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REPORT No. 31/14
CASE 11.837
REPORT ON ARCHIVE

INDRAVANI PAMELA RAMJATTAN
TRINIDAD AND TOBAGO

Approved by the Commission at its session No. 1980 held on April 4, 2014
150 Regular Period of Sessions

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REPORT No. 31/14

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ARCHIVE

INDRAVANI PAMELA RAMJATTAN

TRINIDAD AND TOBAGO

APRIL 4, 2014

ALLEGED VICTIM: Indravani Pamela Ramjattan

PETITIONERS: Joanne Cross (Slaughter and May)

ALLEGED VIOLATIONS: Articles 4, 5, 8 and 11 of the American Convention; and Articles 3, 4, 7 and 8 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women ("Convention of Belem do Para")

BEGINNING OF PROCESSING: November 21, 1997

I. POSITION OF THE PETITIONER

1. On November 19, 1997, the Inter-American Commission on Human Rights (the "Inter-American Commission" or the "IACHR") received a petition against the Republic of Trinidad and Tobago ("the State" or "Trinidad") on behalf of Indravani Pamela Ramjattan ("Ms. Ramjattan" or the "alleged victim"), an inmate sentenced to the mandatory death penalty, presented by Joanne Cross from the London firm of solicitors Slaughter and May¹ (the "petitioner").

2. According to the information available, Ms. Ramjattan had suffered an appalling history of physical and mental abuse at the hands of her common-law husband, Alexander Jordan, the deceased. When the alleged victim was 17 years old she was reportedly sent against her will to live with him. He was 36 years old at that time. They had six children by February 12, 1991, the date of the alleged crime. Jordan reportedly subjected the alleged victim to a "reign of terror." Her lover, Denny Baptiste, with whom she was 5-6 months pregnant, reportedly inflicted the fatal blows on Mr. Jordan and Ms. Ramjattan, according to the petition, "was not even in the same room when the fatal blows were struck." Ms. Ramjattan was convicted on May 29, 1995, by the High Court of Trinidad and sentenced to the mandatory death penalty for murder.

III.

3. With respect to the merits of the complaint, the petitioner alleges serious violations as regards the right to legal representation in a capital case. According to the petition, the first time Ms. Ramjattan met her defense attorney was at the preliminary hearing; she received no prior notice of the charges and had no opportunity to prepare her defense; at the trial she was represented by a different attorney who visited her twice prior to the trial, each time for only twenty minutes; during the actual trial she was only able to see her attorney for 3-5 minutes on some days of the trial, not every day; no importance was attached by her attorney to the physical and mental abuse she had suffered and its impact on her conduct in relation to the alleged crime; no witnesses were called in her defense.

4. By letter dated February 9, 1999, the petitioner informed the Commission that, on February 3, 1999, the Judicial Committee of the Privy Council decided to remit Ms. Ramjattan's case to the Court of Appeal for further consideration of a psychiatric report. In view of that decision, the petitioner requested that the Commission treat Ms. Ramjattan's case before it "as pending but suspended, until such time as the

¹ In a note dated August 18, 1999, the petitioner informed the IACHR that she was moving firms effective September 1, 1999, and that she would retain the instant case at her new firm, Herbert Smith.

outcome of the hearing before the Court of Appeal is known.” As of the date of this report, the IACHR has not received any additional observations from the petitioner.

5. According to publicly available information, on October 7, 1999, the Court of Appeal overturned Ms. Ramjattan's murder conviction and imposed a reduced conviction for manslaughter. The alleged victim was sentenced to an additional five years in prison.²

6. On February 7, 2014, the IACHR requested updated information from the petitioner. No response was received.

II. POSITION OF THE STATE

7. On April 16, 1998, in line with its approach to death penalty cases at that time, the State requested that the Commission issue a decision on the merits in this case within a period of six months from April 16, 1998 or by October 16, 1998. According to the State, the decision of the Commission would be considered by the Minister of National Security when advising the President as to whether he should exercise the prerogative of mercy.

III. PROCEEDINGS BEFORE THE IACHR

8. On November 19, 1997, the IACHR received the petition, which was transmitted to the State on November 21, 1997. In the same communication the Inter-American Commission requested the State to stay the execution until it had the opportunity to examine the case and issue a decision.

9. On November 3, 1998, the IACHR adopted Admissibility Report No. 92/98 which was transmitted to the parties on November 24, 1998. On December 2, 1998, the petitioners indicated that they were interested in pursuing a friendly settlement.

IV.

10. By letter dated February 9, 1999, the petitioner requested that the Commission treat Ms. Ramjattan's case before it “as pending but suspended, until such time as the outcome of the hearing before the Court of Appeal is known.”

11. The IACHR requested updated information from the petitioner on February 7, 2014, indicating that the Commission may archive the petition. On March 25, 2014, the Commission received a communication from the petitioner confirming that the grounds for the petition no longer exist, and requesting that the record of the case be archived.

V.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

12. 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.

13. The petitioner brought Ms. Ramjattan's case to the IACHR alleging, *inter alia*, serious violations as regards the right to legal representation in a mandatory death penalty case. In February 1999 the petitioner requested that the IACHR suspend the analysis of the case in view of new developments in the domestic proceedings. On March 25, 2014, the petitioners informed the Commission that the grounds for the petition do not subsist and they expressly indicated their wish to desist from pursuing the matter. In

² Equality Now, Trinidad and Tobago: The Imminent Execution of a Battered Woman's Defenders, July 1, 2000. Available at: <http://www.equalitynow.org/node/191>

accordance with Article 41 of its Rules, which indicates that a petitioner may desist from a petition at any stage, the IACHR hereby decides to archive the present petition.

Done and signed in the city of Washington, D.C., on the 4th day of the month of April, 2014. (Signed): Tracy Robinson, President; Felipe González, Second Vice President; José de Jesús Orozco Henríquez, Rosa María Ortiz, Paulo Vannuchi and James L. Cavallaro, Commissioners.