

AMNESTY INTERNATIONAL PRESS RELEASE

18 July 2000

AI Index AMR 51/112/2000 - News Service Nr. 140

Rights denied: Europeans on death row in the USA

The institutions and member states of the European Union should intervene in support of European nationals under sentence of death in the United States of America, Amnesty International said today.

*In a new report entitled *Worlds Apart*, the organization details the cases of 10 European citizens on death row in the USA. European countries whose nationals are currently on death row include Estonia, France, the Federal Republic of Yugoslavia, Germany, Poland, Spain and the United Kingdom.*

"In clear breach of international law, none of these people were informed upon arrest of their right to consular assistance," Amnesty International said. "In many of these cases, timely consular intervention could have meant the difference between life and death."

"The widespread - and ongoing - failure of US authorities to respect the rights of detained foreign nationals threatens to undermine the international rule of law," the organization added.

The cases documented in the report raise a host of issues illustrating the inherent flaws in the application of the death penalty in the USA.

"Post-conviction evidence of unfair trials, official misconduct and unresolved claims of factual innocence are all symptoms of judicial procedures that fall unacceptably short of minimum international human rights standards," Amnesty International said.

"Other governments -- including those whose nationals are on death row in the USA -- must put pressure on the US authorities to conform to basic principles of justice agreed to by the international community," the organization added.

The report is the latest in a series of Amnesty International documents establishing the failure of the United States to honour its treaty obligations in death penalty cases. More than 80 foreign citizens representing nearly 30 nationalities currently await execution in the USA. In virtually every case, arresting authorities breached the provisions of the Vienna Convention on Consular Relations by failing to promptly inform detainees of their consular rights.

In response to the executions of two German nationals in Arizona in 1999, Germany has brought a case against the USA before the International Court of Justice, which has compulsory jurisdiction over violations of the Vienna Convention.

Worlds Apart also describes the cases of three individuals on death row who may have dual nationality because of their birth in a European country and includes comprehensive recommendations to defend the rights of all foreign nationals sentenced to death, including urging interventions by Council of Europe members in support of Germany's case at the International Court of Justice.

"The cases of death-sentenced Europeans are a microcosm of a hopelessly flawed death penalty process, which must be halted immediately," Amnesty International said. "By continuing to condone this brutal and arbitrary punishment, the USA is truly worlds apart from the human rights values endorsed by the international community of nations."

Background

The report summarizes the international reaction to recent executions of foreign nationals in the United States. Last October, the Inter-American Court on Human Rights decreed that the right to consular notification and assistance is a fundamental element in the protection of due process, the violation of which requires remedies and renders any such executions illegal. The opinion, requested by the Mexican government, followed the execution of two Mexican nationals who were not informed after arrest of their right to seek consular assistance.

In 1998, for the first time in European history, none of the then 40 members states of the Council of Europe carried out an execution.

Amnesty International is opposed to the death penalty in all circumstances, and continues to work towards a global ban on the imposition and execution of death sentences. Until such time, all governments must do everything in their power to ensure that international minimum standards are met in states where this, the ultimate form of cruel, inhuman and degrading punishment, is still permitted by law.

The report *Worlds Apart: Violations of the Rights of Foreign Nationals on Death Row - Cases of Europeans* (AMR 51/101/00, July 2000), is available from the Amnesty International press office in London, +44 207 413 5562.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>