

**A Life and Death Compromise: The Mandatory Death Penalty
in the Caribbean Court of Justice**

*A Proposed Work in Progress Presentation
For*

*NORTHEAST PEOPLE OF COLOR
SCHOLARSHIP CONFERENCE*

by

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Abstract

Barbados is one of two countries in the Commonwealth Caribbean that has adopted the Caribbean Court of Justice (“CCJ”) as its final court of appeal. On June 20 and 21, 2006, the Caribbean Court of Justice heard arguments on Attorney General of Barbados v. Joseph. The Joseph case was on appeal from the Court of Appeals of Barbados. After the arguments were heard, the Court reserved judgment. When the decision of the CCJ was delivered on November 8, 2006, five of the seven Justices had written individual opinions and two of the Justices had written a joint opinion. Accordingly, the six separate opinions provide a thorough, clear and historic view of mandatory death penalty in the Commonwealth Caribbean.

The opinions delivered by the seven Justices of the CCJ in the Joseph case are the topic of my work in progress. Each opinion provides great insight into the intersecting judicial currents swirling around the death penalty debate in the Commonwealth Caribbean. Through its complex procedural history, this particular case provides a unique cross-continental voyage into the evolving jurisprudence on the death penalty as enforced by and in Commonwealth Caribbean nations. Furthermore, this case represents a return voyage home from the juridical precedent forged by the Judicial Committee of the Privy Council, which sits in London. Most importantly, in this case the CCJ explores the current status of the death penalty and presents nearly all of the Justices’ views on that precedent and the corollary human rights concerns. In sum, the Joseph case provides a clear view of human rights compromises inherent in enduring legacy of the death penalty within the Commonwealth Caribbean.

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