



**amnesty
international**

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SUMMARY OF AMNESTY INTERNATIONAL'S CONCERNS

DEATH PENALTY AND EXECUTIONS

In the USA, one of the most pressing human rights issues Amnesty International is campaigning on is the continuing use of the death penalty. Amnesty International opposes the execution of any prisoner, as the ultimate violation of the right to life.

Contrary to the worldwide trend towards the abolition of the death penalty, 1992 has seen a frightening increase in executions in the USA. In the first five months of 1992, 19 prisoners were executed, including one juvenile offender - compared to 14 in the whole of 1991. On 30 June 1992, Texas is due to execute Karla Fay Tucker, who would be only the second woman executed in the USA under current laws.

Thirty four US states have prisoners under sentence of death and 20 are actively executing. Just this year four states have resumed executions after more than 20 years.

The USA is one of only six countries in the world that are known still to execute juvenile offenders. The US Supreme Court ruled in 1989 that offenders as young as 16 as well as mentally retarded offenders are not exempt from execution; in February 1992 Johnny Garrett was executed in Texas for a murder committed when he was 17. In addition to being a juvenile offender, he was also mentally retarded and chronically mentally ill.

With 19 prisoners executed so far this year, the number of executions since 1977 is now 176. More than 2,500 prisoners are still on death row across the country.

Studies indicate that the death penalty is used in a racially discriminatory way in the USA, with those who murder white victims several times more likely to receive the death penalty than those who kill black victims at a similar level of aggravation. A large number of black defendants accused of the murder of white victims have been sentenced to death by all-white juries.

Amnesty International is especially concerned at current moves both at the federal government level and by the US Supreme Court to restrict the federal courts' review of capital convictions and death sentences.

ILL-TREATMENT IN PRISONS AND POLICE CUSTODY

The recent storm of protest about ill-treatment by police in Los Angeles is by no means an isolated incident. In the past, Amnesty International has reported allegations of systematic ill-treatment and torture by police in Chicago during a 12-year period from 1972-1984. The suspects

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Amnesty International is an independent worldwide movement working impartially for the release of all prisoners of conscience, fair and prompt trials for political prisoners and an end to torture and executions. It is funded by donations from its members and supporters throughout the world. It has formal relations with the United Nations, Unesco, the Council of Europe, the Organization of African Unity and the Organization of American States.

alleged that they had been beaten, kicked, subjected to electric shocks, had guns placed in their mouths or had plastic bags placed over their heads.

Amnesty International wrote to state officials expressing concern about the apparent inadequacies of investigations into these allegations and urging Chicago authorities to hold a full inquiry. The Office of Professional Standards (OPS) re-investigated the allegations and recommended dismissal of three police officers involved in the interrogation of prisoner Andrew Wilson in February 1982.

A second OPS inquiry identified 50 victims of alleged mistreatment from May 1973 to October 1986 and found that there had been systematic abuse in Chicago's Area 2 which was "condoned by command personnel". A decision by the nine-member civilian Police Board regarding the recommended dismissal of the three police officers had not yet been reached by mid-June 1992.

Amnesty International has in recent years investigated complaints that prisoners had been ill-treated or kept in cruel, inhuman or degrading conditions in prisons in a number of states, including Illinois, Indiana, Kentucky, Montana, Ohio and Texas among others.

PRISONERS OF CONSCIENCE

Amnesty International believes that everyone has the right to object on conscientious grounds to taking part in military service, even people who have voluntarily enlisted, and the organization presses for the release of people who are imprisoned for these reasons.

In the USA, some 32 armed forces personnel imprisoned on charges stemming from their refusal on conscientious grounds to participate in military service related to the Gulf war were taken up by the organization as prisoners of conscience - people imprisoned solely because of the non-violent expression of their beliefs.

Amnesty International urged the immediate and unconditional release of all these prisoners of conscience. Most of them have now been released. However, one US Marine Corps reservist was still awaiting court martial over a year after being charged - if convicted and sentenced to a prison term he would be a prisoner of conscience.

FAIR TRIAL

Amnesty International also works for fair trials for political prisoners. In past years in the USA the organization has investigated a number of criminal cases where the defendants have alleged that their prosecutions were politically motivated.

Those trials have included cases where people have been convicted possibly because they were politically active on racial issues.

REFUGEES AND ASYLUM SEEKERS

Governments are obliged under international law not to send anyone to a country where they risk serious human rights violations, such as imprisonment as a prisoner of conscience, torture, "disappearance" or execution. To ensure that people who face such risks are identified and granted protection against forcible return, governments must make a

thorough and impartial examination of every request for asylum.

In recent months AI has been deeply disturbed at the US authorities' refusal to fully honour their international obligations in their treatment of Haitian asylum-seekers. Since the coup in Haiti in September 1991 they have intercepted thousands of Haitian asylum-seekers at sea. Initially some were given cursory examinations on Coast Guard ships; later the Haitian asylum seekers were taken to the US naval base at Guantánamo, Cuba, for a more substantial hearing which still lacked some of the safeguards which governments are obliged to provide for asylum-seekers. In view of its concerns, Amnesty International asked the US authorities for permission to visit Guantánamo to observe the screening procedures and interview Haitian asylum seekers and officials involved in the screening. The request was denied.

Most recently, in May, in a flagrant violation of international law, the US Government announced a new policy to forcibly return all Haitian asylum-seekers intercepted at sea, without making any attempt to identify those who might be at risk.

Of 36,000 Haitians intercepted since October 6,000 have been allowed to go to the US to lodge an asylum claim following a hearing at Guantánamo; 14,000 have been returned to Haiti, including almost 3,000 who have not received even a cursory hearing of their claim.

In March 1990 a report issued by AI showed that the pattern of asylum applications accepted and refused in the US indicated a clear bias against people from certain countries -- particularly Guatemala, El Salvador and Haiti; it urged the authorities to apply one standard in evaluating all asylum claims, whatever the nationality of the asylum-seeker. Since then a court order has granted many Salvadorians and Guatemalans the right to re-apply for asylum under new regulations which offer the hope of a fairer asylum procedure.