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USA: Seven o'clock shadow - First New Mexico execution since 1960 due; Georgia set to kill mentally ill man

Once again, the USA's claims to be a progressive force for human rights are ringing hollow, Amnesty International said today. Tonight at 7pm local state time, New Mexico is set to resume executions after more than four decades without them, and Georgia is due to put to death a severely mentally ill man.

"What is being planned for this evening in New Mexico and Georgia flies in the face of standards of justice recognized in large parts of the world," the organization added, hours ahead of the executions.

In New Mexico, Terry Clark has given up his appeals after 14 years on death row. A court ruled that his decision had been freely made despite evidence of his brain damage and the harsh conditions of confinement he has endured for over a decade. In Georgia, José Martínez High has been under a death sentence for 23 years, well over half his life. He has been diagnosed as suffering from major mental illness, and is assessed as having borderline mental retardation.

"At a time when more and more people in the USA are questioning the fairness and reliability of this arbitrary, discriminatory and error-prone punishment, it is up to politicians to offer principled leadership," Amnesty International said. "Such leadership continues to be woefully lacking."

In a letter sent to people appealing against Terry Clark's execution, New Mexico Governor Gary Johnson admitted that "eliminating the death penalty in the future may prove to be a better public policy". Yet, he has refused to intervene to stop the killing Terry Clark.

The Georgia pardons board yesterday rejected clemency for José Martínez High despite support for commutation from several of the original jurors. At the

trial they were presented with no mitigating evidence, either of High's mental disabilities or the appalling abuse he suffered at the hands of his father. One juror has spoken of racism in the juryroom -- the defendant was black, the victim white -- and has questioned the fairness of José Martínez High facing execution while his two co-defendants are serving life imprisonment.

"A clear majority of countries have concluded that justice is not to be found in the execution chamber," Amnesty International said. "While the crimes of which José Martínez High and Terry Clark were convicted were undeniably serious, the international community has decided that, even for the worst offences, including war crimes and genocide, the death penalty must be a thing of the past," the organization continued.

New Mexico would become the 32nd US state to carry out an execution since 1976, when the US Supreme Court lifted a judicial moratorium on the death penalty. The USA has put 739 men and women to death since then, more than 600 of them since 1990. The federal government resumed executions of federal death row prisoners this year after a *de facto* moratorium of 38 years. Meanwhile, in contrast, more than 100 countries have abolished the death penalty in law or practice.

Background

Terry Clark was convicted in 1987 of the murder of nine-year-old Dena Lynn Gore in 1986. José Martínez High was convicted of the murder of an 11-year-old boy, Bonnie Bulloch, committed in July 1976. He was sentenced to death in 1978.

Amnesty International has the deepest sympathy for the relatives and friends of the murder victims, as it does for the family members and other loved ones of the condemned prisoner.

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