

USA (Georgia) Byron Ashley Parker (m), white, aged 41

Byron Parker is scheduled to be executed in Georgia at 7pm local time on 11 December 2001. He was sentenced to death for the murder of 11-year-old Christie Ann Griffith in 1984 and has been on death row for 17 years.

Since the trial, a majority of the jurors who sentenced Byron Parker to death have supported commuting his death sentence to life imprisonment. At the trial, the jury had been left largely unaware of the abuse he suffered as a child. His clemency application is based upon his remorse for the crime and his rehabilitation during his time on death row. He has pursued his education at his own expense, achieving his high school diploma, as well as a degree from the University of Iowa, where he has also taken graduate courses. He has published poetry, short stories and screenplays. A former poet laureate of Georgia has reportedly used Byron Parker's writings in classes she teaches at a state college.

Byron Parker has requested a clemency hearing before the State Board of Pardons and Paroles, but is questioning its ability to conduct a fair hearing because of apparent conflicts of interest of some of its members. The Board's Chairman and one of its members are being investigated by the state Attorney General's Office over allegations of criminal misconduct in a matter unrelated to their involvement with the Board. A third member is reportedly facing a lawsuit for the alleged sexual harassment of his secretary and would be defended against that claim by the Attorney General's Office.

The Attorney General's Office is the very same office that represents the state when condemned inmates appeal against their death sentences as well as when they petition for clemency. Byron Parker's lawyers have filed a civil action in federal court, arguing that it is impossible for their client to have a fair clemency hearing while three of the Board's members are either being investigated or defended by the body that is the "principal proponent" of his execution.

Byron Parker's lawyers are seeking a stay of execution until such time as none of the Board members have relationships with the Attorney General's Office that may raise doubts about their impartiality as Board members. The lawyers are calling for the Governor to investigate and remove any Board members who cannot fulfil their duties. According to the court action, under Georgia law, if the Governor has reason to believe that any member of the board is "unable to perform the duties of his office", he or she must convene a "council" to establish if that is the case.

Article 6(4) of the International Covenant on Civil and Political Rights states: "Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence". For this to be a meaningful right, and for public confidence in the justice system to be maintained, transparency and fairness in the clemency process are essential. Amnesty International does not seek to make any comment on the allegations against the individual Board members, and in any event opposes the execution of Byron Parker or any other inmate regardless of these allegations. Nevertheless, it believes that the current situation in relation to the Georgia clemency process can serve only to undermine public confidence in the administration of justice in Georgia.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty in all cases. It is a punishment - abolished in law or practice by a majority of countries - that is a symptom of a culture of violence rather than a solution to it. In contrast to the global abolitionist trend, the USA has executed more than 600 people since 1990, including 63 this year.

Three men - Terry Mincey, Jose Martinez High and Fred Gilreath - have been executed in Georgia since 25 October 2001. These executions - the first in Georgia since June 1998 - went ahead after the state Supreme Court ruled on 5 October that the use of the electric chair was unconstitutional. This decision cleared the way for the state to proceed with lethal injections instead. The Board of Pardons and Paroles rejected clemency in each case, and defence lawyers involved in the cases claimed that the alleged conflict of interest of Board members had undermined the fairness of the process.

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

- expressing sympathy for all victims of violent crime and their families, including in the case of Christie Ann Griffith, who was killed in 1984;
- expressing concern at the apparent conflict of interest of three of the members of the Board of Pardons and Paroles;
- stating that capital cases demand the highest standards of fairness and transparency and that the current situation threatens to undermine public confidence in the justice system;
- urging the Governor to do everything in his power to ensure that Byron Parker receives, and is seen to receive, a fair clemency hearing;
- opposing the execution of Byron Parker, and urging the Governor to support moratorium efforts in his state.

APPEALS TO:

The Honourable Roy E. Barnes
 Governor of Georgia
 203 State Capitol, Atlanta, GA 30334, USA
Fax: + 1 404 657 7332
Salutation: Dear Governor

COPIES TO:

The State Board of Pardons and Paroles
 Floyd Veterans Memorial Building
 Balcony Level, East Tower, 2 Martin Luther King, Jr. Drive, S.E.
 Atlanta, Georgia 30334-4909, USA
Fax: + 1 404 651 8502

and 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, *The Atlanta Journal-Constitution*, PO Box 4689, Atlanta, GA 30302, USA
Fax: + 1 404 526 5611
E-mail: via website: www.accessatlanta.com/partners/ajc.letters

PLEASE SEND APPEALS IMMEDIATELY.