

12 June 2001

Further information on EXTRA 25/01 (AMR 51/058/2001, 12 April 2001) and follow-up (AMR 51/073/2001, 22 May) - Death penalty

**USA (Federal) Action for a moratorium on federal executions
Timothy McVeigh, white, aged 32**

Timothy McVeigh was executed shortly after 7am, local time, on 11 June 2001 in the US Penitentiary in Terre Haute, Indiana. This was the first execution of a federal death row prisoner in the USA since 1963. McVeigh was the 34th prisoner executed in the USA this year, and the 717th since the country resumed executions in 1977. He made no final statement.

Timothy McVeigh was convicted in federal court in 1997 of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on 19 April 1995, in which 168 people were killed and more than 500 injured. After waiving his appeals, he was originally scheduled to be executed on 16 May 2001. This was postponed until 11 June by US Attorney General John Ashcroft after it emerged that the Federal Bureau of Investigation had withheld what turned out to be more than 4,000 pages of evidence from the lawyers in the case. Timothy McVeigh's lawyers' attempts to get a further stay of execution from the courts on the basis of the new evidence were unsuccessful.

In a statement following the execution, President Bush said: "This morning, the United States of America carried out the severest sentence for the gravest of crimes. The victims of the Oklahoma City bombing have been given not vengeance, but justice. And one young man met the fate he chose for himself six years ago... Under the laws of our country, the matter is concluded. Life and history bring tragedies, and often they cannot be explained. But they can be redeemed. They are redeemed by dispensing justice, though eternal justice is not ours to deliver."

Oklahoma's Governor, Frank Keating, said: "Justice has been served... I hope this morning's execution will bring some sense of peace to the victim's families and will allow them to continue on with their lives. My thoughts and prayers are with each of them."

On 12 June, *The Washington Post* reported on the reaction from among the more than 200 relatives and survivors who witnessed the execution on closed-circuit television broadcast into Oklahoma via satellite link. The newspaper noted that "undiminished rage" and a feeling that witnessing the execution was an "ultimately unsatisfying experience" was a common theme: "Witnesses who spoke with reporters said they felt no lifting of their emotional burdens after watching McVeigh die. Some voiced resentment at the painlessness of his death; others said they were angered by his final "statement" from the execution table -- his silence."

After the execution, one of Timothy McVeigh's lawyers said: "To the survivors in Oklahoma City who have had the courage to come out against capital punishment in spite of the tremendous pain that they have suffered, I say thank you. To the victims in Oklahoma City, I say that I am sorry that I could not successfully help Tim to express words of reconciliation that he did not perceive to be dishonest. I do not fault them at all for looking forward to this day or for taking some sense of relief from it. But if killing Tim McVeigh does not bring peace or closure to them, I suggest to you that it is our fault. We have told

them that we would help them heal their wounds in this way. We have taken it upon ourselves to promise to extract vengeance for them. We have made killing a part of the healing process. In order to do that we use such terms as reasoned moral response, but I submit there's nothing reasonable or moral about what we have done today... If there is anything good that can come from the execution of Tim McVeigh, it may be to help us realize sooner that we simply cannot do this anymore. I am firmly convinced that it is not a question of if we will stop, it is simply a question of when."

In an editorial in the pro-death penalty *Oklahoman* newspaper on 12 June, the paper stated: "McVeigh was the first federal prisoner executed in 38 years. We suspect he may be among the last of the mass murderers who face the ultimate punishment in this country. Society is moving toward accepting the argument that governments have no right to take a man's life. The argument has no merit, but the momentum to end the death penalty will be difficult to stop."

Among the international voices condemning the execution was the President of the Council of Europe Parliamentary Assembly, who said: "Timothy McVeigh was a cold-blooded murderer. He will not be missed. But the way he died was sad, pathetic and wrong. It demonstrated the futility of capital punishment to act as a deterrent, giving him the notoriety he sought in committing this horrendous crime. It is high time the United States rethought its attitude to the death penalty and aligned its position with the great majority of the free and democratic world."

An article in the *New York Times* on 12 June noted that: "Across Europe, where capital punishment is outlawed in almost every country, the objections to Mr McVeigh's execution poured in fast and furious"... Elsewhere in the world as well, the execution of Mr McVeigh has been scrutinized..." The paper wrote: "the [international] coverage of the McVeigh case has been less than flattering to the United States...". It also commented that: "Amnesty International, which is based in London and which has long led a crusade against capital punishment, called the execution 'a failure of human rights leadership at the highest level of government in the US'" (see *USA: First federal execution since 1963 - a retrograde step*, AMR 51/081/2001, 11 June 2001). Writing about President Bush's current visit to five European countries (Spain, Sweden, Poland, Slovenia and Belgium), the *Washington Post* noted in an article on 12 June that "as he embarks today on a sensitive mission to shore up relations with European allies, President Bush is heading into a storm of criticism on a broad range of policies, heightened by a wave of European revulsion over the execution of Timothy McVeigh".

Amnesty International deeply regrets that President Bush failed to offer the human rights leadership necessary to prevent the resumption of federal executions after a *de facto* moratorium of nearly 40 years. His failure has distanced the USA yet further from the aspirations of the international community.

A second federal death row prisoner, Juan Raul Garza, is scheduled for execution on 19 June. The US Government has failed to satisfactorily explain widespread racial and geographic disparities in federal capital sentencing, issues of direct relevance to Garza's case. Moreover, the Inter-American Commission on Human Rights has called for Juan Garza's death sentence to be commuted, stating that his execution would violate international obligations due to unfair trial issues at his sentencing (see EXTRA 29/01, AMR 51/074/2001, 23 May 2001).

No further action by the UA Network is requested. Many thanks to all who sent appeals.