

EXTERNAL (for general distribution)

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UA 57/95      Death Penalty

7 March 1995

USA (Pennsylvania)

Martin APPEL  
Keith ZEITELMAYER  
Joseph HENRY

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Martin Appel, white, is scheduled to be executed in Pennsylvania on 4 April 1995. Martin Appel was sentenced to death for the murder of three bank clerks during a robbery. Court documents indicate that Martin Appel may suffer from mental health problems.

Joseph Henry, black, is scheduled to be executed in Pennsylvania on 18 April 1995. Joseph Henry was sentenced to death for the murder of Jeanne Clery in 1987. Joseph Henry was tried and sentenced by an all-white jury: no blacks were included in the pool of prospective jurors.

Keith Zeitelmayr, white, is scheduled to be executed in Pennsylvania on 2 May 1995. Keith Zeitelmayr was sentenced to death in 1980. Keith Zeitelmayr is mentally ill and has been described as being "of diminished capacity" and of having a "schizoid personality".

According to reports, Joseph Henry and Martin Appel have been without legal representation since the State Supreme Court affirmed their original convictions.

#### **BACKGROUND INFORMATION**

There have been no executions in Pennsylvania since 1962, but it has the fourth largest death row population in the USA: as of October 1994, there were 168 prisoners under sentence of death in the state. In Pennsylvania the state governor may only grant clemency on the recommendation of the five-member State Board of Pardons; he may, however, grant a reprieve.

The Board of Pardons comprises Pennsylvania's Attorney General and Lieutenant Governor, a prison warden, doctor and attorney. The involvement of the Attorney General in the state's clemency decision-making process has been criticised on the grounds that the Attorney General, as the person in charge of prosecuting cases on appeal, is not an objective party.

Amnesty International opposes the death penalty unconditionally as a violation to the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal Declaration of Human Rights. Amnesty International is also concerned that the execution of Martin Appel and Keith Zeitelmayr may be in contravention of the United Nations Economic and Social Council (ECOSOC) resolution 1989/64, adopted in May 1989, which recommends "eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence".

**RECOMMENDED ACTION: Please telephone or send faxes/telegrams/express and airmail letters in English if possible:**

Appeals to the Board of Pardons:

- urging the Board to recommend to Governor Ridge that he grant clemency to Martin Appel, Joseph Henry and Keith Zeitelmayr;

Appeals to Governor Ridge and The Board of Pardons:

- expressing sympathy for the families of homicide victims; explaining deep concern, however, at the scheduled executions of Martin Appel, Joseph Henry and Keith Zeitelmayr;
- urging the State of Pennsylvania not to take the retrograde step of resuming executions after a space of 32 years; explaining your/Amnesty International's unconditional opposition to the death penalty;
- expressing concern at the clear conflict of interest in the role played by the office of the Attorney General in prosecuting cases on appeal, and his role as one of the five members of the Board of Pardons;
- making reference to the ECOSOC resolution cited above with regard to the sentences of Martin Appel and Keith Zeitelmayr;
- pointing out that the overwhelming conclusion from studies on the issue is that there is no reliable evidence that the death penalty deters crimes more effectively than any other punishment; if your country has abolished the death penalty, it is especially important to mention any national experience which demonstrates this.

**APPEALS TO:**

Pennsylvania Board of Pardons

1st Floor  
333 Market Street  
Harrisburg, PA 17126-2596  
USA

**Telephone: +1 717 787 2596**

**Faxes: +1 717 772 3135**

**Salutation: Dear Board Members**

The Honorable Tom Ridge

Governor of Pennsylvania  
225 Main Capital Building  
Harrisburg, PA 17120  
USA

**Telephone: +1 717 787 2500**

**Faxes: +1 717 772 3155**

**Salutation: Dear Governor**

**COPIES OF YOUR APPEALS TO:**

The Letters Editor  
*Philadelphia Inquirer*  
400 N Broad Street  
PO Box 8263  
Philadelphia, PA 19101  
USA

**Faxes: +1 215 854 5671**

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or with your section office, if sending appeals after 18 April 1995.