

PUBLIC

AI Index: AMR 51/043/2004

27 February 2004

Further information on UA 320/03 (AMR 51/137/2003, 7 November 2003) and follow-ups (AMR 51/152/2003, 10 December 2003; AMR 51/163/2003, 22 December; and AMR 51/021/2004, 4 February 2004 and AMR 51/026/2004, 9 February 2004) - Death penalty / Legal concern

USA (Oklahoma)

Hung Thanh Le (m), Vietnamese national, aged 36

About seven minutes before he was scheduled to be put to death in Oklahoma's lethal injection chamber on 26 February, Hung Thanh Le received a temporary reprieve from Governor Brad Henry.

A news release issued by the Governor's office said: "Governor Brad Henry has granted a brief stay of execution to Hung Thanh Le, a death row inmate who was scheduled to die Thursday evening at the State Penitentiary in McAlester. The governor agreed to grant the stay late Thursday afternoon after receiving an official request for a delay from the government of Vietnam. Officials with the Vietnamese embassy in Washington, DC requested additional time to review the case file of Le, a former resident of Vietnam. Gov. Henry, who denied clemency to Le earlier this month, made it clear that he was not reconsidering his clemency decision, but was simply acting on a formal diplomatic request from another country. In issuing the stay, the governor also set a new March 23 execution date for Le. Gov. Henry said the stay will allow Vietnamese officials ample time to review the case file and make any appeals through the judicial system."

Hung Thanh Le was sentenced to death in 1995 for the murder of fellow Vietnamese refugee Hai Hong Nguyen in Oklahoma City in 1992. Hung Le's post-arrest interrogation was marked by questionable police conduct against this foreign national who did not have access to consular or other assistance to help him overcome language and cultural barriers. Moreover his subsequent trial was marked by inadequate legal representation and prosecutorial misconduct. He has been a model prisoner.

Following a clemency hearing on 9 December 2003, the Oklahoma Pardon and Parole Board recommended by four votes to nil that the governor should commute Hung Thanh Le's death sentence to life imprisonment. The governor rejected their recommendation.

Please continue to send appeals, in your own words, welcoming the reprieve, but expressing regret at Governor Henry's decision not to reconsider his rejection of the state Pardon and Parole Board's unanimous recommendation in Hung Thanh Le's case. Urge him once again to reconsider his decision, in the interest of justice and the reputation of the State of Oklahoma.

APPEALS TO:

Governor Brad Henry

212 State Capitol

2300 N. Lincoln Blvd

Oklahoma City, OK 73105, USA

Fax: + 1 405 521 3353

Email: <http://www.governor.state.ok.us/main.php?main=correspondences&head=transitionh>

Salutation: Dear Governor

COPIES TO: diplomatic representatives of the USA accredited to your country.

You may also write a brief letter of concern (not more than 250 words) to

Your Views

The Oklahoman

PO Box 25125
Oklahoma City, OK 73125, USA
Fax: "Attn: Your Views" +1 405 475 3971
E-MAIL: Yourviews@oklahoman.com

PLEASE SEND APPEALS IMMEDIATELY. Appeals must arrive by 23 March 2004.