

**Saint Kitts and Nevis
Stakeholder Report for the United Nations Universal Periodic Review:
The Death Penalty**

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status with ECOSOC since 1996

and

**The World Coalition Against the Death Penalty
for the 51st Session of the Working Group on the Universal Periodic Review
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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a Death Penalty Project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it seeks to reduce the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. This report addresses Saint Kitts and Nevis' efforts to respect, protect, and fulfill its human rights obligations regarding its use of the death penalty. Saint Kitts and Nevis remains the most recent country in the English-speaking Caribbean to carry out an execution, having executed Mr. Charles Laplace on 19 December 2008. In 2018, the Eastern Caribbean Supreme Court commuted the death sentence of Mr. Everson Mitcham, clearing the country's death row. Nonetheless, the laws of Saint Kitts and Nevis retain the death penalty as an available penalty and people remain at risk of being sentenced to death.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Acceptance of international norms

Status: Not Accepted, Not Implemented

2. During its third Universal Periodic Review, Saint Kitts and Nevis noted several recommendations to ratify the International Covenant on Civil and Political Rights, as well as nine recommendations to sign or ratify the Covenant's Second Optional Protocol aimed at abolishing the death penalty.¹ Saint Kitts and Nevis has made no progress toward ratification of the Second Optional Protocol since 2021.

Awareness raising and dissemination

Status: Not Accepted, Not Implemented

3. During its third UPR, Saint Kitts and Nevis noted one recommendation to ensure access to information related to the death penalty in pursuit of a more informed and transparent debate on the topic.²
4. A 2020 analysis of support for the death penalty across English-speaking Caribbean nations, including Saint Kitts and Nevis, identified the public's lack of knowledge regarding the government's position on the issue, found that up to 61% of respondents were unaware that their government had consistently opposed the UN General Assembly resolution calling for a global moratorium on the death penalty. Only 31% of respondents stated that they were "very well informed" on research about the death penalty and deterrence.³ There is no information suggesting that Saint Kitts and Nevis has taken any steps since 2021 to ensure that the population or lawmakers are well informed about death penalty issues.

Death penalty

Status: Not Accepted, Not Implemented

5. During its third UPR, Saint Kitts and Nevis noted all twenty-three recommendations it received to abolish the death penalty or institute an immediate moratorium on the practice.⁴ Since that time, Saint Kitts and Nevis has not made progress toward abolition of the death penalty.

6. The laws of Saint Kitts and Nevis allow the death penalty for murder and treason.⁵ The Offences Against the Person Act, as amended in 2017, permits the sentence of death for the “worst of the worst” offences, including murder.⁶ According to the 2021 Eastern Caribbean Supreme Court Sentencing Guidelines on “Sentencing for the Offense of Murder,” courts must limit the death penalty to cases in which the conviction occurred after a fair trial, and in only the “rarest of the rare” and “worst of the worst” cases.⁷ The guidance requires the sentencing court to weigh various mitigating factors, including a psychiatric evaluation, and authorizes imposition of a death sentence only if the court finds that the person has no reasonable prospect of reform.⁸
7. Saint Kitts and Nevis conducted its most recent executions in 2008⁹ and 1998.¹⁰ In 1993, the Judicial Committee of the Privy Council, in the seminal case *Pratt and Morgan*, held that when a state holds a person on death row for an extended period of time, it subjects the person to cruel and inhumane treatment. Hence, the court ruled, delays of over five years between sentencing and execution violated international human rights standards.¹¹ Consistent with this decision, in 2018 the Eastern Caribbean Supreme Court commuted the death sentence of the last person on Saint Kitts and Nevis’ death row. No person has been on death row since that time.¹²
8. Over the last several years, Saint Kitts and Nevis has seen significant success in reducing crime rates.¹³ Authorities in Saint Kitts and Nevis have sometimes used the country’s relatively higher rates of violent crime as a justification for retaining the death penalty.¹⁴ As discussed in paragraph 4 above, however, the public is not well informed about the inefficacy of the death penalty in deterring violent crime. The Commissioner of Police recently expressed hope that this progress would continue into 2025 and beyond, noting that detection of criminal conduct is an effective deterrent.¹⁵ Yet in 2022, the Caribbean Federation of Police Welfare Associations called on countries in the region to institute a mandatory death sentence for persons convicted of attacking or killing police officers.¹⁶

Conditions of detention

Status: Accepted, Partially Implemented

9. During its third UPR, Saint Kitts and Nevis supported two recommendations to improve detention conditions and reduce overcrowding in the prison system.¹⁷ Saint Kitts and Nevis has struggled to implement these recommendations.
10. Saint Kitts and Nevis maintains two prisons with a total maximum capacity of 160 people,¹⁸ but in 2023 the prison population was 260 people, contributing to the spread of disease and concerns over safety.¹⁹
11. Saint Kitts and Nevis has taken some steps to reduce overcrowding through early release programs and expanded rehabilitation programs to reduce recidivism. The Principal Officer of Her Majesty’s Prison highlighted that rehabilitation programs that teach skills for future employment can play a significant role in reducing overcrowding.²⁰ It is unclear whether such programs are available to people under sentence of death.
12. Still, prison conditions are generally cramped and hot, and observers frequently raise concerns over basic hygiene standards.²¹ The Principal Officer of Her Majesty’s Prison has indicated a desire for people to receive dignified and humane treatment while serving their

sentences,²² but Saint Kitts and Nevis must dedicate further resources toward making that goal a reality.

II. RECOMMENDATIONS

13. This stakeholder report suggests the following recommendations for the Government of Saint Kitts and Nevis:

- Abolish the death penalty and replace it with penalties that are fair, proportionate, and consistent with international human rights standards.
- In the interim, establish an immediate, formal moratorium on the imposition of death sentences in all criminal cases moving forward.
- Sign and ratify the International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol.
- Authorize independent observers to conduct credible investigations into any and all allegations of mistreatment, torture, or other improper conduct in detention facilities and to publish the results of any such investigation.
- Take necessary steps to improve prison conditions by reducing overcrowding, including by expanding programs to promote early release and minimize pretrial detention.
- Ensure that any educational or vocational programming in detention facilities is available to all persons in detention, regardless of their sentence.
- Ensure that all detention conditions comply with the Nelson Mandela rules.
- On an annual basis, publish data about all persons charged with or tried for capital crimes, disaggregated by charged offenses, age at the time of the offense, sex/gender, nationality, occupation at the time of offense, name of legal counsel and source of funding, relationship to any victims or codefendants, status of the case and any appeals or petitions for mercy, and current location.
- In collaboration with civil society, take steps to promote public discourse regarding alternatives to the death penalty and research regarding effective means of deterring violent crime.
- Ensure that any person at risk of being sentenced to death receives competent counsel from the time of arrest through and including any appeals or petitions for mercy, and ensure that the state funds relevant evidence-gathering efforts for the defense, including the collection of mitigation evidence.
- Establish a mechanism to automatically commute the death sentence of any person who has been on death row for five years, consistent with the *Pratt and Morgan* decision.

¹ U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: St. Kitts and Nevis, U.N. Doc. A/HRC/37/7 (Mar. 30, 2021), ¶130.12 Ratify the International Covenant on Civil and Political Rights and especially its Second Optional Protocol, aiming at the abolition of the death penalty (Germany); ¶130.13 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, which is still present in the country's Constitution (Spain); ¶130.14 Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Australia); ¶130.15 Fully abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Iceland); ¶130.16 Ratify the International Covenant on Civil and Political Rights, its Second Optional Protocol, aiming at the abolition of the death penalty, and the Protocol to the American Convention on Human Rights to Abolish the Death Penalty (Chile); ¶130.17 Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Honduras); ¶130.18 Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Portugal); ¶130.20 Ratify the International Covenant on Civil and Political Rights and its Second Optional Protocol, aiming at the abolition of the death penalty, as well as the Optional Protocol to the Convention against Torture (Denmark); ¶130.92 Establish a moratorium on the death penalty with a view to its eventual abolition, and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Latvia). Also available online at <https://docs.un.org/A/HRC/47/7/>; U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: St. Kitts and Nevis, Addendum, U.N. Doc. A/HRC/47/7/Add.1 (Apr. 23, 2021), ¶130.12. Noted; ¶130.13. Noted; ¶130.14. Noted; ¶130.15. Noted; ¶130.16. Noted; ¶130.17. Noted; ¶130.18. Noted; ¶130.20. Noted; ¶130.92. Noted. Also available online at <https://docs.un.org/A/HRC/47/7/add.1>.

² U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: St. Kitts and Nevis, U.N. Doc. A/HRC/37/7 (Mar. 30, 2021), ¶130.87 Establish a legal moratorium on the death penalty with a view to its definitive abolition and ensure access to relevant information on the topic in order to promote a transparent and informed debate at the national level (Uruguay). Also available online at <https://docs.un.org/A/HRC/47/7/>; U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: St. Kitts and Nevis, Addendum, U.N. Doc. A/HRC/47/7/Add.1 (Apr. 23, 2021), ¶130.87. Noted. Also available online at <https://docs.un.org/A/HRC/47/7/add.1>.

³ Roger Hood, Florence Seemungal & Amaya Athill, *Sentenced to Death Without Execution: Why Capital Punishment Has Not Yet Been Abolished in the Eastern Caribbean and Barbados*, THE DEATH PENALTY PROJECT (2020), https://deathpenaltyproject.org/wp-content/uploads/2020/04/2809872v1_WSDOCS_-Sentencing-to-Death-Without-Execution-2020.pdf.

⁴ U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: St. Kitts and Nevis, U.N. Doc. A/HRC/37/7 (Mar. 30, 2021), ¶130.12 Ratify the International Covenant on Civil and Political Rights and especially its Second Optional Protocol, aiming at the abolition of the death penalty (Germany); ¶130.13 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, which is still present in the country's Constitution (Spain); ¶130.14 Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Australia); ¶130.15 Fully abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Iceland); ¶130.16 Ratify the International Covenant on Civil and Political Rights, its Second Optional Protocol, aiming at the abolition of the death penalty, and the Protocol to the American Convention on Human Rights to Abolish the Death Penalty (Chile); ¶130.17 Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Honduras); ¶130.18 Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights,

aiming at the abolition of the death penalty (Portugal); ¶130.20 Ratify the International Covenant on Civil and Political Rights and its Second Optional Protocol, aiming at the abolition of the death penalty, as well as the Optional Protocol to the Convention against Torture (Denmark); ¶130.80 Discuss modalities to move towards the abolition of the death penalty, in line with Sustainable Development Goal 16 (Paraguay); ¶130.81 Abolish the death penalty (Canada) (Costa Rica) (Rwanda); ¶130.82 Abolish the death penalty in its legal system (Switzerland); ¶130.83 Take concrete steps to abolish the death penalty (Fiji); ¶130.84 Abolish the use of death penalty and, as a first step, immediately establish an official moratorium on executions (Finland); ¶130.85 Consider imposing a moratorium on the death penalty (Slovenia); ¶130.86 Abolish or establish a moratorium on the death penalty (Ukraine); ¶130.87 Establish a legal moratorium on the death penalty with a view to its definitive abolition and ensure access to relevant information on the topic in order to promote a transparent and informed debate at the national level (Uruguay); ¶130.88 Establish a moratorium on the use of the death penalty with a view to its possible abolition (Mexico); ¶130.89 Establish an immediate moratorium on the death penalty (France); ¶130.90 Immediately introduce an official moratorium on the death penalty (Germany); ¶130.91 Consider adopting a de jure moratorium on capital punishment, with a view to the full abolition of the death penalty (Italy); ¶130.92 Establish a moratorium on the death penalty with a view to its eventual abolition, and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Latvia); ¶130.93 Impose a moratorium on the death penalty and commute death sentences that are still in force (Chile); ¶130.94 Abolish the death penalty and commute existing death sentences to imprisonment (Panama). Also available online at <https://docs.un.org/A/HRC/47/7>; U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: St. Kitts and Nevis, Addendum, U.N. Doc. A/HRC/47/7/Add.1 (Apr. 23, 2021), ¶130.12. Noted; ¶130.13. Noted; ¶130.14. Noted; ¶130.15. Noted; ¶130.16. Noted; ¶130.17. Noted; ¶130.18. Noted; ¶130.20. Noted; ¶130.80. Noted; ¶130.81. Noted; ¶130.82. Noted; ¶130.83. Noted; ¶130.84. Noted; ¶130.85. Noted; ¶130.86. Noted; ¶130.87. Noted; ¶130.88. Noted; ¶130.89. Noted; ¶130.90. Noted; ¶130.91. Noted; ¶130.92. Noted. Also available online at <https://docs.un.org/A/HRC/47/7/add.1>.

⁵ Federation of Saint Kitts and Nevis Constitutional Order of 1983, art. 4(1), No. 881 of Jun. 23, 1983.

⁶ Offences Against the Person Act, Ch. 4:21 § 2 (amended 1998) (St. Kitts & Nevis); *Fox v. R.*, [2002] UKPC 13, [2002] 2 A.C. 284 [11] (appeal taken from St. Kitts & Nevis).

⁷ *Sentencing for the Offence of Murder*, EASTERN CARIBBEAN SUPREME COURT SENTENCING GUIDELINES RULES, (Nov. 26, 2021), <https://www.eccourts.org/wp-content/uploads/2021/11/Re-issue-Murder-PD-Nov-2021-Final-26-Nov-2021-Sgd.pdf>.

⁸ *Sentencing for the Offence of Murder*, EASTERN CARIBBEAN SUPREME COURT SENTENCING GUIDELINES RULES, (Nov. 26, 2021), <https://www.eccourts.org/wp-content/uploads/2021/11/Re-issue-Murder-PD-Nov-2021-Final-26-Nov-2021-Sgd.pdf>.

⁹ *Saint Kitts and Nevis: The Death Penalty Will Not Make Society Safer*, AMNESTY INT'L (Nov. 2015), <https://www.amnesty.org/fr/wp-content/uploads/2021/05/AMR5922422015ENGLISH.pdf>.

¹⁰ Roger Hood, Florence Seemungal & Amaya Athill, *Sentenced to Death Without Execution: Why Capital Punishment Has Not Yet Been Abolished in the Eastern Caribbean and Barbados*, THE DEATH PENALTY PROJECT (2020), https://deathpenaltyproject.org/wp-content/uploads/2020/04/2809872v1_WSDOCS_-Sentencing-to-Death-Without-Execution-2020.pdf.

¹¹ *Pratt & Morgan v. Attorney Gen. of Jam.*, [1993] UKPC 1 (P.C.).

¹² *Mitcham v. The Attorney Gen. of Saint Christopher and Nevis*, [2018] Eastern Caribbean Supreme Court, Claim No. SKBHCV 2015/0129 (St. Kitts & Nevis); *Saint Kitts and Nevis: The Death Penalty Will Not Make Society Safer*, AMNESTY INT'L (Nov. 2015), <https://www.amnesty.org/fr/wp-content/uploads/2021/05/AMR5922422015ENGLISH.pdf>.

¹³ *66% Drop in Firearm-Related Homicides Marks Turning Point for St. Kitts and Nevis*, ST. KITTS NEVIS INFO. SERV. (Dec. 6, 2024), <https://www.sknis.gov.kn/2024/12/06/66-drop-in-firearm-related-homicides-marks-turning-point-for-st-kitts-and-nevis/>.

¹⁴ Marina Cavalari, Juliana Manjarrés & Christopher Newton, *InSight Crime's 2024 Homicide Round-Up*, INSIGHT CRIME (Feb. 26, 2025), <https://insightcrime.org/news/insight-crime-2024-homicide-round-up/#h-saint-kitts-and-nevis-8-0>.

¹⁵ *Crime Rate Falls in St. Kitts and Nevis as Police Seek to Sustain Positive Gains in 2025*, ST. KITTS & NEVIS OBSERVER (Jan. 23, 2025), <https://www.thestkittsnevisobserver.com/crime-rate-falls-in-st-kitts-and-nevis-as-police-seek-to-sustain-positive-gains-in-2025/>.

¹⁶ *Caribbean Police Org. Calls for Cop Killer Death Penalty*, ST. KITTS & NEVIS OBSERVER (Nov. 2, 2022), <https://www.thestkittsnevisobserver.com/caribbean-police-org-calls-for-cop-killer-death-penalty/>.

¹⁷ U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: St. Kitts and Nevis, U.N. Doc. A/HRC/37/7 (Mar. 30, 2021), ¶130.96 Ensure that detention conditions are improved, particularly with regard to food, medical care, sanitation and quarantine measures, in order to minimize the risk of the spread of COVID-19, particularly for those at a greater risk (Chile); ¶130.97 Take concrete measures to significantly reduce overcrowding in the prison system (Canada). Also available online at <https://docs.un.org/en/A/HRC/47/7>; U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review: St. Kitts and Nevis, Addendum, U.N. Doc. A/HRC/47/7/Add.1 (Apr. 23, 2021), ¶130.96. Accepted; ¶130.97. Accepted. Also available online at <https://docs.un.org/en/A/HRC/47/7/add.1>.

¹⁸ Confidential Source, 2023, on file with The Advocates for Human Rights.

¹⁹ *Ibid.*

²⁰ *Prison Rehabilitation Programme in St. Kitts and Nevis Reaps Success; Prison Population Reduced Significantly*, ST. KITTS NEVIS INFO. SERV. (Apr. 14, 2022), <https://www.sknis.gov.kn/2022/04/14/prison-rehabilitation-programme-in-st-kitts-and-nevis-reaps-success-prison-population-reduced-significantly/>.

²¹ *St. Kitts and Nevis: Prisoner Pack*, BRIT. HIGH COMM'N BRIDGETOWN (Sept. 2, 2020), <https://www.gov.uk/government/publications/st-kitts-and-nevis-prisoner-pack/st-kitts-and-nevis-prisoner-pack>.

²² *Prisoners Are To Be Treated With Respect and Humaneness, Say HMP Officials*, ST. KITTS NEVIS INFO. SERV. (Feb. 18, 2025), <https://www.sknis.gov.kn/2022/04/14/prisoners-are-to-be-treated-with-respect-and-humaneness-say-hmp-officials/>.