

WorldCourts™

Institution: Inter-American Commission on Human Rights
File Number(s): Petition 628-05
Title/Style of Cause: Foster Serrette v. Trinidad and Tobago
Doc. Type: Decision on Precautionary Measures
Dated: 20 July 2005
Citation: Serrette v. Trinidad and Tobago, Petition 628-05, Inter-Am. C.H.R., OEA/Ser.L/V/II.124, doc. 5, Ch. III, para. 38 (2005)

Terms of Use: Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

38. On July 20, 2005, the Commission granted precautionary measures in favor of Mr. Foster Serrette in the context of petition P628-05, which alleged violations of Mr. Serrette's rights under Articles II, XVII, XVIII and XXVI of the American Declaration of the Rights and Duties of Man. The petitioners claimed that Mr. Serrette was sentenced to death by the High Court of Trinidad and Tobago on May 21, 2001 and they challenged his punishment before the Commission based upon allegations that Mr. Serrette was sentenced to death under a mandatory sentencing law, that his sentence had not been mitigated to life imprisonment in accordance with the decision of the Judicial Committee of the Privy Council in the Matthew Case, that his legal proceedings did not comply with fair trial and due process protections, and that his conditions of detention contravened his right to humane treatment. The information presented also suggested that Mr. Serrette had exhausted domestic remedies available to him and that other death row inmates in Mr. Serrette's position had been read warrants of execution. In view of these circumstances, the Commission asked the Republic of Trinidad and Tobago to take the urgent measures necessary to preserve Mr. Serrette's life pending the Commission's investigations into the allegations in his petition, on the basis that Mr. Serrette's execution would render any eventual decision by the Commission ineffective and cause him irreparable harm. The State did not respond to the Commission's request for precautionary measures.