

REPORT Nº 97/11
DECISION TO ARCHIVE
PETITION 12.245
TRINIDAD AND TOBAGO
July 21, 2011

ALLEGED VICTIM: Robert Taylor

PETITIONERS: Reynolds Porter Chamberlain Solicitors

ALLEGED VIOLATIONS: Articles 1, 4(1), 5(1), 5(2), 7(5), 8(1), 8(3) and 25 of the American Convention; and Articles I, XVIII, XXV and XXVI of the American Declaration.

BEGINNING OF PROCESSING: February 4, 2000

I. POSITION OF THE PETITIONER

1. On January 5, 2000 the Inter-American Commission on Human Rights (the "Inter-American Commission" or the "IACHR") received a petition on behalf of Robert Taylor ("Mr. Taylor" or the "alleged victim"), an inmate at the State Prison of Port of Spain, presented by Bernard Richmond from Reynolds Porter Chamberlain Solicitors (the "petitioner"). The petitioner states that Mr. Taylor was convicted of murder and sentenced to the mandatory penalty of death without being afforded any proper opportunity to present evidence in mitigation and/or argue that he should not be put to death.

2. According to the information available, Mr. Taylor was convicted of murder and sentenced to the mandatory penalty of death on February 17, 1995. On February 6, 1998, the appeal to the Court of Appeal of Trinidad and Tobago against the conviction and sentence was dismissed; and on December 2, 1999, an application for special leave to appeal as a poor person to the Judicial Committee of the Privy Council was dismissed.

3. With respect to the merits of the complaint, the petitioner contends that the mandatory nature of the death sentence in every case of murder is cruel, inhuman and degrading; the sentence passed upon the alleged victim was an arbitrary one as he was denied any opportunity to present mitigating evidence or to stress to the Court individual circumstances in his particular case which would justify a lesser sentence; the delay between arrest, charge and trial was unreasonable; Mr. Taylor's detention in inhuman and degrading conditions renders unlawful the carrying out of his sentence of death; and the failure of the State to provide legal aid for constitutional motions denies the alleged victim access to a court and hence to an effective remedy.

4. By letter dated April 17, 2000, the petitioner informed the Commission that additional domestic proceedings were being pursued on behalf of Mr. Taylor and requested that the Commission hold Mr. Taylor's petition in abeyance in the interim. The IACHR acknowledged receipt by note of April 20, 2000, and requested that it be kept apprised of any information or developments concerning Mr. Taylor's domestic proceedings. On October 13, 2000, the petitioner informed the IACHR about the submission on October 11, 2000, of an Application under Section 64 of the Supreme Court Judicature Act 4.1 to the President of the Republic of Trinidad and Tobago in the light of fresh evidence obtained.

5. On September 2, 2005 the IACHR requested information from the petitioner concerning the status of Mr. Taylor's death sentence, as well as the application mentioned above, in order that the Commission could determine whether to continue with the processing of the matter. On September 15, 2005, the petitioner informed that the whole case had been referred to the Court of Appeal. On September 21, 2005, the Inter-American Commission acknowledged receipt and requested that it be kept apprised of the outcome of the proceeding.

6. On April 15, 2009, the IACHR requested updated information from the petitioner. This request was reiterated on October 12, 2010, with a note indicating that the Inter-American Commission might archive the record of the case. On December 15, 2010, the petitioner responded that he would prepare a substantive response within 28 days setting out Mr. Taylor's position. On April 11, 2011, the IACHR sent a communication indicating that, in the event that the information was not received within one month, it might archive the record of the petition in accordance with Article 42 of its Rules of Procedure. No response was received from the petitioner.

II. POSITION OF THE STATE

7. As of the date of this report, the IACHR has not received any observations from the State regarding Mr. Taylor's petition.

III. PROCEEDINGS BEFORE THE IACHR

8. The petition, dated January 5, 2000, was received by the IACHR on the same day and transmitted to the State on February 4, 2000. In the same communication the Inter-American Commission granted precautionary measures on behalf of the alleged victim and asked the State to stay the execution until this organ had the opportunity to examine the merits of the case.

9. On February 15, 2000, the State acknowledged receipt of the petition, but did not submit observations on the admissibility or the merits of the petition. The Commission received additional communications from the petitioner on April 19 and October 13, 2000; March 25 and April 8, 2002; September 15, 2005; and December 15, 2010.

10. The IACHR requested updated information from the petitioner on April 15, 2009, October 12, 2010, and April 11, 2011, indicating that the Commission may archive the petition. To date, the petitioner has not responded to the IACHR's requests nor has he submitted more detailed and up-to-date information regarding domestic proceedings.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

11. Article 42 of the IACHR's Rules sets forth the procedure for archiving petitions and cases, when the grounds for the petition or case do not exist or subsist; or when the information necessary for the adoption of a decision is unavailable. In such cases, the IACHR, after having requested information from the petitioners and given notice of the possibility of a decision to archive to the petitioners, shall proceed to adopt the appropriate decision.

12. In the present case, the petitioner brought Mr. Taylor's case to the IACHR complaining, *inter alia*, that the mandatory death penalty in Trinidad and Tobago amounted to cruel and inhuman punishment. According to publicly available information, the alleged victim is among the 52 convicted persons who had their mandatory death sentences commuted to life imprisonment by the High Court of Trinidad and Tobago on August 15, 2008, in the case of Dottin, Teeluck and Others.

13. More than 11 years have elapsed since the lodging of the petition and the Inter-American Commission lacks the necessary elements for the adoption of a decision on the admissibility, despite its reiterated requests for information submitted to the petitioner. Specifically, the IACHR does not have information as to whether the grounds for the petition still exist. As a result, the IACHR decides to archive the file of the present petition, pursuant to Article 42.1(b) of the Rules of Procedure.

Done and signed in the city of Washington, D.C., on the 21st day of July 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, Commission Members.