

## **USA -- Old habits die hard: New Amnesty International report on death penalty in Oklahoma**

*The rate at which the state of Oklahoma is executing prisoners is the highest per capita in the USA, and higher than most countries including China and Iran, Amnesty International said today as it released a report on the use of capital punishment in Oklahoma.*

*"While Texas has drawn worldwide attention for the sheer number of executions, its smaller neighbour has passed death sentences, and is currently carrying them out, at a greater rate," the organization added.*

*At the same time, Oklahoma lies behind only Florida and Illinois in the number of condemned prisoners later found to be innocent. Although Florida accounts for three times as many cases of innocence as Oklahoma, the two states have made such errors at the same rate: one wrongful conviction for about every 40 death sentences. Illinois' "shameful" record of wrongful convictions led its governor to impose a moratorium on executions in January 2000.*

*Earlier this month, Oklahoma's governor Frank Keating commuted the death sentence of Phillip Smith, who had spent 16 years on death row, because of doubts about his guilt. It was the first such decision in the state in 35 years. Smith's case is only one of many, detailed in Amnesty International's report, which show the state's disturbing willingness to use unreliable evidence to enforce this irrevocable punishment.*

*"Over the past two years, such cases have fuelled an unprecedented rise in domestic concern about the fairness and reliability of the death penalty," Amnesty International said. "Oklahoma legislators should respond to this concern and move away from this outdated punishment."*

*Amnesty International has sent its 100-page report, *Old habits die hard: The death penalty in Oklahoma*, to every member of the Oklahoma legislature, as a contribution to the state's consideration of its policy of judicial killing.*

Oklahoma's relentless pursuit of death sentences is in stark contrast to the global abolitionist trend. Moreover, the state frequently violates international safeguards governing the use of the death penalty, for example by executing the mentally impaired. The authorities have been pursuing the execution of Stephen Vann White for over 18 years, despite evidence that he has an IQ of 67 and suffers from schizophrenia. In violation of international law, in 1999 Oklahoma became the first US state in four decades to execute a prisoner for a crime committed at the age of 16.

Several of the people executed in Oklahoma were not adequately represented in court. The lawyer representing Wanda Jean Allen -- who was mentally impaired and became in 2001 the first African American woman to be executed in the USA since 1954 -- had never represented a capital defendant before and was seriously under-resourced.

Although the state asserts that it now provides better funding for its public defender system, it continues to challenge appeal court findings of ineffective legal representation. For example, the state is currently appealing the reversal of the death sentence of James Fisher, whose trial representation was found by a federal district judge to be "in effect, non-existent". The judge noted that James Fisher's lawyer had spoken only nine words during the sentencing phase, when he should have been fighting for his client's life.

"The state should stop challenging judicial findings of inadequate legal representation, thus showing that it is serious about ending the scandal of inadequately defended capital defendants," Amnesty International said.

Amnesty International's report also highlights Oklahoma prosecutors' tendency to push the boundaries of professional behaviour, from posturing about pursuing the death penalty against 15-year-old children, to encouraging jurors to pass death sentences out of vengeance, to suggesting to juries that God and the Bible support the death penalty.

"Prosecutorial misconduct poses a serious risk to the rule of law and respect for human rights," the organization said.

*"While much of the rest of the world is moving towards higher standards of justice, Oklahoma is stuck in the past," Amnesty International said. "It is time for Oklahoma to join the modern world and finally acknowledge the impossibility of ridding the death penalty of its arbitrariness, its brutalizing effect, its cruelty and its potential for fatal error."*

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