

AMNESTY INTERNATIONAL PRESS RELEASE

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USA: an appeal to decency

Using the death penalty against children flies in the face of basic standards of decency and justice, Amnesty International said today as it appealed to President Clinton, Vice-President Gore and Governor Bush of Texas to take a stand against this internationally illegal punishment.

The human rights organization is asking the three leaders to condemn the recent execution of a 14-year-old child called Kasongo in the Democratic Republic of Congo and stop the same violation of international law happening in the USA next week.

“Now, in the 21st century, most people would have no trouble condemning unreservedly the atrocity of such an execution, but these US leaders may not find it so easy,” Amnesty International said.

“The USA leads a handful of countries that still flout the international prohibition on the use of the death penalty against those convicted of crimes committed when they were under 18 years old.”

An African American man, Gary Graham, is scheduled for lethal injection in Texas on 22 June for a crime committed when he was 17.

“The circumstances of the Kasongo and Graham cases may differ, but the violation relating to their age is the same,” Amnesty International said.

“It is too late for the human rights violators in the Kasongo case to step back from their act, but those with power over Gary Graham’s

life can still change their course of action and the way history will judge them,” the organization added.

The trials in both cases failed to meet international minimum standards. Kasongo, convicted of murder by military court, was denied the right to appeal to a higher jurisdiction and shot 30 minutes after his sentence was pronounced.

In contrast, Gary Graham, also known as Shaka Sankofa, faces execution after a process which has lasted nearly two decades. He was denied the right to adequate legal representation at his trial, and was convicted on the basis of a sole, disputed, eyewitness account. Extensive exculpatory evidence was not heard in court because of his lawyers' failings. His guilt in the 1981 killing of Bobby Lambert remains in serious doubt.

“Gary Graham’s execution looms at a time when the error-prone nature of death sentencing in the USA has become abundantly clear,” Amnesty International said. “His case is a textbook example of the fatal flaws that riddle the US capital justice system.”

Background

In January 2000, the Governor Ryan of Illinois imposed a moratorium on executions in his state because of its “shameful” record of wrongful convictions. In contrast, Governor George W. Bush continues to assert that the more than 130 prisoners who have been executed in Texas during his term in office were guilty as charged. The *Chicago Tribune*, which published an exposure of the flawed nature of the Illinois capital justice system shortly before Governor Ryan suspended executions, this week revealed that it had found that “the problems plaguing Illinois are

equally pronounced in Texas”, and that “Texas has executed dozens of inmates whose cases were compromised by unreliable evidence, disbarred or suspended defense attorneys, meager defense efforts during sentencing and dubious psychiatric testimony.”

A new study of all US death sentences passed between 1973 and 1995 found that they were “persistently and systematically fraught with error”. The Columbia Law School study, released on 12 June, 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.”

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.” Uncertainty runs through the case of Gary Graham.

There have been 47 executions in the USA so far this year -- a rate of two a week. Twenty-one of these have been carried out in Texas, which now accounts for 220 of the 645 prisoners put to death since the USA resumed judicial killing in 1977. Ninety-eight prisoners were executed in the USA in 1999 alone, a total exceeded only by China, Iran, Saudi Arabia and the Democratic Republic of Congo.

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For further information, please see Amnesty International's paper "United States of America: An appeal to President Clinton, Vice President Gore and Governor Bush of Texas to condemn one illegal execution and stop another", available from the Amnesty International press office.

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