

UA 8/02

Death pen**USA (Texas)Melvin Edison Hale, white, aged 74**

Melvin Hale, aged 74, is facing a capital trial in Texas. The Hays County prosecution is intending to seek the death penalty against him for the murder of a police officer committed in 2000.

State Trooper Randall Vetter was shot on a highway near San Marcos in Hays County in August 2000, and died five days later. Melvin Hale, a 72-year-old rancher, was arrested and charged with Trooper Vetter's murder.

Melvin Hale is currently undergoing a hearing to establish his competency to stand trial, that is, whether he understands his situation and can assist in his defence. If the jury find him competent to stand trial, selection of another jury to try him for the murder is due to begin on 22 January 2002. If the event that the case goes to trial, Melvin Hale will offer an insanity defence, according to his lawyer.

The American Convention on Human Rights prohibits the use of the death penalty against those who were over 70 years old at the time of the crime. The USA has not ratified the Convention, but has signed it. By becoming a signatory, the USA obliged itself not to do anything to undermine the treaty pending its decision on whether to ratify it.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty unconditionally. This is an outdated punishment, abolished in law or practice in more than half the countries of the world, that can offer no constructive contribution to society's efforts to combat violent crime. The death penalty is a symptom of a culture of violence, not a solution to it.

Since the United States resumed executions in 1977, 749 men and women have been put to death in its execution chambers, more than 600 of them since 1990. The USA has frequently violated international standards in its pursuit of judicial killing of prisoners including child offenders, the mentally impaired, the inadequately represented, people whose guilt remained in doubt, and foreign nationals denied their consular rights. Texas accounts for a third of US executions and has violated all these safeguards.

Article 4.5 of the American Convention on Human Rights states: "Capital punishment shall not be imposed upon persons who, at the time the crime was committed, were under 18 years of age or over 70 years of age". The USA signed the American Convention on Human Rights on 1 June 1977. By becoming a signatory, the USA bound itself not to undermine the treaty's provisions. Under Article 18 of the Vienna Convention on the Law of Treaties (1979), "A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when: (a) it has signed the treaty...until it shall have made its intention clear not to become a party to the treaty...".

No one over 70 at the time of the crime has been executed in the USA since 1977. In Texas, the oldest prisoners at the time of their execution in Texas were Clydell Coleman and Betty Beets, who were executed in 1999 and 2000 respectively. Both were 62 years old at the time of their deaths. The oldest person currently on death row in the USA is Viva Leroy Nash who is 86 years

old. He was sentenced to death in Arizona in 1983 for a crime committed in 1982 when he was aged 67. As far as Amnesty International is aware, the oldest inmates executed in the last one hundred years in the USA were both 75 at the time of their execution: Charles Bonier, put to death in New York in 1907 and John Kinyon, executed in North Carolina in 1936.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in your own words, in English or your own language:

- expressing sympathy for the family and friends of Trooper Randall Vetter, and explaining that you are seeking neither to condone the manner of his death nor to comment on the guilt or innocence of Melvin Hale;
- noting that the American Convention on Human Rights prohibits the use of the death penalty against people who were over 70 years old at the time of the crime, and that, as a signatory to the Convention, the USA is bound in good faith not to undermine its provisions;
- opposing the death penalty, noting that a majority of countries have abolished this punishment and that the USA's continuing resort to it is severely damaging its international reputation, particularly when internationally-agreed safeguards are violated;
- urging the prosecutor to drop his pursuit of the death penalty against Melvin Hale.

APPEALS TO:

Michael Wenk
District Attorney
110 Martin Luther King Drive
San Marcos, Texas, USA
Fax: +1 512 393-7619
E-mail: mwenk@co.hays.tx.us
Salutation: Dear District Attorney

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

You may also write brief letters (not more than 250 words) to:

Letters to the Editor, *San Marcos Daily Record*, 1910 IH 35 South, San Marcos, TX 78666, USA
E-mail: rray@sanmarcosrecord.com
Fax: +1 512 392-4655.

Letters to the Editor, *San Antonio Express-News*, PO Box 2171, San Antonio, TX 78297, USA.
Fax: +1 210-250-3105
E-mail: letters@express-news.net

PLEASE SEND APPEALS IMMEDIATELY.