

EXTERNAL

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EXTRA 67/98

Death penalty / Legal concern

21 September 1998

USA (Washington State) Jeremy Vargas Sagastegui, aged 27

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Jeremy Sagastegui, sentenced to death for triple murder in 1996, is scheduled to be executed in Washington State on 13 October 1998. He is reported to suffer from serious mental illness and suicidal tendencies, and to have said that he committed the crime in order to be sentenced to death. He has waived his right to appeal and says that he wishes to die.

Jeremy Sagastegui pleaded guilty to three counts of first-degree murder for raping and killing a three-year-old boy and then shooting the child's mother and her friend on 19 November 1995. He was allowed to represent himself at trial without a full evaluation of his mental competency, motivation or background. At the jury selection, he rejected jurors less likely to favour the death penalty, and objected when the prosecution rejected a juror who would automatically return a death sentence. Jeremy Sagastegui offered no defence of any kind, expressed no remorse, and offered no evidence about his mental disorders, suicidal tendencies, or abuse as a child in mitigation. Finally, he asked the jury to sentence him to death.

Jeremy Sagastegui was conceived as a result of a rape, and was reportedly rejected by his mother in his infancy and childhood. According to affidavits by family members he was subjected to severe abuse as a child, including repeated sexual abuse by his stepfather and other male relatives.

Three months before he committed the crime, Jeremy Sagastegui had been diagnosed as suicidal. He was admitted to a psychiatric hospital and put on medication for depression. He has also been diagnosed as manic depressive and schizophrenic. Prison officials are said to be keeping him on Thorazine, an anti-psychotic drug used to treat schizophrenia.

His mother believes that he committed the crime as part of an act of suicide when he became unable to deal with his mental illness which she says includes auditory hallucinations and multiple personalities. She has petitioned the state Governor to commute the death sentence.

In a newspaper interview in June 1998, Jeremy Sagastegui said: "I can't explain what death is, but it's something I want", and "if the state wouldn't have had the death penalty, those people would still be alive". He is reported to have recently told reporters that he is engaged in an act of suicide, and that he planned his suicide before committing the murders.

#### **BACKGROUND INFORMATION**

Amnesty International believes that under any circumstances, the death penalty is a calculated denial of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment as proclaimed by the Universal Declaration of Human Rights.

The fact that an inmate "volunteers" for execution does not change the fact that the state is killing one of its citizens. A decision by an inmate to waive appeals is not the result of a free choice, and may be taken for a number of possible reasons, including: an inability to cope with the mental trauma of waiting for execution, often compounded by the harsh conditions of detention; remorse and an inability to come to terms with the magnitude of the crime; or a suicidal tendency or other mental problems. In the case of Jeremy Sagastegui, some are arguing that the state is effectively engaged in assisted

suicide. The latter is illegal in Washington State, as confirmed in 1997 by the US Supreme Court in *Washington v. Glucksberg*.

There are 17 inmates on Washington State's death row. Condemned prisoners can choose to be executed by hanging or lethal injection. If they make no choice the method used is lethal injection. There have been two executions in Washington since 1977 - Charles Campbell in 1994, and Westley Dodd, also a "volunteer", in 1993. Both men were hanged. It is not clear if Jeremy Sagastegui has chosen to be killed by lethal injection, as earlier reported. It would be the first time this method has been used in Washington. The State Governor has sole authority to grant clemency.

The USA has executed 477 prisoners since 1977. The most recent was that of Delbert Teague in Texas on 9 September 1998.

**RECOMMENDED ACTION: Please send telegrams/faxes/e-mails/express/airmail letters in English or your own language:**

- expressing concern that Jeremy Sagastegui is scheduled to be executed;
- expressing sympathy for the victims of crime and their relatives, but noting that an increasing number of relatives of murder victims in the USA are speaking out against the death penalty, saying that it does not bring them peace but only compounds the violence and creates more victims;
- expressing concern that Jeremy Sagastegui was allowed to represent himself at trial without a thorough investigation into his motivation or competency, and that as a result the jury heard no mitigating evidence;
- noting that such evidence includes his serious mental illness and suicidal tendencies, and severely abused childhood;
- urging the Governor, in this 50th year of the Universal Declaration of Human Rights, to commute Jeremy Sagastegui's sentence to a more humane alternative and work towards total abolition of the death penalty.

**APPEALS TO:**

The Honorable Gary Locke  
Governor of Washington  
Office of the Governor  
Legislative Building  
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**Telegrams: Governor Locke, Olympia, Washington State, USA**

**E-mail: governor.locke@governor.wa.gov**

**Salutation: Dear Governor**

**COPIES TO:**

*Seattle Post-Intelligencer*, 101 Elliott Ave West, PO Box 1909, Seattle, WA 98119, USA **Fax: +1 206 448 8165**

*Seattle Times*, PO Box 70, Seattle, WA 98111, USA **Fax: +1 206 464 2131 or 464 2261**

and to diplomatic representatives of USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**

“Everyone has the right to life, liberty and security of person.”  
*Article 3, Universal Declaration of Human Rights*

Visit the Amnesty International UDHR campaign website on <http://www.amnesty.excite.com>