

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-12/2023 English

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I/A Court H.R. Protecting Rights

TRINIDAD AND TOBAGO IS RESPONSIBLE FOR VIOLATING THE RIGHTS TO LIFE, PERSONAL LIBERTY, JUDICIAL GUARANTEES AND PERSONAL INTEGRITY OF KELVIN DIAL AND ANDREW DOTTIN

San José, Costa Rica, February 1st, 2023. In the Judgment notified today in the *case of Dial et al. v. Trinidad and Tobago*, the Inter-American Court of Human Rights found the State of Trinidad and Tobago internationally responsible for violation of the right to life as a result of the automatic imposition of the death penalty; violation of the right to personal liberty owing to the violation of the right to be informed of the reasons for the detention; violation of procedural guarantees due to anomalies during the criminal proceedings, and for violation of the right to personal integrity owing to prison conditions that were incompatible with the standards established by the American Convention to the detriment of Kelvin Dial and Andrew Dottin, as well as for violation of Mr. Dial's right to protection of the family.

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

On January 21, 1997, a jury found Messrs. Dial and Dottin guilty of the crime of murder and the Fourth Criminal Court, Port of Spain, sentenced them to the mandatory death penalty provided for in article 4 of the Offences Against the Person Act, which stipulated that "[e]very person convicted of murder shall suffer death." Their sentence was subsequently commuted to life imprisonment.

The Court noted that the said law established the generalized and automatic imposition of the death penalty for the crime of murder, disregarding the fact that this crime may be characterized by different degrees of severity. In light of Article 4 of the American Convention, this is extremely serious as it jeopardizes the most important right, namely human life and, moreover, it is arbitrary. The Court considered that even though, years later, Messrs. Dial and Dottin benefited from the commutation of their death sentence, the fact that the Offences Against the Person Act was in force, *per se*, violated Article 2 of the Convention because the State neglected its obligation to take the necessary legislative measures to ensure the compatibility of domestic law with the Convention.

The Court also noted that Messrs. Dial and Dottin were not provided with details of the charges against them and that the first time they were informed of these was during the preliminary inquiry six months after their arrest. This fact led the Court to conclude that the State was responsible for the violation of Article 7(4) of the Convention, in relation to Article 1(1) of this instrument, to the detriment of Messrs. Dial and Dottin.

In addition, the Court considered that restrictions in access to their lawyers, as well as the restricted access of one of the lawyers to certain documents in the case file, hampered the defense's effective performance of their functions and, therefore, had an impact on the right of defense of Messrs. Dial and Dottin. Based on the foregoing, the Court declared that the State had violated Article 8(2)(c) and 8(2)(d) of the Convention, in relation to Article 1(1) of this instrument.

Lastly, the Court considered that the detention conditions to which Messrs. Dial and Dottin were subjected were incompatible with the inter-American standards and, therefore, the State had violated Article 5(2) and 5(2) of the Convention, in relation to Article 1(1) of this instrument. Finally, regarding the representatives' arguments concerning the impossibility of Mr. Dial receiving visits by his son, the Court concluded that the State was responsible for violating the right to protection of the family, recognized in Article 17(1) of the Convention, in relation to Article 1(1) of this instrument, to the detriment of Mr. Dial.

Based on the 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 Mudrovitsch (Brazil).

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