

PUBLIC

AI Index: AMR 51/179/2002

05 December 2002

EXTRA 88/02

Death penalty

USA (Illinois)

Approximately 160 men and women

Governor George Ryan of Illinois is considering whether to commute any death sentences before he leaves office on 13 January 2003. Amnesty International believes that he should commute all current death sentences in the state, a total of around 160.

On 31 January 2000, Governor Ryan declared a moratorium on executions in Illinois because of its "shameful record of convicting innocent people and putting them on death row". Since the death penalty was reinstated in the state in 1977, 12 death row inmates had been executed, and 13 exonerated. The Governor said that he could not support a system which "in its administration, has proven to be so fraught with error and has come so close to the ultimate nightmare, the state's taking of innocent life."

In March 2000, Governor Ryan appointed a 14-member Commission on Capital Punishment to study the state's death penalty system with a view to determining what reforms would render it fair and reliable. The Commission issued its report in April 2002, making 85 recommendations for the legislature to consider. The Commission stated that its deliberations had "concentrated primarily on these reforms and other proposals, rather than on the merits of capital punishment. Only at the close of our work did we consider that question. A narrow majority of the Commission would favour that the death penalty be abolished in Illinois. Those favoring abolition did so either because of moral concerns, because of a conclusion that no system can or will be constructed which sufficiently guarantees that the death penalty will be applied without arbitrariness or error, or because of a determination that the social resources expended on capital punishment outrun its benefits." The report made clear that the Commission was "unanimous in the belief that no system, given human nature and frailties, could ever be devised or constructed that would work perfectly and guarantee absolutely that no innocent person is ever again sentenced to death."

The question before Governor Ryan is whether to commute the death sentences of any inmates who were sentenced to death under the existing system, a system which has been clearly shown to be riddled with inequities and injustice. For a two-week period in October 2002, the Illinois Prisoner Review Board held clemency hearings for 142 death row inmates who had filed petitions. Lawyers also filed a class petition for all under sentence of death in Illinois. The Board's confidential non-binding recommendations on each of the petitions are now before the Governor.

Several times in 2002, Governor Ryan acknowledged that he was considering a blanket commutation. In September, for example, he stated: "I don't know how I could pick and choose" as to who should be granted clemency and who should not. Governor Ryan, once a strong death penalty supporter, now questions whether capital punishment should be used at all, regardless of the risk of fatal error. In a speech in North Carolina in November, he said: "I question why the death penalty is a proper societal response. Is it a deterrent, or is it an appeasement to the victims' families? I don't know."

In a letter released on 2 December, a group of 21 former state and federal judges wrote to Governor Ryan, urging that he use his clemency power. The letter states: "Some have suggested that clemency on a large scale would disrespect the process and the people who worked hard in that process, including the judges, jurors, and prosecutors. In fact, all of us involved in the workings of the legal system are bound by a fundamental duty to seek justice, to honor our highest principles. That same concern for our highest values that motivates judges and jurors may well counsel the use of clemency to restore confidence in a system

tarnished by inaccuracy and unfairness. Broad use of clemency is not a defiance or disrespect of the process, but rather an essential part of that process. It is not an abuse but rather a duty of the executive to commute sentences if systemic flaws have undermined justice. We believe it would be appropriate to commute to life without parole all death sentences in which the system's failings raise doubts about the fairness and accuracy of either the conviction or sentence. We respectfully urge you to remain open to recognizing that the systemic flaws in the Illinois capital punishment process may be of such magnitude that they affected all death sentences."

Amnesty International opposes the death penalty unconditionally. Every death sentence is an affront to human dignity, every execution a symptom of a culture of violence rather than a solution to it. The death penalty has not been shown to have a unique deterrent effect. It carries the official message that killing is an appropriate and effective response to killing. It is neither. It contributes to desensitizing the public to violence, and to increasing public tolerance for other human rights violations. Choosing which crimes and offenders "deserve" the death penalty inevitably leads to arbitrariness. Time and again, race and class have been shown to be factors in who receives a death sentence in the USA. While some politicians have suggested that an execution can bring "closure" to the suffering of the relatives of murder victims, the state is actually involved in extending the grief and suffering to another family, that of the condemned.

The movement towards abolition of the death penalty worldwide is undeniable, with 111 countries – a clear majority – abolitionist in law or practice. Since 1977, more than 60 countries have abolished the death penalty in law. In the same period, more than 800 men and women have been put to death in the USA. It is clear that the USA - a country whose leaders repeatedly claim for itself the label of global human rights champion - is out of step on this fundamental human rights issue. Governor Ryan's declaration of a moratorium in January 2000, and his own apparent evolution from solid death penalty supporter to sceptic, has had an important ripple effect across the country, and internationally, in opening up the debate about capital punishment. A mass commutation would be an act of principled human rights leadership and would send a powerful message to other leaders and the public across the USA, and the rest of the world.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, using any of the above information, or your own arguments,

- welcoming the Governor's courageous moratorium decision, and acknowledging the important role his action has had in opening up debate in the US and internationally on the death penalty;
- urging him to offer the state and the country principled leadership on this fundamental human rights issue by commuting all the death sentences in Illinois.

APPEALS TO:

The Honourable George Ryan, Governor of Illinois, 207 State House, Springfield, IL 62706, USA

Fax: +1 217 524 4049

Email: governor@state.il.us

Salutation: Dear Governor

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

PLEASE SEND APPEALS IMMEDIATELY.