

REPORT No. 58/11
PETITION 703-05
DECISION TO ARCHIVE
TRINIDAD AND TOBAGO
March 23, 2011

ALLEGED VICTIMS: Mark Teeluck

PETITIONER: Saul A. Lehrfreund and Parvais Jabbar (Simons Muirhead & Burton, Solicitors)

INITIATION OF PROCESSING: June 21, 2005

ALLEGED VIOLATIONS: Articles I, II, XVII, XVIII, and XXVI of the American Declaration of the Rights and Duties of Man (the "American Declaration")

I. POSITIONS OF THE PARTIES

A. THE PETITIONERS

1. On June 17, 2005, the Inter-American Commission on Human Rights (the "Inter-American Commission" or the "IACHR") received a petition and a request for precautionary measures from Saul A. Lehrfreund and Parvais Jabbar from Simons Muirhead & Burton, Solicitors (the "petitioners"), on behalf of Mark Teeluck (the "alleged victim"). Mr. Teeluck was convicted of murder on July 14, 2000, and sentenced to death by hanging under Trinidad's mandatory death penalty law.

2. In their first submission, the petitioners alleged that the rights of the alleged victim under the American Declaration were being violated by the State due to the mandatory death penalty; the effect of the Savings Clause in the Constitution; the execution of his death sentence by hanging; and his conditions of his confinement and treatment on death row. The petitioners also reported that the alleged victim unsuccessfully appealed his conviction and sentence through the domestic system with his final appeal having been dismissed by the Judicial Committee of the Privy Council ("Privy Council") on March 23, 2005.

3. The petitioners later informed that on August 15, 2008, the High Court of Trinidad and Tobago decided in the case of Dottin, Teeluck and Others to commute the sentence of death imposed on the alleged victim and other applicants, to a sentence of life imprisonment. They note that the Constitutional Motion was brought for the benefit of all persons on death row who were sentenced to death before the Privy Council delivered its judgment in Matthew v. The State on July 7, 2004, in which the Privy Council recommended that all prisoners then under sentence of death, including the alleged victim, should have their death sentences commuted to life imprisonment.

4. On August 26, 2009, the petitioners informed the Commission that they no longer wished to pursue the petition due to the fact that "each of the alleged breaches has been remedied to the extent that [Mr. Teeluck] is no longer subject to the mandatory death penalty nor the possibility of facing execution by hanging, and finally, he is no longer held on death row".

B. THE STATE

5. The State acknowledged receipt of the petition but provided no substantive response to the facts alleged by the petitioners.

II. PROCESSING BEFORE THE INTER-AMERICAN COMMISSION

6. The IACtHR received the petition and request for precautionary measures on June 17, 2005. By means of a note of June 21, 2005, the Commission notified the State of the petition, giving it two months to provide the information it deemed appropriate. The State acknowledged receipt on June 28, 2005, and informed that the Commission's communication had been transmitted to the Minister of Foreign Affairs. On October 18, 2005, during its 123rd Period of Sessions, the IACtHR held a public hearing on this matter.

7. On February 9, July 15 and July 29, 2009, the Commission requested updated information from the petitioners. The petitioners' response was received on August 7, 2009. On August 26, 2009, the petitioners confirmed that the alleged victim's death sentence had been commuted. Based on this fact, they indicated that "the Petition before the Inter-American Commission on Human rights need no longer be pursued".

8. On June 21, 2005, the Inter-American Commission issued precautionary measures on behalf of the alleged victim requesting the State of Trinidad and Tobago to stay the execution.

III. GROUNDS FOR THE DECISION TO ARCHIVE

9. Articles 48.1.b of the American Convention and 42 of the Rules of Procedure of the IACtHR establish that prior to determining admissibility; the Inter-American Commission shall ascertain whether the grounds for the petition still exist or subsist; and that if it considers that they do not, it shall order the case to be archived. In addition, Article 42.1.a of the Rules establishes that the IACtHR may also decide to archive a case when the information necessary for the adoption of a decision is unavailable.

10. In the present case, the petitioners informed the Commission that the grounds for the petition do not subsist, since the alleged victim's death sentence was commuted; and they expressly indicate their wish to desist from pursuing the matter. In accordance with Article 41 of its Rules, which indicates that a petitioner may desist from a petition at any stage, the IACtHR hereby decides to archive the present petition.

Done and signed in the city of Washington, D.C., on the 23rd day of the month of March, 2011.
 (Signed): Dinah Shelton, President; José de Jesús Orozco Henríquez, First Vice-President; Rodrigo Escobar Gil, Second Vice-President; Paulo Sérgio Pinheiro, Felipe González, Luz Patricia Mejía Guerrero and María Silvia Guillén, Commissioners.