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Mr Rafael Rivas Posada
Chairperson, Human Rights Committee
Office of the High Commissioner for Human Rights
UNOG-OHCHR
1211 Geneva
SWITZERLAND

4 July 2007

Re: GRENADA – review of country situation during the 90th session of the Human Rights Committee

Dear Mr Rivas Posada,

I am writing with a view to the review of the situation in Grenada during the forthcoming session of the Human Rights Committee from 9-27 July and to highlight Amnesty International's ongoing concerns regarding the failure of the authorities to comply with its obligations under the International Covenant on Civil and Political Rights (the Covenant) in the case of the "Grenada 17".

The "Grenada 17" were detained by US forces following the US-led invasion of Grenada in October 1983. The invasion occurred after a coup in which former Grenadian Prime Minister Maurice Bishop and 10 members of his government were allegedly summarily executed by supporters of a dissident faction led by Bishop's deputy Bernard Coard. In 1986, fourteen former members of the Government of Grenada and three soldiers were convicted of the murders. The former government members, including Bernard Coard and his wife Phyllis Coard, were sentenced to death while the three soldiers received long prison terms. In 1991, the death sentences were commuted by the Grenadian Governor General to "custody to hard labour for the remainder of their natural life", largely as a result of international pressure. In December 2006, three of the "Grenada 17" - Andy Mitchell, Vincent Joseph and Cosmos Richardson - were released after their 45-year prison sentences were reduced for good behaviour. Phyllis Coard was given permission to travel to Jamaica due to severe health problems in March 2000. At present, 10 members of the "Grenada 17" remain in prison.

In 2003 AI issued a report called "The Grenada 17: the last cold war prisoners?" (AI Index: AMR 32/001/2003) in which the organization concluded that the trial of the "Grenada 17" was fatally flawed and did not meet international standards. Among its concerns were their lengthy incommunicado pre-trial detention following their arrest by US forces in October 1983, their ill-treatment under interrogation and the circumstances under which confessions were obtained. The report also identified irregularities in both the constitution of the court before which they were tried and in the jury selection. The organization called on the Grenadian authorities to establish an independent judicial review of the convictions. AI also recommended that such a mechanism should establish the true facts of the events of 19 October 1983, as well as ensuring that justice was done. AI also recommended as a matter of urgency that compensation should be paid by the governments of Grenada or the USA to those injured or the relatives of those killed.

On 7 February 2007, 13 remaining members of the "Grenada 17" had their sentences overturned by the Judicial Committee of the Privy Council (JCPC). The JCPC ruled that *"the death sentences imposed*

upon the appellants was invalid and that the case should be remitted to the Supreme Court of Grenada for the appellants to be sentenced in accordance with the construction of section 230 of the Criminal Code, taking into account the progress made by the appellants during their time in prison". The JCPC also stated that this also invalidated the process by which those sentences were later commuted to life imprisonment by the Governor General. Thus, the JCPC ordered a re-sentencing to be held in Grenada's Supreme Court.

On 25 June 2007, the judgement of the re-sentencing trial held in Grenada was delivered. According to reports, prior to the judgment Attorney-General Elvin Nimrod said that the Grenada Government would do all within its power to ensure that former Deputy Prime Minister Bernard Coard and others convicted remained in prison. However, the Court ordered the immediate release of three of the 13: Christopher Stroude, Lester Redhead and Cecil Prime. They have been released on 27 June. The remaining 10 members of the "Grenada 17" have been re-sentenced to 40 years in prison. According to the information received, the judge also recommended that the health of two of them, John Ventour and Colville McBarnette, should be reviewed by the Prison Board during a six and 12 month period.

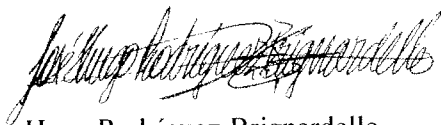
Unfortunately, the JCPC declined to deal with the question of whether the remaining members of the "Grenada 17" had a fair trial or not, and thus whether their convictions should also be reviewed by an independent court of justice, for procedural considerations. The JCPC stated that *"the process of a constitutional motion can not be used to obtain from the Privy Council a review of the 1991 decision of the Court of Appeal of Grenada."* However, the JCPC stated that this decision did not mean *"that the convicted person is entirely without remedy. As in many jurisdictions, the Governor General has a power to refer the case back to the Court of Appeal, which must then hear and determine it as if it were a fresh appeal."*

Although AI has not taken a position on the guilt or innocence of the "Grenada 17", the organization has long called on the Grenadian authorities to establish an independent judicial review of the convictions since it considers that fair trial guarantees have been denied to them. This recommendation has also been made by the Grenadian Truth and Reconciliation Commission in a report in June 2006. Furthermore, in its ruling, the JCPC stated that *"the question of the appellants' fate is so politically charged that it is hardly reasonable to expect any Government of Grenada ... to take an objective view of the matter"* even after 23 years.

AI believes that giving to the "Grenada 17" a fair trial is an obligation of the Grenadian State under article 14 of the ICCPR. Otherwise, the detention of those members of the "Grenada 17" who remain in prison continues to be an unlawful and arbitrary deprivation of their right to liberty (article 9 ICCPR). If the Grenadian government prove unwilling to put into place a review by a competent, independent and impartial tribunal established by law, AI considers that the only alternative that would satisfy the demands of international human rights standards would be the release of all members of the group still in prison.

We would appreciate if you could make this information available to the members of the Committee and hope it will be useful with a view to the upcoming session.

Yours sincerely



Hugo Rodríguez-Brignardello
Legal Adviser, Americas