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USA: A call for human rights leadership as first federal execution since 1963 looms

President Clinton can take a historic step for human rights, or allow his country to fall further behind the growing international consensus against the death penalty, Amnesty International said today, as it released a 43-page memorandum on the federal death penalty sent to him last week.

Juan Raul Garza is scheduled to become the first federal death row prisoner to be executed since 1963 on 12 December 2000. President Clinton has the power to commute his death sentence. Amnesty International is urging him to use that power.

"President Clinton is facing a decision that no US President has had to take in nearly 40 years," Amnesty International said. "With national and international concern about US capital justice at unprecedented levels, he must call a halt to the federal death penalty before the killing begins."

In addition to calling for clemency for Juan Raul Garza, Amnesty International is urging President Clinton, at the very least, to declare a moratorium on all federal executions in light of recent Justice Department findings of widespread racial and geographic disparities in the use of the federal death penalty.

"We believe the President should go further, however," Amnesty International said. "He should commute the death sentences of all those currently under federal sentence of death. He must send a clear message to his country that its cruel, brutalizing and lethally flawed

experiment with capital punishment has failed and that the death penalty tide has turned."

Since President Clinton took office in 1993, nearly 500 men and women have been put to death in 29 US states. This represents more than 70% of all executions carried out since 1976, when the US Supreme Court allowed executions to resume. Whereas individual states began executing in 1977, the US Government did not reintroduce the death penalty under federal law until 1988, and then, in violation of international standards, massively expanded it in legislation signed by President Clinton in 1994.

"For too long, the federal government has turned a blind eye to the judicial killing going on at state level in the USA," Amnesty International said. "The scheduled execution of Juan Raul Garza is one from which it cannot seek to escape full responsibility."

Opposition to the resumption of federal executions has grown since September, when the US Justice Department released the findings of its review into the federal capital justice system. Amnesty International's memorandum examines the Justice Department's findings, and concludes that, as at state level, the power of local prosecutors to decide whether or not to seek a death sentence in any particular case appears to lie behind the disparities.

"The government's own statistics provide yet more evidence that the federal death penalty suffers the same lottery-like qualities that plague capital justice at the state level," said Amnesty International. "To allow federal executions to proceed in the knowledge that the system may be tainted by arbitrariness and discrimination would be an unconscionable act."

The memorandum also gives case illustrations of other ways in which the federal death penalty appears to mirror its state-level equivalent. Issues outlined include inadequate legal representation, juror confusion over sentencing, and cases of foreign nationals denied their consular rights.

The US Government has told Amnesty International that it is "unalterably opposed" to any unfair application of the death penalty. "Now is the time for his government to prove that it means what it says," Amnesty International continued.

Campaigning for the presidency in 1992, as Governor of Arkansas, Bill Clinton refused to stop the execution of a severely brain damaged prisoner. The question now is, can President Clinton demonstrate that times have changed in the USA? Or will history record that he left office as he entered it, after allowing an execution that widened his country's separation from international standards of justice and decency?

Background

There are over 3,600 prisoners on state death rows in the USA, having been convicted of violating state capital laws. There are currently some 21 prisoners under federal sentence of death, convicted of breaking federal capital laws enacted by Presidents Reagan and Clinton. The last person executed under US federal law was Victor Feguer, who was hanged in Iowa in 1963.

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For a copy of the 43-page memorandum: "USA: Memorandum to President Clinton - An appeal for human rights leadership as the first federal execution looms," (AMR 51/158/00) or go to our web site: <http://www.amnesty.org> For more information on the case of Juan

Raul Garza, please call Amnesty International's press office in London, UK, on +44 20 7413 5566 / Amnesty International, 1 Easton St., London WC1X 0DW