



amnesty international

INTERNATIONAL SECRETARIAT
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URGENT ACTION

EXTERNAL (for general distribution)

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UA 336/90

DEATH PENALTY

16 August 1990

USA: (Oklahoma)

Charles COLEMAN

Charles Coleman is scheduled to be executed by lethal injection in Oklahoma on 10 September 1990. If carried out, this would be the first execution in Oklahoma since 1966.

BACKGROUND INFORMATION

Charles Coleman, a white male now aged 43, was convicted in 1979 of the murder of an elderly white couple during a robbery. He has exhausted nearly all his legal appeals and his execution date is believed to be serious.

According to recent court documents made available to Amnesty International, Charles Coleman has a history of chronic schizophrenia and organic brain damage first diagnosed in 1962 when he was aged 15. He has also suffered from brain seizures from the age of 9 onwards.

Following his arrest for murder in 1979, he was admitted to the Eastern State Hospital, Oklahoma, for psychiatric evaluation. After four weeks the hospital's chief psychiatrist submitted a one-page letter to the court stating that Charles Coleman was mentally competent to stand trial. However, although the hospital had this information, no record of Coleman's past mental history or details of the 1979 evaluations were disclosed to his lawyer or the trial court.

Coleman's history of mental illness was discovered only after his appeal lawyers requested the hospital records in 1987 - eight years after his conviction. Based on a detailed examination of his medical records and history, his lawyers have challenged the reliability of the 1979 competency decision. They are supported by two experts, including a consultant forensic psychologist for the Oklahoma Department of Mental Health. A final appeal based on this question is currently pending before a federal court of appeals.

Charles Coleman is one of seven surviving children of alcoholic parents who were migrant farm workers. He had a neglected and unsettled childhood, marked by poverty and alcohol-induced violence. His sisters recall that he was given "moonshine" (illegally distilled) whisky by his father at the age of seven and was drinking alcohol regularly by the age of 12. According to experts, Coleman's organic brain disorder could have resulted from foetal damage due to his mother's heavy drinking during pregnancy and from early neglect and malnutrition. (Five of his siblings had been still-born, two died in infancy and others, including Coleman, suffered ill-health from an early age.) Coleman had also sustained a number of serious head injuries in childhood and adolescence and suffered badly from epileptic seizures throughout his life.

☎ (44)(71) 413 5500 Telegrams: Amnesty London WC1 Telex: 28502 FAX: 956 1157

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the release of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed prisoners of conscience. It works for fair and prompt trials for all political prisoners and works on behalf of such people detained without charge or trial. It opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners.

None of the above information was made available to the jury at the sentencing hearing of his trial. His trial lawyer - who had not defended a capital case before - had made no investigation of his background. Consequently, no mitigating circumstances were considered by the jury in their determination of whether or not to impose a sentence of death or life imprisonment.

As of 2 May 1990, there were 108 prisoners under sentence of death in Oklahoma. The last execution carried out in Oklahoma was that of James Donald French on 10 August 1966.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights.

RECOMMENDED ACTION: Telegrams/airmail Letters:

- urging Governor Henry to grant clemency and commute Coleman's death sentence;
- expressing concern at Oklahoma's move to resume execution after 24 years and urging that the state not take this retrograde step; citing the world trend toward abolition of the death penalty, and any relevant developments that you may know of in your own country;
- citing Coleman's history of mental illness and expressing concern that his social and mental background was not heard by the sentencing jury as mitigating factors in their determination of whether to seek a sentence of death or life imprisonment.

APPEALS TO:

The Honorable Robert Henry
112 State Capitol
Oklahoma City, OK 73105
USA

LETTERS TO NEWSPAPERS:

The Oklahoman Oklahoma Publishing Co. PO Box 25125 Oklahoma City Oklahoma 73125 USA	Tulsa Tribune 315 S. Boulder Avenue Tulsa Oklahoma 74102 USA	New York Times The New York Times Co. 229 W 43 St New York, NY 10036 USA
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If time permits, please organize appeals from doctors, psychiatrists, politicians and church groups.

PLEASE SEND APPEALS IMMEDIATELY, TO ARRIVE BY 9 SEPTEMBER 1990.

Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended action. If possible, send a telegram or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.

Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 — "Everyone has the right to life, liberty and security of person."

Article 5 — "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 — "No one shall be subjected to arbitrary arrest, detention or exile."

- The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.

Copies of appeals should be sent to relevant diplomatic representatives in your country.

In Urgent Action cases, Amnesty International has to act rapidly to prevent the ill-treatment of prisoners. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.

- Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action coordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.

30 August 1990

TO: UA Coordinators
FROM: IS, UA/RD AMR

Correction to UA 336/90 (AMR 51/33/90, 16 August) - Death Penalty
PLEASE NOTE: This correction will not be printed due to shortage of time, and is being sent by telex/e-mail/fax only.

USA (Oklahoma): Charles COLEMAN

Please note that the name given in the above Urgent Action for the Governor of Oklahoma is incorrect: the correct name is **Henry Bellmon** not Robert Henry.

Please amend all records accordingly. A fax and telephone number for the Governor has also been located. The correct address for appeals to be sent to therefore reads as follows:

APPEALS TO:

The Hon. Henry Bellmon
Governor of Oklahoma
112 State Capitol
Oklahoma City, OK 73105, USA

Telegrams: Governor Bellmon, Oklahoma 73105, USA

Faxes: (405) 521 3089

Telephone: (405) 521 2342

The IS apologizes for any inconvenience caused.