

PUBLIC

AI Index: AMR 51/59/99

9 April 1999

Further information on EXTRA 45/99 (AMR 51/45/99, 16 March 1999) - Death Penalty / Legal Concern

USA (Pennsylvania) Antuan BRONSHTEIN, aged 28

Antuan Bronshtein's execution has been rescheduled for 4 May 1999, so that it does not coincide with Passover (*Pesach*), an eight-day Jewish festival. Antuan Bronshtein, who is Jewish, had previously been scheduled to die on 8 April, the last day of Passover.

He was sentenced to death on 10 August 1994 for the murder of jewellery shop owner Alexander Gutman in Valley Forge, Montgomery County, in 1991.

Antuan Bronshtein, who has a history of mental and emotional problems, including suicidal tendencies, has given up his appeals against his death sentence. In June 1998, a doctor attempted to evaluate his mental competency to waive his appeals, but was unable to reach a conclusion and determined that further evaluation was warranted.

Antuan Bronshtein was reportedly using heroin, cocaine and marijuana by the age of 11. Since the age of 16 he has been diagnosed with various mental conditions, including borderline personality disorder, paranoid personality disorder and depression. His depression has deepened on death row. He is believed to have been suicidal for some time, and is reported to have attempted to slash his own throat in mid-1998.

According to information received by Amnesty International, Antuan Bronshtein still has strong legal issues on which to fight his death sentence should he choose to do so. At the original trial, the judge instructed the jury that, if they found that Antuan Bronshtein was a member of a conspiracy to rob or steal, then he was guilty of any crime committed by another member of that conspiracy regardless of whether he shared the perpetrator's intent. Thus the jury was allowed to convict Antuan Bronshtein of first degree murder without determining if he himself had a specific intent to kill. Amnesty International is informed that this instruction to the jury was wrong, as under Pennsylvania law a person may be found guilty of first degree murder under a conspiracy theory only if he or she shares the same intent as the perpetrator. At the penalty phase of the trial, the jury found as a mitigating factor that Antuan Bronshtein may not have been the triggerman, leaving lingering doubt as to his culpability in the murder.

Further investigation has revealed that Antuan Bronshtein is a US citizen, not a Moldovan national as previously reported. Preliminary investigations had established that he was born in Kishenev in the then Soviet Union, but had not revealed any details of US naturalization. However, the District Attorney was subsequently able to secure information that Antuan Bronshtein is a naturalized US citizen. As a result there is no concern in this case relating to Article 36 of the Vienna Convention on Consular Relations, as raised in the original EXTRA. Appeals on this concern should therefore cease.

Amnesty International opposes the death penalty in all cases, believing that every death sentence is an affront to human dignity, and that every execution, with its message that killing is an appropriate response to killing, only serves to compound the violence in society. The fact that a prisoner gives up appeals

against execution does not absolve the state of its responsibility for this human rights violation. Such a decision taken by an inmate under sentence of death can never be said to have been a free choice. Pennsylvania has executed two prisoners since the USA resumed executions in 1977. Both had given up their appeals.

While more than half the countries of the world have abolished the death penalty in law or practice, the USA continues to relentlessly pursue this punishment, in many cases in violation of international standards. The last person to be executed was Alvaro Calambro in Nevada on 5 April 1999, the 31st prisoner to be put to death nationwide this year and the 531st since the USA resumed executions in 1977.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language (if you wish, you may acknowledge the earlier confusion surrounding Antuan Bronshtein's citizenship and note that there is no longer a Vienna Convention concern in this case):

- opposing the planned execution of Antuan Bronshtein;
- noting that the prisoner, who suffers from mental health problems and suicidal tendencies, has given up his legal appeals;
- noting that a court-appointed doctor who attempted to evaluate the prisoner's mental competency to waive his appeals, concluded that further evaluation on this matter was needed;
- stating that such a decision by a prisoner does not absolve the state from its responsibility in this human rights violation;
- noting that strong avenues for appeal remain open to Antuan Bronshtein;
- urging that Antuan Bronshtein's death sentence be commuted to a more humane alternative.

APPEALS TO:

The Honorable Tom Ridge
 Main Capitol Building
 Room 225, Harrisburg, PA 17120, USA
Telegrams: Governor Ridge, Harrisburg, PA, USA
Fax: +1 717 772 8284
Salutation: Dear Governor

COPIES TO: diplomatic representatives of the USA accredited to your country.

You may also continue to send brief letters and cards to Antuan Bronshtein expressing concern and encouragement.

Mr Antuan Bronshtein
 BU-0261
 SCI Greene
 1040 East Roy Furman Highway
 Waynesburg
 PA 15370, USA

PLEASE SEND APPEALS IMMEDIATELY.