



Belize 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 and

The World Coalition Against the Death Penalty

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Founded in 1983, **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. 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 publication. 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 (WCADP), an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the 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 is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

- 1. This report addresses Belize's compliance with international human rights obligations with respect to the death penalty, excessive use of the force, and detention conditions. The report also provides recommendations to address these issues, especially the death penalty, in Belize.
- 2. Belize carried out its last execution on 1985 and maintains a de facto moratorium on executions. Belize's last sentence was handed down in 2005, and by 2023, there are no longer any individuals on death row. The Supreme Court of Belize overturned the death sentence of the last individual remaining on death row in July 2015, finding its imposition in his case unconstitutional. In 2017 the Belize criminal code was amended to eliminate a mandatory death sentence for murder. Instead, the current legislation authorizes a sentence of either the death penalty or life imprisonment for murder.
- 3. This report recommends, among others, that Belize abolish the death penalty, ensure a fair and speedy trial for all persons suspected of committing crimes, guarantee equal protection under the law, and bring detention standards into compliance with international human rights standards.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A12 Acceptance of international norms; D23 Death penalty

Status of Implementation: Not Implemented

- 1. In its third-cycle UPR, Belize received nine recommendations to abolish the death penalty for all crimes and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights ("ICCPR-OP2"). Belize noted all the recommendations. Belize has taken no meaningful steps toward abolishing the death penalty. Moreover, in recent years, both government officials and the general public have expressed their support for ending the de facto moratorium on capital punishment.
- 2. Belize signed the ICCPR on June 10th, 1996⁷ To date, Belize has not signed nor ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2).⁸ Belize has cited popular support for the death penalty as justification for its failure to abolish the practice.⁹ Belize has also consistently voted against the General Assembly resolution calling for a moratorium on the death penalty.¹⁰
- 3. The death penalty continues to be enshrined in both the Belizean Constitution (the "Constitution") and Criminal Code. In the Constitution, the government can lawfully impose a death sentence on a criminal offender. Section 3(a) of the Constitution that recognizes the right to "life, liberty, security of person and protection of the law," but the section is qualified by the following Section 4(1), which states that "a person shall not be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence under any law of which he has been convicted."

- 4. In 2017, Belize amended its Criminal Code¹² by eliminating the mandatory death penalty for murder and, instead, authorizing the death penalty or life imprisonment for murder.¹³ It is worth noting that Belize retained the death penalty in its legislation while in practice, the death penalty is rarely imposed. Further, Belize's last execution occurred in 1985.¹⁴ The last sentenced person on death row in Belize had his sentence overturned and converted to a sentence of life in prison by the Belizean Supreme Court in 2015.¹⁵
- 5. In addition, there appears to be a shift away from the imposition of the death penalty, both by domestic and regional courts. Notably, since 2002, the Judicial Committee of the Privacy Council declared unconstitutional the mandatory nature of the death penalty as the sentence for murder in Belize.¹⁶
- 6. In November 2016, the Belize Court of Appeal struck down two sentences of mandatory life imprisonment without the possibility of parole as "inhumane" and a violation of an individual's right to a fair trial. The 2016 decision led the government of Belize to adopt legislative reforms which held that when sentencing a person to life imprisonment, a judge must impose a minimum term of imprisonment, after such term has expired, the prisoner can become eligible for parole. This 2016 decision was also the foundation for the Caribbean Court of Justice's (the "CCJ") 2018 decision, where the CCJ found that judges have the discretion to impose a fixed term sentence for individuals convicted of murder, rather than restricting their sentencing options to life imprisonment or the death penalty. These decisions by the Belize Court of Appeal and the CCJ highlight a shift away from the imposition of the death penalty. Despite these judicial advances and though the death penalty has not been imposed for nearly twenty years, capital punishment is still retained as a sentencing option. ²⁰
- 7. Authorities have also made progress in conducting gender-sensitive criminal proceedings in regard to the death penalty. In 2014, a court in Belize declined to apply the death penalty to Lavern Longsworth after finding that she killed her husband after he had physically and sexually abused her for years.²¹ This decision set a legal precedent that has been applied to other cases involving women who have committed crimes arising out of a context of domestic violence and other forms of gender-based violence.²²
- 8. Freedom House has reported that "domestic violence [in Belize] remains a serious problem despite government measures to combat it." In addition, the crime of rape in Belize often goes unreported. A Conviction rates for sexual assault are low and sentences are often light. This information suggests that the judiciary, prosecutors, and law enforcement have failed to adequately prioritize gender-based violence and holding perpetrators of gender-based violence accountable.
- 9. In a 2018 study, the Cornell Center on the Death Penalty Worldwide found that, in the global context, women are more vulnerable and most likely to be sentenced to death for criminal offenses committed within the context of gender-based violence²⁶ and manipulative or coercive relationships with male co-defendants.²⁷ Cornell's data indicate that most women under sentence of death have been sentenced to death for the crime of murder, which remains a death-eligible offense in Belize.²⁸ These women have overwhelmingly experienced prolonged domestic violence at the hands of a partner, spouse, or another family member.²⁹ In many cases, abuse has occurred repeatedly. Many women under

- sentence of death are survivors of gender-based violence and come from disadvantaged socio-economic backgrounds.³⁰
- 10. Belize is to be commended for the 2014 case recognizing a defendant's experience with prolonged domestic violence in determining an appropriate punishment for the killing of her abuser. At a global level, sentencing courts typically fail to consider a defendant's experience as a survivor of gender-based violence or a victim of a manipulative or coercive relationship (for example, in cases where women are pressured or tricked into transporting drugs) as mitigating factors during sentencing.³¹ Research also indicates that courts fail to account for power dynamics and tactics of coercive control that may affect a woman's involvement in and culpability for a crime.
- 11. Cases documented by the Cornell Center on the Death Penalty Worldwide have shown violations of women's right to a fair trial. A 2021 follow-up study demonstrated that "fair trial principles dictate that courts should consider all relevant mitigating circumstances before imposing a sentence. In practice, however, many courts neglect gender-specific mitigation."³²
- 12. Globally, women are also more likely to receive a death sentence when they are perceived to have violated entrenched gender norms, and women are often put on trial not only for acts they performed but also for allegedly being "a bad wife, a bad mother, and a bad woman." Recent calls to reinstate the death penalty put women in a precarious position. Although Belize exempts pregnant women from the death penalty, they can face life in prison with hard labor as a substitute sentence. This harsh penalty sheds light on entrenched gender norms and negative perceptions of women who are charged with serious offenses in Belize.
- 13. Global trends show that women sentenced to death face intersectional discrimination. According to Cornell's 2018 report, most women on death row come from backgrounds of severe socio-economic deprivation and many are illiterate, which can reinforce unequal access to effective legal representation.³⁴ These women are more likely to be illiterate and unaware of their legal rights.³⁵ Illiteracy and lack of education among poor women leave them more vulnerable to discrimination, coercion, and exploitation.³⁶ This intersectional discrimination exacerbates the risk that a woman charged with a capital crime will be subjected to an unfair trial.

D31 Liberty and Security; D33 Arbitrary Arrest and Detention

Status of Implementation: Accepted, Partially Implemented

- 33. In its third-cycle UPR, Belize supported three recommendations to combat arbitrary arrest and detention and expedite court proceedings to minimize the duration of pretrial detention.³⁷ In its 2019 third-cycle review, Belize also supported four recommendations on addressing use of excessive force ³⁸
- 14. On 29 July 2022, Belize declared a 30-day state of emergency for a section of Belize City that intended to address escalating gang violence.³⁹ The Belize Police Department ("BPD), the agency in charge of police and prisons, ⁴⁰ conducted house raids, arrests, and detentions and suspended fundamental due process rights related to timely habeas corpus.⁴¹ Twenty-eight suspected gang members were detained in the process but were released at the

- expiration of the state of emergency.⁴² In similar lockdowns, local officials allegedly supported restrictions on judges to grant bail and advocated for extending the lockdowns.⁴³
- 15. Belize has not made substantive progress in ensuring the timely processing of people held in prison awaiting trial. In 2022, the time between arrest, trial, and conviction ranged from six months to two years. ⁴⁴ As of September 2022, 413 persons, representing 37 percent of the prison population, were being held in pretrial detention, which represented an increase of 13 persons as compared to 2021. ⁴⁵
- 16. The Professional Standards Branch of the BPD is mandated to investigate and initiate prosecution of security force killings. 46 Recently, there have been numerous reports of security members committing excessive use of force by security forces.
- 17. Belize has faced several cases of police violence, which have raised serious concerns about the adequacy of investigations and accountability measures taken by the Belizean state. Multiple sources reported the case of Ulysease Roca in April 2020, who allegedly died as a consequence of being beaten by police officers while in custody. Reports denounced that Roca was taken into custody for reportedly breaking the 8:00 p.m. curfew imposed to curb the spread of COVID-19 in the country. 47 According to news reports, Roca himself recorded a video after the incident denouncing that he was beaten because of his sexual orientation. Roca's family reported that his passing was due to an untreated facial wound, which Roca's family believes to have become infected. Roca's family claimed that a public health facility refused him care. 48 Civil society organizations, such as the Human Rights Commission of Belize, called the Belizean authorities to investigate the circumstances of Roca's death, claiming that his treatment constituted a "grave abuse of [his] rights."⁴⁹ Reports present that Belize's authorities investigations rule the cause of Roca's death to be inconclusive or that the commissioner of police stated his death resulted from an HIV complication. The BPD reportedly launched an internal investigation against the responsible officer.⁵⁰
- 34. In 2021, 14-year-old child Laddie Gillett was running from police officers on the beach after curfew when one shot him in the back, killing him. Gillett's friend, also fleeing the officers, claimed that the officers did not identify themselves and beat him after killing Gillett.⁵¹ The Belizean public responded to the murder through protests and candlelit vigils.⁵² The officer who shot Gillett was dismissed from the police force, and on April 21, 2023, he was charged with manslaughter.⁵³
- 35. On August 18, 2021, four officers arrested Derrick Uh on suspicion of committing sexual assault. Reports describe that he was placed in a police van for 13 hours after the arrest and seemingly forgotten by authorities. Once found, Uh died from a heat stroke from confinement in the hot car.⁵⁴ While the four officers who left Uh in the vehicle were arraigned,⁵⁵ Uh's family claim that, as recently as May 12, 2023, they have still not received a response from the government to meet with them and their counsel.⁵⁶
- 36. To address security forces committing human rights violations, the BPD has accounted its partnership with the Human Rights Commission of Belize and various foreign governments to promote training for offers concerning human rights; strict, necessary, and proportional use of force; and standard procedures for detention and arrests.⁵⁷ Recently, the BPD has reportedly encouraged victims of police abuse to file formal complaints with the Professional Standards Branch and has vowed to investigate and discipline officers

involved in cases of excessive use of force. ⁵⁸The BPD has also engaged in public relations campaigns to improve their relationship with constituents and try to shed the negative image brought about by these killings. ⁵⁹

II. RECOMMENDATIONS

- 44. This stakeholder report suggests the following recommendations for the Government of Belize:
- Accede and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- Abolish the death penalty and replace it with a penalty that is fair, proportionate, and consistent with international human rights standards, and in consequence:
 - Amend the Criminal Code to remove the death penalty as a sentencing option for any crime;
 - Amend the Constitution to remove the carve-out allowing for the imposition of the death penalty;
- Implement measures to ensure that all judicial officers responsible for sentencing receive
 comprehensive training on gender-based discrimination, domestic violence, and tactics of
 coercive control that may influence or prompt a woman to commit a death-eligible
 offense:
- Collaborate with civil society organizations to conduct a comprehensive public awareness-raising campaign to educate the public about international human rights standards as they pertain to the death penalty and about alternatives to the death penalty, with the aim of shifting public perceptions about the death penalty.
- Ensure a fair and speedy trial for all persons suspected of committing crimes, guarantee equal protection under the law, and bring detention standards into compliance with international human rights standards.
- Conduct credible, independent, and impartial investigations into all allegations of arbitrary detention and excessive use of force.

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http://www.nationalassembly.gov.bz/wpcontent/uploads/2017/04/Act-No.-22-of-2017-Criminal-Code-Amendment-Act-2017.pdf.

¹ Cornell Center on the Death Penalty Worldwide, Belize,

² Cornell Center on the Death Penalty Worldwide, Belize,

³ Cornell Center on the Death Penalty Worldwide, Belize,

⁴ Criminal Code (Amendment) Act, 22 §2, (2017). Available at

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, U.N. Doc. A/HRC/40/14 (December 18, 2018). ¶79.2 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Spain) (Slovenia); Ratify the Second Optional Protocol to the

International Covenant on Civil and Political Rights (Australia) (Chile); Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Mexico); 79.10 Abolish the death penalty for all crimes and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (France); 79.11 Abolish the death penalty for all crimes and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Iceland); 79.12 Consider abolishing the death penalty (Italy); 79.13 Abolish the death penalty de jure (Portugal).

- ⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, U.N. Doc. A/HRC/40/14 (December 18, 2018). ¶ 77.33 Enhance efforts to reinforce the rule of law and prevent and combat episodes of arbitrary detention, extrajudicial killings and abuses by the security forces, including against human rights defenders (Italy).
- ⁷ International Covenant on Civil and Political Rights, adopted 16 December 1966, entered into force 23 March 1976, 999 U.N.T.S. 171. Belize acceded to the ICCPR on the 10th of June 1996.
- ⁸ 1989 Second Optional Protocol to the 1966 International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty, adopted 15 December 1989, entered into force 11 July, 1991, 1642 UNTS 414.
- ⁹ Human Rights Committee, *Concluding observations on the initial report of Belize* (Dec. 11, 2018), U.N. Doc. CCPR/C/BLZ/CO/1/Add.1.
- ¹⁰ International Commission Against the Death Penalty, *UNGA Moratorium Resolution Table*, https://icomdp.org/map-unga/.
- ¹¹ Section 4(1), Belize Constitution Chapter 4, Part II.
- ¹² CRIMINAL CODE art. 106 (Belize). Available at https://procurement-notices.undp.org/view_file.cfm?doc_id=84382.
- ¹³ Criminal Code (Amendment) Act, 22 §2, (2017). Available at http://www.nationalassembly.gov.bz/wp-content/uploads/2017/04/Act-No.-22-of-2017-Criminal-Code-Amendment-Act-2017.pdf.
- ¹⁴ The Death Penalty Project, *Belize Reprieves Last Man on Death Row* (Jul. 17, 2015), *available at* https://deathpenaltyproject.org/belize-reprieves-last-man-on-death-row/
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- ¹⁶ Reves v The Oueen ([2002] 2 AC 235.
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- ²¹ Lavern Longsworth, The Death Penalty Project, https://deathpenaltyproject.org/story/lavernlongsworth/.
- ²² Lavern Longsworth, The Death Penalty Project, https://deathpenaltyproject.org/story/lavernlongsworth/.
- ²³ Freedom House, *Freedom in the World 2021: Belize*, https://freedomhouse.org/country/belize/freedomworld/2021.
- ²⁴ Freedom House, *Freedom in the World 2021: Belize*, https://freedomhouse.org/country/belize/freedomworld/2021.

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https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf.

³⁰ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at

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https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf.

³⁵ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 18. Available online at

https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf.

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- ³⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, U.N. Doc. A/HRC/40/14 (December 18, 2018), ¶77.33 Enhance efforts to reinforce the rule of law and prevent and combat episodes of arbitrary detention, extrajudicial killings and abuses by the security forces, including against human rights defenders (Italy); 77.34 Expand human rights training to all law enforcement officers including the police and the security forces (Republic of Korea); 77.35 Strengthen the criminal justice system, and speed up the court process to reduce the amount of time prisoners are held on remand before trial (United Kingdom of Great Britain and Northern Ireland);
- ³⁸ Human Rights Council, Report of the Working Group on the Universal Periodic Review, U.N. Doc. A/HRC/40/14 (December 18, 2018); 77.29 Address the use of excessive force by law enforcement, including through training, effective investigation and appropriate disciplinary actions in cases of police brutality (Canada); 77.28 Investigate and prosecute all alleged cases of security officials using excessive force or engaging in corrupt activity and

²⁵ Freedom House, *Freedom in the World 2021: Belize*, https://freedomhouse.org/country/belize/freedomworld/2021.

²⁶ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018). Available online at https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf.

- appropriately penalize offenders (Australia); 77.30 Continue and increase enforcement related to the efforts to address excessive use of force by law enforcements officials (Guyana).
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- ⁴⁷ 7 News Belize, *Gay Man Dies, Family Says Police Abuse Played a Role* (April 20, 2020) *available at* https://www.7newsbelize.com/sstory.php?nid=52841.
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- ⁴⁹ Human Rights Commission of Belize, *The Human Rights Commission of Belize is deeply disturbed by the events that transpired in police detention prior to the passing of Ulysses Roca Terry* (April 27, 2020) *available at* https://www.hrcbz.org/the-human-rights-commission-of-belize-is-deeply-disturbed-by-the-events-that-transpired-in-police-detention-prior-to-the-passing-of-ulysses-roca-terry/.
- ⁵⁰ United States Department of State, *Belize 2020 Human Rights Report* (March 30, 2021) *available at* https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/belize/.
- ⁵¹ United States Embassy in Belize, *Belize 2021 Human Rights Report* (April 12, 2022) available at https://bz.usembassy.gov/human-rights-report/.
- ⁵² The San Pedro Sun, San Pedro holds a wake in protest of Laddie Gillett's unjustified death (July 22, 2023) available at https://www.sanpedrosun.com/community-and-society/2021/07/22/san-pedro-holds-a-wake-in-protest-of-laddie-gillett-unjustified-death/.
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