

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-10/2023 English

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I/A Court H.R.

Protecting Rights

TRINIDAD AND TOBAGO IS RESPONSIBLE FOR VIOLATING THE RIGHTS TO PERSONAL LIBERTY AND PERSONAL INTEGRITY OF RESHI BISSOON AND FOSTER SERRETTE

San José, Costa Rica, January 30 2023. In the Judgment notified today in the *Case of Bissoon et al. v. Trinidad and Tobago*, the Inter-American Court of Human Rights found the State of Trinidad and Tobago internationally responsible for the violation of the right to personal liberty of Reshi Bissoon as a result of the violation of the reasonable duration of his pre-trial detention, and for the violation of the right to personal integrity of Reshi Bissoon and Foster Serrette because they were subjected to prison conditions that were incompatible with the relevant standards established by the American Convention. Specifically, the Court declared that the State of Trinidad and Tobago had violated Articles 7(5), 5(1) and 5(2) of the American Convention on Human Rights (hereinafter “the Convention”), in relation to Article 1(1) of this instrument.

The official summary of the judgment may be consulted [here](#) and the complete text of the Judgment [here](#).

On October 29, 1999, Mr. Bissoon was found guilty of murder and sentenced to death by the High Court of Trinidad and Tobago. While, on May 21, 2001, Mr. Serrette was found guilty of the manslaughter of his wife and the murder of his son by the High Court of Trinidad and Tobago, and sentenced to life imprisonment for manslaughter and to death for murder. All the appeals filed against the convictions were rejected. The Court was informed that, on August 15, 2008, a date subsequent to the facts that were subject to the Court’s temporal jurisdiction, the death sentences of Messrs. Bissoon and Serrette were commuted to life imprisonment.

With regard to the alleged violation of personal liberty, the Court noted that Mr. Bissoon’s pre-trial detention lasted for more than 41 months. The Court indicated that Mr. Bissoon’s case bore some similarity to the case of *Hilaire, Constantine and Benjamin et al. v. Trinidad and Tobago* in which it had declared, *inter alia*, the violation of Article 7(5) because, in that case, the time between their arrest and the date on which the 24 victims were convicted ranged from 32 months to 8 years. It added that, in the instant case, the State, by deciding voluntarily not to take part in the proceedings, had not provided any arguments or evidence to prove (i) a conduct that was particularly diligent, or (ii) the reason or reasons why it had required almost two years to deliver judgment in this case. Added to this, the Court indicated that the domestic proceedings to which Mr. Bissoon was subjected were not particularly complex owing to the persons involved, the complexity of the offense, or the production and assessment of the evidence. Consequently, the Court concluded that, in this case, the period of 41 months during which Mr. Bissoon was held in pre-trial detention violated the reasonable time required by Article 7(5) of the Convention, in relation to Article 1(1) of this instrument.

In the case of Mr. Serrette, the Court noted that, although the alleged victim was arrested on October 13, 1998 (that is, on a date that fell within the Court’s temporal jurisdiction), Trinidad and Tobago’s denunciation of the Convention entered into force on May 26, 1999 (that is, five months after his arrest). Therefore, the Court was unable to examine the alleged violation of his right to be tried within a reasonable time.

Regarding minimum detention conditions, the Court noted that, while in pre-trial detention in the Golden Grove Prison, Messrs. Bissoon and Serrette were held in dirty cells in very unhygienic conditions with little light and ventilation and, in the absence of a mattress, they were forced to sleep either on the floor or on newspapers. In addition, there were no sanitary installations where Messrs. Bissoon and Serrette could comply with the needs of nature when necessary and in a clean and decent manner. Consequently, the Court found the State of Trinidad and Tobago responsible for the violation of Article 5(1) and 5(2), in relation to Article 1(1) of this instrument.

Based on foregoing violations, the Court ordered diverse measures of reparation.

The Court was composed of the following judges for the delivery of this Judgment: Ricardo C. Pérez Manrique, President (Uruguay), Humberto Antonio Sierra Porto, Vice President (Colombia), Eduardo Ferrer Mac-Gregor Poisot (Mexico), Nancy Hernández López (Costa Rica), Verónica Gomez (Argentina), Patricia Pérez Goldberg (Chile) and Rodrigo de Bittencourt Mudrovitsch (Brazil).

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