
USA (Texas) Shaka Sankofa, formerly Gary Graham, black, aged 38

Shaka Sankofa, formerly Gary Graham, is scheduled for execution on 22 June 2000 for a murder committed when he was 17. Now aged 38, he has spent over half his life on death row in Texas, and came within hours of execution in 1993 and 1999.

He has admitted to other violent offences committed around the time of the 1981 murder, but has always maintained his innocence of the killing. Issues of guilt aside, however, his sentence is illegal under international law, which bans the death penalty for crimes committed by under-18-year-olds.

On 13 May 1981 Bobby Lambert, a white man, was shot by a black male in a shop car park in Houston in an apparent robbery attempt. A week later, Gary Graham was arrested on unrelated robbery and assault charges. A week after that, he was charged with Lambert's murder when he was identified by an eyewitness to the crime.

At the guilt/innocence phase of the trial, the only evidence against Graham was this sole eyewitness account. Evidence subsequently uncovered, however, has called the account's reliability into serious question, as well as raising serious concerns about the quality of Gary Graham's representation at trial. Amnesty International has documented many cases of shockingly inadequate defence representation of capital defendants in Texas which have been left unremedied by the appeal courts. In this case, his trial lawyers appear to have assumed their client's guilt from the outset because of his involvement in other violent crimes. In 1993, the defence investigator stated in an affidavit: "Because we assumed Gary was guilty from the start we did not give his case the same attention we would routinely give a case. We just did not have the time to worry about a guilty client, and I would not have felt comfortable trying to find evidence that would have proved him innocent. It may sound unfair but that's the way it was."

The trial lawyers failed to investigate the credibility of the key eyewitness or to interview other eyewitnesses to the crime, none of whom has identified Gary Graham as the gunman, despite allegedly having had a better view of him. At least two of the eyewitnesses have said Graham was not the man. Several have said that the gunman was shorter than Graham. The trial lawyers also failed to interview or present any alibi witnesses. Five people claim that Gary Graham was with them several miles away at the time of the murder. The appeal courts have ruled that these witnesses are unreliable, although their testimony has never been heard in open court.

BACKGROUND INFORMATION

The USA is almost the only country which executes people for crimes committed when they were children -- those under 18 at the time of the crime. Since September 1997 there have been eight such executions reported worldwide, seven of them in the USA (the other was in Iran). The global ban on the use of the death penalty against child offenders is now so widely accepted, and adhered to, that it has become a principle of customary international law, binding on all countries, regardless of which treaties they have or have not ratified.

Since 1973, 87 prisoners have been released from death row in the USA after evidence of their innocence emerged. Contributing factors to these wrongful convictions include inadequate legal representation, prosecutorial and police misconduct, and the use of unreliable physical and witness evidence.

In Texas, the Governor can only grant clemency if the Board of Pardons and Paroles (BPP) recommends it. However Governor Bush has the power of 30-day reprieve, and there is no doubt that he can use his influence over his BPP appointees to have them give particular consideration to a case, as he did with Henry Lee Lucas, whose sentence was commuted because of serious doubts about his guilt. Governor Bush has repeatedly stated that he will only stop the execution of people whose guilt is in doubt. Under international law, the federal government also has an obligation to stop this execution. For further information on the US death penalty, see *Failing the Future: Death Penalty Developments, March 1998-March 2000* (AMR 51/03/00, April 2000).

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language, in your own words using the following guide:

- expressing deep concern that Shaka Sankofa, formerly Gary Graham, is scheduled for execution for a crime committed when he was 17;
- pointing out that his death sentence and planned execution violate customary international law, which is binding on the USA and Texas;
- expressing outrage that the USA carried out seven of the world's last eight executions of child offenders. You may note that in 1997, China, which accounts for more executions than any other country, abolished the use of the death penalty against defendants who were under 18 at the time of the crime in order to comply with its international obligations;
- expressing concern that serious doubts remain about his guilt of the crime for which he was sentenced to death;
- noting the widespread concern about wrongful capital convictions in the USA, which has led the Governor of Illinois to suspend executions in his state;
- noting Governor Bush's repeated assurances that he will not allow people to be executed whose guilt is in doubt;
- calling for this execution to be stopped and for clemency to be granted.

APPEALS TO:

Texas Board of Pardons and Paroles
PO Box 13401, Austin, TX 78711-3401, USA

Faxes: + 1 512 463 8120

Salutation: Dear Board Members

The Honorable George W. Bush
Governor of Texas
PO Box 12428, Austin,
TX 78711-2428, USA

Faxes: + 1 512 463 1849

Telegrams: Governor Bush, Austin, Texas, USA

Salutation: Dear Governor

President Clinton
The White House
1600 Pennsylvania Avenue
Washington, DC 20500, USA

Fax: +1 202 456 2461

Telegrams: President Clinton, Washington DC, USA

Salutation: Dear Mr President

Vice-President Al Gore
The White House
1600 Pennsylvania Avenue
Washington, DC 20500, USA

Fax: +1 202 456 7044

Telegrams: Vice-President Gore, Washington DC, USA

Salutation: Dear Mr Vice-President

and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.