

PUBLIC

AI Index: AMR 51/97/00

13 June 2000

Further information on UA 109/00 (AMR 51/67/00, 5 May 2000) - Death Penalty / Legal Concern

USA (Texas) Shaka Sankofa, formerly Gary Graham, black, aged 36

In violation of international law prohibiting the use of the death penalty against under-18-year-olds, Shaka Sankofa, formerly Gary Graham, remains scheduled for execution in Texas on 22 June 2000 for a murder committed in 1981 when he was 17. He has maintained his innocence for the past 19 years.

On 13 May 1981 Bobby Lambert, a white man, was shot by a black male in a shop car park in Houston in an apparent robbery attempt. Gary Graham was arrested a week later, on unrelated robbery and assault charges, which he admitted to. A week after he was arrested, he was charged with Lambert's murder when he was identified by an eyewitness to the crime. He was convicted solely on the basis of this eyewitness account. Evidence since uncovered, however, has called the reliability of this evidence into serious question, including the suggestive techniques the police used in obtaining it.

Gary Graham, an African American teenager accused of killing a white man, was tried before a jury of 11 whites and one black, and represented by lawyers too busy to defend a client they assumed was guilty because of the other crimes he had committed. As the defence investigator said later: "We just did not have the time to worry about a guilty client... it may sound unfair but that's the way it was." One of the lawyers has said that the case has haunted him for the 19 years since the trial: "I have serious questions whether we presented a fair and adequate defence."

The lawyers failed to interview other eyewitnesses, none of whom have identified Graham as the gunman. No physical evidence linked Gary Graham to the shooting. The jury never heard forensic evidence that a gun found on him at the time of his arrest could not have fired the fatal bullet. No hearing into the evidence not heard at trial has ever been held.

#### **FURTHER BACKGROUND**

There is increasing concern inside the USA about the fairness and reliability of its capital justice system. A new study of death sentences passed between 1973 and 1995 found that they were "persistently and systematically fraught with error". The Columbia Law School study concluded that courts had found serious errors in 68 per cent of the cases, a rate which leaves "grave doubt whether we catch them all."

Texas is coming under particular scrutiny because it executes people at a much higher rate than any other US state, and because of Governor Bush's repeated assertions that all prisoners executed under his governorship have been guilty as charged.

Much of the disquiet has been sparked by the decision in January of Governor Ryan of Illinois to stop executions in his state because of its "shameful" record of wrongful convictions. Shortly before his decision, the *Chicago Tribune* had published its own study which found that "capital punishment in Illinois is a system so riddled with faulty evidence, unscrupulous trial tactics and legal incompetence that justice has been forsaken." (See USA: *Failing the*

*Future: Death Penalty Developments, March 1998 - March 2000, AMR 51/03/00, April 2000, page 66*). On 11 June 2000, the *Chicago Tribune* published the findings of its study into the 131 (now 132) executions carried out in Texas during Governor Bush's term of office. It found that "the problems plaguing Illinois are equally pronounced in Texas and that additional flaws undermine the state's administration of society's ultimate punishment". The problems identified by the paper include the use of unreliable evidence and inadequate defense counsel, as occurred in Gary Graham's case.

On 7 June Governor Glendening of Maryland stopped the execution of Eugene Colvin-El because "it is not appropriate to proceed with an execution when there is any level of uncertainty." The case of Gary Graham is riddled with uncertainty.

The USA is world leader in executing prisoners for crimes committed when they were under 18. Amnesty International has learned of another such execution in the Democratic Republic of Congo. On 15 January 2000, 14-year-old Kasongo was executed shortly after his murder trial. This means that since September 1997 there have been nine executions of child offenders reported worldwide, seven of them in the USA (the other was in Iran).

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language, in your own words using the following guide:**

- expressing deep concern that Shaka Sankofa, formerly Gary Graham, is scheduled for execution for a crime committed when he was 17, in violation of international law;
- expressing concern that serious doubts remain about his guilt in the crime for which he was sentenced to death;
- noting the widespread concern about wrongful capital convictions in the USA, which has led the Governor of Illinois to suspend executions in his state;
- noting that on 7 June Governor Glendening of Maryland stopped the execution of Eugene Colvin-El, because "it is not appropriate to proceed with an execution when there is any level of uncertainty";
- pointing out that uncertainty runs through the case of Gary Graham;
- noting Governor Bush's repeated assurances that he will not allow people to be executed whose guilt is in doubt;
- calling for this execution to be stopped.

**APPEALS TO:**

The Honorable George W. Bush  
Governor of Texas  
PO Box 12428, Austin,  
TX 78711-2428, USA

**Faxes: + 1 512 463 1849 or + 1 512 637 8800**

**Telegrams: Governor Bush, Austin, Texas, USA**

**Salutation: Dear Governor**

and to diplomatic representatives of USA accredited to your country.

You may also send letters of concern (not more than 250 words) to:  
Letters to the Editor, *Dallas Morning News*, PO Box 655237, Dallas, TX 75265, USA.

**Fax: +1 972 263 0456**

**E-mail: letterstoeditor@dallasnews.com**

PLEASE SEND APPEALS IMMEDIATELY.