

EXTERNAL (for general distribution)

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EXTRA 12/94 Death Penalty

24 February 1994

USA (Virginia): Johnny WATKINS

Johnny Watkins is scheduled to be executed in Virginia on 3 March 1994.

Johnny Watkins, black, was sentenced to death in 1984 for the murders of one white female and one white male, in unconnected robberies in 1984. He was sentenced to death by an all-white jury after the prosecutor had excluded all prospective black jurors from jury service, by use of peremptory challenges (the right to exclude jurors without giving reasons).

According to Johnny Watkins' attorney, Watkins' death sentence was imposed in a city in Virginia (Danville) which systematically excludes blacks from serving on trial juries, and which has sentenced more black defendants to death than any other jurisdiction in Virginia. Seven of the 23 black prisoners currently on death row in Virginia were apparently sentenced to death by a Danville jury. Further information received by Amnesty International states that Danville has less than 1% of the state population, yet has handed down 10% of Virginia's death sentences since 1976. Blacks comprise 35% of Danville's population.

BACKGROUND INFORMATION

Many research studies, including those of Amnesty International, have found that the death penalty in the USA is applied in a racially discriminatory manner.

Studies conducted nationwide have shown that murders involving white victims are far more likely to result in death sentences than those with black victims.

One such study published in 1984 looked at racial patterns in capital sentencing in eight US states from 1976 to 1980 including Virginia, and found disproportionate capital sentencing for white-victim cases in each state. Racial disparities in death sentencing are confirmed by the findings of a report by the General Accounting Office (GAO), an independent agency of the federal government, published in February 1990. The GAO found that persons convicted of the murder of white victims are far more likely to be sentenced to death than those convicted of black-victim homicides. These racial disparities remained after all other legally relevant factors had been taken into account.

As of 6 January 1994, there were 2,802 prisoners under sentence of death in the USA, of whom 1,117 - nearly 40% - were black. The percentage of black prisoners on death rows in some individual states is much higher. Blacks make up only 12.6% of the total US population.

As of 6 January 1994 there were 47 prisoners under sentence of death in Virginia.

Twenty-two prisoners have been executed in the state under its present death penalty laws. The most recent person to be executed in Virginia was David Pruett, on 16 December 1993. The method of execution is electrocution. In Virginia the authority to grant executive clemency lies with the state governor.

The present governor of Virginia, Governor George Allen, took office only very recently, in January 1994. On his last day in office in January 1994, outgoing Governor, Douglas L Wilder commuted the death sentence of Earl Washington Jr to life imprisonment on grounds that there are serious doubts that Washington, black, committed the crime for which he was sentenced to death.

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, inhuman or

degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in English, if possible, or in your own language, or call by telephone:

- urging Governor Allen, as the new Governor of Virginia, to set an example to other state governors by refusing to allow executions to take place under his leadership, and consequently to commute Johnny Watkins' death sentence;
- expressing deep concern that Johnny Watkins, a black defendant, was sentenced to death by an all-white jury after the prosecutor had struck any potential black juror from the jury panel;
- expressing deep concern that the death penalty in the USA is applied in a racially discriminatory manner, a fact borne out by many research studies.

APPEALS TO

The Honorable George Allen
Governor of Virginia
State Capitol

Richmond, VA 23219, USA

Telegrams: Governor Wilder, Richmond, VA 23219

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Salutation: Dear Governor

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and to diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY, TO ARRIVE BY 2 March 1994.