



**Greater Caribbean for Life**  
committed to the abolition of the death penalty



## **The Bahamas' Compliance with the International Covenant on Civil and Political Rights**

### **Suggested List of Issues Prior to Reporting Relating to the Death Penalty**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

**Greater Caribbean for Life**

and

**The World Coalition Against the Death Penalty**

for the

**144th Session of the Human Rights Committee**

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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 since its founding 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 publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. 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 Greater Caribbean for Life** (GCL) is an independent, not-for-profit civil society organization, incorporated under the laws of the Commonwealth of Puerto Rico. GCL was constituted on October 2, 2013 with the purpose of campaigning for and working towards the permanent abolition of the death penalty in the Greater Caribbean and supporting Caribbean abolitionist activists and organizations in this region (comprised by the Caribbean Islands, Mexico, Central America, Colombia, Venezuela and the Guyanas) and collaborating with the international abolitionist community. This initiative began on October 19, 2011, when a group of organizations and individuals, from countries of the Greater Caribbean opposed to the application of capital punishment, participated in an International Conference on the Death Penalty in the Great Caribbean organized in Madrid by the Community of Sant' Edigio.

**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 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 the Bahamas' compliance with its human rights obligations arising from its use of the death penalty and suggests questions that the Committee should pose in its List of Issues Prior to Reporting for the State Party. The Bahamas maintains a *de facto* moratorium on executions and has not carried out any executions since 2000.<sup>1</sup>
2. The Bahamas has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, and the death penalty remains lawful for certain crimes. The Privy Council, which is the highest court for the Bahamas, narrowly restricts the circumstances in which the death penalty could be applied to the “worst of the worst” crimes.<sup>2</sup>
3. The last time that a Bahamian court sentenced someone to death was in 2013, and a court commuted that sentenced in 2016.<sup>3</sup> No person is currently under sentence of death.<sup>4</sup>
4. Public awareness about the death penalty and human rights concerns about the practice is low. During its fourth Universal Periodic Review in 2023, the Bahamas noted recommendations to conduct a comprehensive public awareness-raising campaign about international human rights standards and the efficacy of alternatives to the death penalty.<sup>5</sup>
5. On December 17, 2024, the Bahamas abstained from the vote in the UN General Assembly on the biannual resolution calling for a global moratorium on the use of the death penalty.<sup>6</sup>

### **The Bahamas fails to uphold its obligations under the International Covenant on Civil and Political Rights**

6. The Bahamas has not carried out an execution since 2000,<sup>7</sup> and courts have not upheld a death sentence since 2001,<sup>8</sup> maintaining the country's *de facto* moratorium on the death

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<sup>1</sup> Cornell Center on the Death Penalty Worldwide, *Commonwealth of the Bahamas (Bahamas)*, Cornell University School of Law, available at <https://deathpenaltyworldwide.org/database/#/results/country?id=4/> (last updated August 23, 2013).

<sup>2</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: The Bahamas* (June 30, 2023), UN Doc. A/HRC/54/10/Add.1, at pp. 2.

<sup>3</sup> Amnesty International, *Death Sentences and Executions: 2016*, by Amnesty International (London: Amnesty International Ltd, April 2017), 13.

<sup>4</sup> Amnesty International Global Report, *Death Sentences And Executions* (2023), pp. 15, available at <https://www.amnestyusa.org/wp-content/uploads/2024/05/Amnesty-International-Global-Report-Death-Sentences-and-Executions-2023.pdf>.

<sup>5</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: The Bahamas: Addendum*, September 4, 2023, UN Doc. A/HRC/54/10/Add.1, at 2.

<sup>6</sup> World Coalition Against the Death Penalty, *Two thirds of the United Nations General Assembly vote in favor of the 10th resolution for a moratorium on the death penalty*, Dec. 20, 2024, <https://worldcoalition.org/2024/12/20/two-thirds-of-the-united-nations-general-assembly-vote-in-favor-of-the-10th-resolution-for-a-moratorium-on-the-death-penalty/>.

<sup>7</sup> Greater Caribbean For Life, Bahamas, available at <https://gcforlife.org/member-states/bahamas/>.

<sup>8</sup> World Coalition Against The Death Penalty, *Bahamas*, available at <http://worldcoalition.org/pays/bahamas/>; see also World Population Review, *Countries With The Death Penalty 2022*, available at <https://worldpopulationreview.com/country-rankings/countries-with-death-penalty>.

penalty,<sup>9</sup> but the death penalty remains legal in the Bahamas.

7. The Bahamas' legal code allows courts to sentence people to death in cases of murder,<sup>10</sup> treason,<sup>11</sup> and genocide.<sup>12</sup> Additionally, the Bahamas Anti-Terrorism Act of 2004 authorizes the death penalty for terrorist acts that result in death or "serious bodily harm."<sup>13</sup>
8. Capital murder<sup>14</sup> includes murder committed in the furtherance or robbery, rape, kidnapping, terrorism, any other felony, or the murder of more than one person.<sup>15</sup>
9. The Bahamas prohibits application of the death penalty to juveniles, pregnant women,<sup>16</sup> and any person with an intellectual or psycho-social disability that "substantially impaired his or her mental responsibility for his acts in doing or being a party to the killing."<sup>17</sup>
10. The imposition of the death penalty in the Bahamas is no longer mandatory, in accordance with the Judicial Committee of the Privy Council's decision in *Bowe v. The Queen*.<sup>18</sup> Judges may exercise discretion and should sentence only "the worst of the worst" and the "rarest of the rare" to death.<sup>19</sup>
11. The Governor-General may grant a pardon, respite from, commutation, remittance, or stay of execution.<sup>20</sup> Any time a person is sentenced to death, the Advisory Committee on the Prerogative of Mercy and its leading Minister advise the Governor-General as to the decision to grant mercy.<sup>21</sup> Unless authorized by the Provost Marshall, only a handful of persons (the Provost Marshall, gaoler, chaplain, and medical officer) are allowed to be present at the execution, which is then announced via a declaration posted outside of the prison.<sup>22</sup> The family of the person sentenced to death is not guaranteed notification of execution or access to the body after execution.
12. During the Bahamas' third-cycle Universal Periodic Review in 2018, the Bahamian delegation underscored that the last execution had taken place seventeen years prior to the 2018 report, even in the absence of a formal moratorium.<sup>23</sup>
13. In its fourth-cycle Universal Periodic Review in 2023, the Bahamas noted all 21 recommendations it received to formally abolish the death penalty, impose a *de jure*

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<sup>9</sup> Amnesty International Global Report, *Death Sentences And Executions* (2020), pp. 16, 19, available at <https://www.amnesty.org/en/wp-content/uploads/2021/05/ACT5037602021ENGLISH.pdf>

<sup>10</sup> Penal Code of the Bahamas, ch. 84, § 291, 1927.

<sup>11</sup> Penal Code of the Bahamas, ch. 84, § 389, 1927.

<sup>12</sup> Genocide Act of the Bahamas, ch. 85, 1969.

<sup>13</sup> Bahamas Anti-Terrorism Act 2018, art 3(1), Act No. 27 of 2018, Aug.10, 2018.

<sup>14</sup> Penal Code of the Bahamas § 291(1)(a).

<sup>15</sup> Penal Code of the Bahamas § 290(2)(c) and (f).

<sup>16</sup> Capital Punishment Procedure of the Bahamas, ch. 94, art. 15(1), 1926.

<sup>17</sup> Penal Code of the Bahamas, ch. 84, § 305, 1927.

<sup>18</sup> *Bowe v. The Queen*, (2006) L.R.P.C. 43.

<sup>19</sup> *Lockhart v. The Queen*, (2011) U.K.P.C. 33.

<sup>20</sup> The Constitution of the Commonwealth of the Bahamas, June 20, 1973, ch. 6, art. 90.

<sup>21</sup> The Constitution of the Commonwealth of the Bahamas, June 20, 1973, ch. 6, art. 92.

<sup>22</sup> Capital Punishment Procedure of the Bahamas, Ch. 94, §§ 8, 9(2).

<sup>23</sup> *U.N. Human Rights Council Rep. of the Working Group on the Universal Periodic Review:*

*The Bahamas*, addendum presented by the State under Review, Jun. 18, 2018, U.N. Doc. A/HRC/38/9/Add. 1, at pp. 2 and 4.

moratorium, or ratify the Second Optional Protocol.<sup>24</sup> The Bahamas also noted a recommendation to “collaborate with civil society organizations in the region to conduct a comprehensive public awareness-raising campaign aimed at educating the population about international human rights standards and the efficacy of alternatives to the death penalty.”<sup>25</sup> The Bahamian delegation stated that the country “was not in a position to ratify the Second Optional Protocol,” but acknowledged the Privy Council’s restrictions on the death penalty’s applicability.<sup>26</sup>

14. On December 17, 2024, the UN General Assembly voted in favor of the biannual resolution calling for a global moratorium on the death penalty, with a record 130 UN Member States

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<sup>24</sup> *U.N. Human Rights Council Rep. of the Working Group on the Universal Periodic Review: The Bahamas*, Jun. 30, 2023, UN Doc. A/HRC/54/10 at pp. 11 and 14, 122.10 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Portugal); 122.11 Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Croatia) (Slovenia); 122.12 Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Nepal); 122.13 Consider signing and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Finland); 122.14 Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and introduce a moratorium on the death penalty as the first step towards its abolition (Lithuania); 122.15 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and collaborate with civil society organizations in the region to conduct a comprehensive public awareness-raising campaign aimed at educating the population about international human rights standards and the efficacy of alternatives to the death penalty (Panama); 122.16 Maintain its de facto moratorium on the death penalty and take steps towards its abolition, including ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (New Zealand); 122.17 Continue the moratorium on the death penalty, established in 2000, and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (France); 122.18 Codify the long-standing practice of non-implementation of the death penalty by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Germany); 122.19 Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Sierra Leone); 122.20 Consider signing and ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Finland); 122.61 Abolish the death penalty (Iceland); 122.62 Abolish the death penalty (Costa Rica); 122.63 Adopt the necessary measures to formalize the moratorium on the death penalty (Cyprus); 122.64 Repeal the death penalty and consider a moratorium pending its complete abolition (Canada); 122.65 Advance towards the abolition of the death penalty and introduce a moratorium on its application (Mexico); 122.66 Consider the abolition of the death penalty by adopting a moratorium on the application of capital punishment, as a step prior to its definitive abolition (Spain); 122.67 Consider introducing a moratorium on the death penalty with a view to abolishing it (Timor-Leste); 122.68 Establish a formal moratorium on the death penalty, as a step towards complete abolition (Australia); 122.69 Impose an official, de jure, moratorium on the death penalty and take steps towards its abolition (Cabo Verde); 122.70 Consider adopting a de jure moratorium on the use of the death penalty and supporting, or at least abstaining on, the General Assembly resolution on a universal moratorium on the use of the death penalty (Italy); 122.71 Reduce the offences for which the death penalty may be imposed to the most serious crimes, in accordance with article 6 of the International Covenant on Civil and Political Rights and consider further progress on this issue (Belgium); *U.N. Human Rights Council Rep. of the Working Group on the Universal Periodic Review: The Bahamas*, (June 30, 2023), UN Doc. A/HRC/54/10, ¶¶ 11, 14.

<sup>25</sup> *U.N. Human Rights Council Rep. of the Working Group on the Universal Periodic Review: The Bahamas*, Jun. 30, 2023, UN Doc. A/HRC/54/10, ¶ 122.15.

<sup>26</sup> *U.N. Human Rights Council Rep. of the Working Group on the Universal Periodic Review: The Bahamas*, Jun. 30, 2023, UN Doc. A/HRC/54/10, ¶ 7.

supporting the resolution.<sup>27</sup> The Bahamas abstained, after having voted against the moratorium resolutions in every previous vote since 2007.<sup>28</sup>

15. Public opinion appears to be divided on the topic, with some notable figures in the Bahamas speaking out against the death penalty,<sup>29</sup> while some groups have called for resuming death sentences and executions,<sup>30</sup> particularly in response to high-profile murder cases.<sup>31</sup> Two recent killings, in which the victims were a 72-year-old grandmother and a 12-year-old girl, prompted protests and some calls for the death penalty for the offenders.<sup>32</sup>

### **Suggested questions for the Bahamas**

16. The coauthors of this report suggest the following questions and requests for information for the Bahamas:

- Please confirm whether any person has been charged with a capital crime, has received a death sentence, or has been under sentence of death since the State Party ratified the Covenant in 2008, and provide the current status of any such cases, including alleged offense, demographic information about the defendant, outcome of any proceedings and appeals, and current location of the person charged or convicted.
- What efforts has the State Party made to facilitate Parliamentary debates, inquiries, or motions on the subject of the death penalty?

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<sup>27</sup> World Coalition Against the Death Penalty, *Two thirds of the United Nations General Assembly vote in favor of the 10th resolution for a moratorium on the death penalty*, Dec. 20, 2024, <https://worldcoalition.org/2024/12/20/two-thirds-of-the-united-nations-general-assembly-vote-in-favor-of-the-10th-resolution-for-a-moratorium-on-the-death-penalty/>.

<sup>28</sup> World Coalition Against the Death Penalty, *Two thirds of the United Nations General Assembly vote in favor of the 10th resolution for a moratorium on the death penalty*, Dec. 20, 2024, <https://worldcoalition.org/2024/12/20/two-thirds-of-the-united-nations-general-assembly-vote-in-favor-of-the-10th-resolution-for-a-moratorium-on-the-death-penalty/>; World Coalition Against the Death Penalty, *9th Resolution for a moratorium on the death penalty: the trend is growing*, Dec. 20, 2022, <https://worldcoalition.org/2022/12/20/9th-resolution-for-a-moratorium-on-the-death-penalty-the-trend-is-growing/>.

<sup>29</sup> Eyewitness News, *Former BCC president comes out against capital punishment*, Jul. 26, 2019, available at <https://ewnews.com/former-bcc-president-comes-out-against-capital-punishment>.

<sup>30</sup> Eyewitness News, *Former BCC president comes out against capital punishment*, Jul. 26, 2019, available at <https://ewnews.com/former-bcc-president-comes-out-against-capital-punishment>; Our News, *BCC President: The Punishment Should Fit The Crime* (August 18, 2022), available at <https://ournews.bs/bcc-president-the-punishment-should-fit-the-crime>; The Tribune, *Fringe group calls for executions* (July 28, 2022), available at <http://www.tribune242.com/news/2022/jul/28/fringe-group-calls-executions/>.

<sup>31</sup> The Nassau Guardian, *The continuing death penalty debate*, Jan. 31, 2024, available at [https://www.thenassauguardian.com/opinion/the-continuing-death-penalty-debate/article\\_0504ddb8-bfc4-11ee-a06d-7b2c23561c7f.html](https://www.thenassauguardian.com/opinion/the-continuing-death-penalty-debate/article_0504ddb8-bfc4-11ee-a06d-7b2c23561c7f.html); see also The Nassau Guardian, *The Death Penalty Implications: State v Koyratty [2006] 2 WLR 1330*, Jan. 9, 2025, available at [https://www.thenassauguardian.com/opinion/the-death-penalty-implications-state-v-koyratty-2006-2-wlr-1330/article\\_113ced2e-cdff-11ef-a831-dbd0168f6651.html](https://www.thenassauguardian.com/opinion/the-death-penalty-implications-state-v-koyratty-2006-2-wlr-1330/article_113ced2e-cdff-11ef-a831-dbd0168f6651.html).

<sup>32</sup> Ginelle Longley, Eyewitness News, *FOAM Founder: Establish clear guidelines for death penalty*, Nov. 23, 2024, <https://ewnews.com/foam-founder-establish-clear-guidelines-for-death-penalty/>; but see The Nassau Guardian, *The death penalty would not stop crime*, Nov. 26, 2024, available at [https://www.thenassauguardian.com/opinion/editorials/the-death-penalty-would-not-stop-crime/article\\_f3b874ce-ab82-11ef-afa3-03ecaeb823b0.html](https://www.thenassauguardian.com/opinion/editorials/the-death-penalty-would-not-stop-crime/article_f3b874ce-ab82-11ef-afa3-03ecaeb823b0.html).

- What efforts has the State Party made to collaborate with civil society to raise public awareness about the death penalty in international human rights law and its alternatives? Has the State Party sought technical assistance for such efforts?
- What efforts has the State Party made to amend the Penal Code to ensure that courts cannot sentence a person to death for an offense that does not meet the “most serious” threshold?
- How has the State Party ensured that all prosecutors and judges involved with capital cases have training in international human rights standards applicable to determining whether an offense is “the worst of the worst,” in accordance with the Privy Council’s ruling?
- What steps has the State Party taken to move toward formal abolition of the death penalty and ratification of the Second Optional Protocol to the Covenant?