

EXTERNAL

AI Index: AMR 51/133/95

EXTRA 122/95

Death Penalty

23 October 1995

USA (PENNSYLVANIA) Kevin HUGHES, Juvenile Offender

Kevin Hughes, black, is scheduled to be executed in Pennsylvania on 7 November 1995, for a murder committed when he was 16. He was convicted and sentenced to death in 1983 for the murder of a 9-year-old girl in Philadelphia in 1979. The last juvenile offender to be executed in Pennsylvania was Dominick Digeso, on 4 December 1916. He was 17 at the time of the offence. Pennsylvania has previously executed five juvenile offenders.

According to reports, Kevin Hughes suffers from a serious mental illness and has made several attempts to commit suicide. Since being placed on death row, he has been admitted to Farview Hospital for the Criminally Insane on numerous occasions and is heavily medicated.

Kevin Hughes is currently not represented by any attorney and is therefore unable to file legal appeals for a stay of execution.

BACKGROUND INFORMATION

The last juvenile offender to be executed in the USA was Christopher Burger on 7 December 1993 in Georgia. As of 15 September 1995, there were 42 juvenile offenders under sentence of death in 13 states, including two in Pennsylvania.

The USA is one of only five countries known to have executed prisoners who were under the age of 18 years old at the time of the crime; the others are Iran, Pakistan, Saudi Arabia and Yemen. The majority of known executions of juvenile offenders has been in the USA (6 since 1990).

On 2 May 1995, Pennsylvania carried out its first execution in 33 years. A second prisoner, Leon Moser, was executed on 16 August 1995: both prisoners had chosen to abandon their appeals and consented to their execution. Governor Tom Ridge, who took office in January 1995, is an adamant supporter of the death penalty. During his campaign for office he pledged to review death penalty cases and sign death warrants quickly. Shortly after he took office, Governor Ridge signed legislation which requires the governor of Pennsylvania to sign death warrants within 90 days of the State Supreme Court upholding a death sentence. A similar measure was vetoed by the previous governor, who signed 21 warrants during his eight years in office. Governor Ridge has signed at least 23 warrants since February.

Governor Ridge has currently signed four death warrants for prisoners who have yet to have their appeals heard in federal court.

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. As of 15 September 1995, there were 196 prisoners under sentence of death in Pennsylvania, the fourth largest death row in the USA.

The Board of Pardons comprises Pennsylvania's Attorney General and Lieutenant Governor, a prison-warder, a doctor and an attorney. The involvement of the Attorney General in Pennsylvania'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 in all cases as a violation of the right to life and the right not to be subjected to cruel or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

RECOMMENDED ACTION: Please make telephone calls/send telegrams / faxes / express and airmail letters either in English or in your own language:

To the Board of Pardons:

- urging the Board to recommend to Governor Ridge that he grant clemency to Kevin Hughes;

To Governor Ridge and the Board of Pardons:

- expressing concern that Kevin Hughes was sentenced to death for a crime he committed when he was 16 years of age, and urging that clemency be granted on humanitarian grounds;
- expressing concern at reports of Kevin Hughes' serious mental health problems;
- stating that the death penalty is a wholly inappropriate penalty for individuals who have not attained full physical or emotional maturity at the time of their crime, and that however heinous the crime, the imposition on a young person of a sentence which denies any possibility of eventual rehabilitation or reform is contrary to contemporary standards of justice and humane treatment and international human rights standards and treaties;
- noting that Pennsylvania has not executed such an offender for almost 80 years and urging that it not take such a retrograde step;
- expressing your unconditional opposition to the death penalty, while at the same time expressing sympathy for the families and friends of the victims of violent crime;
- expressing concern that Governor Ridge is prepared to sign death warrants for prisoners who have not completed the appeal process;

APPEALS TO:

Pennsylvania Board of Pardons

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

Telephone: +1 717 787 2596

Telegrams: Board of Pardons, Harrisburg, Pennsylvania, USA

Faxes: +1 717 772 3135

Salutation: Dear Board Members

The Honorable Tom Ridge

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

Telephone: + 717 787 2500

Telegrams: Governor Ridge, Harrisburg, Pennsylvania, USA

Faxes: +1 717 772 3155

Salutation: Dear Governor

COPIES TO:

The Letters Editor

Philadelphia Inquirer
400 N Broad Street
PO Box 8263
Philadelphia, PA 19101
USA
Faxes: +1 215 854 5671

or

The Letters Editor
The Post Gazette
34 Boulevard of the Allies
Pittsburgh, PA 15230
USA
Faxes: +1 412 263 1263

and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.