



22 December 2022

Guyana's Court of Appeal refuses to declare the death penalty unconstitutional

Today, we have received the judgment of the Court of Appeal in Guyana, in a landmark challenge to capital punishment. Whilst the Court of Appeal declined to strike down the death penalty as unconstitutional, three death sentences were overturned and replaced with life sentences.

The Court of Appeal was considering the cases of three former Guyana Defence Force Coast Guards, Devon Gordon, Deon Greenidge and Sherwyn Harte, who in 2013, were found guilty of the robbery and murder of Dweive Kant Ramdass. The trial judge imposed death sentences on all three defendants. The three men appealed to the Court of Appeal.

The Death Penalty Project offered assistance to the appellants and supported their legal team in Guyana. In the course of the appeal, we provided evidence to the Court from leading academics. The evidence showed that capital punishment does not act as a greater deterrent to crime than lesser forms of punishment and that there is a growing consensus that capital punishment is inherently inconsistent with respect for the rule of law.

Supported by The Death Penalty Project and barristers from Doughty Street Chambers, the appellants' legal team argued that the death penalty was unconstitutional; being arbitrary, irrational, disproportionate, and contrary to the constitutional principle of the rule of law.

The Court of Appeal has not accepted these arguments and has declined to declare capital punishment unconstitutional in Guyana. The Court of Appeal overturned the appellants' sentences of death, on the basis that it was unconstitutional for the trial court to hand down the death penalty automatically without affording the appellants individualised sentencing hearings. The failure to do so was a breach of their constitutional rights.

We consider that the Court of Appeal should have declared all death sentences unconstitutional. The legal team will now explore a further appeal to the Caribbean Court of Justice.

Saul Lehrfreund, Co-Executive Director of the Death Penalty Project said:

“Whilst we are pleased to see the three appellants removed from death row, the Court of Appeal's approach to the constitutionality of the death penalty itself is extremely disappointing.

The death penalty is inherently arbitrary and contrary to the constitutional rights of those who it affects. We remain resolved to abolishing the death penalty in Guyana and will work with the legal team in this case to mount an onward appeal to the Caribbean Court of Justice. Guyana remains the only country in South America to retain the death penalty and we call on the country's leaders to take the necessary steps to abolish the punishment.”

ENDS

Notes to editors –

The Legal Team

C.A Nigel Hughes (of the Bar of Guyana) and Douglas Mendes SC (of the Bar of Trinidad and Tobago) represent the appellants in this case. Douglas Mendes SC presented the legal arguments in the Court of Appeal.

Assisting with this case are; The Death Penalty Project and a team of barristers from Doughty Street Chambers: Edward Fitzgerald KC, Joe Middleton and Pippa Woodrow.

All the lawyers involved in this case assisted on a *pro bono* basis.

Academic Evidence

The academics who provided evidence to the Court were Carolyn Hoyle, Professor of Criminology at the University of Oxford; William Schabas, Professor of Law at Middlesex University; and Jeffrey Fagan, Professor of Law at Columbia University.

Death Penalty Project

The Death Penalty Project (DPP) is a legal action NGO with special consultative status before the United Nations Economic and Social Council. For more than three decades, the DPP has worked to protect the rights of those facing the death penalty.

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