

PUBLIC

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Further information on EXTRA 79/98 (AMR 51/90/98, 3 November 1998) - Death Penalty / Legal Concern

USA (California) Jaturun SIRIPONGS, Thai national, in his 40s

Jaturun Siripongs received a stay of execution just hours before he was due to be executed - having eaten his final meal and said goodbye to his family.

The stay of execution came about on 16 November 1998 after a District Court judge concluded that Governor Wilson's office may have misled Jaturun Siripongs' lawyers concerning the type of information the governor would consider when deciding whether or not to grant clemency. The Court of Appeal and the US Supreme Court then turned down the state's appeals to overturn the stay.

California's Attorney General has reacted by saying that the District Court had "overstepped its constitutional authority" and left the balance of power "dangerously tipped towards the judicial branch."

The District Court judge has scheduled a hearing for 3 December to determine whether Jaturun Siripongs' clemency proceedings were fair. A spokesperson for the Governor was reported as saying that the state would "rebut the false and preposterous claims by Mr Siripongs' lawyers that they were misled by the governor."

A University of California law professor said that only an "extraordinarily incautious set of behaviours" by a governor can make a clemency decision open to a court challenge. He added that in this case, Governor Wilson appeared to have restricted the subjects that the defence lawyers could introduce in their clemency petition, by telling them not to raise issues they had covered in court. The law professor further concluded that the governor had exacerbated the problem with "the gratuitous tone and the broad scope" of his decision on 13 November to deny clemency to Jaturun Siripongs.

No further action by the UA Network is requested at present. Further information will be issued and possible further action requested according to developments in the case. Many thanks to all who sent appeals.

Three more executions have been carried out in the USA in recent days, all by lethal injection. On 16 November Tyrone Gilliam was executed in Maryland (see UA 269/98, AMR 51/79/98, 14 October and update 18 November), and on 17 November Kenneth McDuff and Kenneth Wilson were put to death in Texas and Virginia respectively. Fifty-seven prisoners have now been put to death in the USA this year, bringing to 489 the total executions carried out nationwide since judicial killing resumed in the USA in 1977.