence that the Committee is not competent to reevaluate the facts and evidence considered by the court and concluded that Thompson's claim should be rejected. The State party also referred to the Committee's jurisprudence that prolonged periods of detention cannot be considered to constitute cruel, inhuman or degrading treatment, if the convicted person is merely availing himself of appellate remedies.

The Committee found that, in relation to the MDP, the existence of a right to seek pardon or commutation, as required by article 6 para 4, of the Covenant, does not secure adequate protection to the right to life, as these discretionary measures by the executive are subject to a wide range of other considerations compared to appropriate judicial review of all aspects of a criminal case. The Committee found that the carrying out of the death penalty would constitute an arbitrary deprivation of the prisoner's life.

As to the conditions of detention, the Committee found that although it is in principle for the domestic courts to evaluate facts and evidence in a particular case, it was for the Committee to

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<sup>24</sup> (St. Vincent and the Grenadines) No. 806 of 1998.

determine whether or not the facts as established by the court constitute a violation of the Covenant. The Committee found that in this case they did.

The State party was accordingly informed that it was under an obligation to provide Thompson with an effective and appropriate remedy, including commutation.

### **Strategies by the State**

#### **Brown v Queen<sup>25</sup>**

The appellant was 15 years old at the time he committed the acts, which led to his conviction for murder. In accordance with the existing statutory provisions, he was sentenced to detention during the Governor General's pleasure. In St. Kitts a person under the age of 18 years at the commission of the offence cannot be sentenced to death. This is consistent with the OAS convention. The issue in this case was whether it was unconstitutional for the Governor General to have any role in the sentencing as it contravened the principle of the separation of powers. I refer to this under the heading of strategies of the representatives of the State because in this case the judgment records that the Hon Attorney General of St. Kitts Delano Bart, assisted the Privy Council by adopting a non-adversarial posture and opted to join in the search for the right solution to the constitutional question raised. The court ruled that the sentence was unconstitutional, and substituted detention at the pleasure of the Court.

### **Conclusion**

It is evident that our Caribbean judges uphold their role as the guardians of human rights. The examples of the relationship between the international human rights conventions in the Inter American System and capital punishment reveal several important lessons. There is ample evidence that the existence of these obligations has been influential in the responses of the judicial, legislative and executive branches of government. It is also clear that they have played a part in affecting the expectations of persons and have been used as a tool in efforts to realize those expectations. The least that can be said is that the existence of these obligations has stimulated the discussion and impacted on the official policies in the Caribbean. At the other extreme, the decisions of the Inter American Human Rights Commission have been instrumental in the development of the jurisprudence of the regions. There is therefore every reason to feel that the Inter American System has played a positive role in the development of consciousness and adherence to the international human rights obligations, and compliance with international standards.

It is hoped that the strides that have been made in the recognition of human rights in the Caribbean would be appreciated for what they have accomplished to date.

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<sup>25</sup> St. Kitts Privy Council Appeal No. 3 of 1998.