

EXTERNAL (for general distribution)

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Please bring this to the attention of the campaign coordinator and/or those responsible for the death penalty action on juveniles in the USA.

UA 444/91

IMMINENT EXECUTION OF JUVENILE OFFENDER

17 December 1991

USA: (TEXAS)

Johnny F Garrett

Johnny F Garrett is scheduled to be executed by the state of Texas on 7 January 1992.

Johnny Garrett, white, now aged 27, was sentenced to death in September 1982 for the rape and murder in October 1981 of a 76 year-old white nun. He was 17 years old at the time of the crime. According to reports, Mr Garrett has a history of drug and alcohol abuse, has been diagnosed as chronically psychotic and suffered from several head injuries. This evidence was not presented to the trial jury. Bishop Matthiesen, the Roman Catholic Bishop of Amarillo, Texas, and the sisters of St Francis' convent (the convent to which the murdered nun belonged) strongly oppose the execution of Johnny Garrett. In a statement released in March 1984 by the Texas Catholic Conference the Roman Catholic Bishops of Texas reaffirmed their opposition to capital punishment and called upon the Texas legislature to ban capital punishment in the state. "While recognizing that heinous crimes often call to Heaven for vengeance" the statement said, "we reject the notion that capital punishment is a deterrent to, or an acceptable punishment for, these abominable acts. The sanctity of life at all stages of its development must be safeguarded".

BACKGROUND INFORMATION:

Johnny Garrett would be the fifth juvenile offender to be executed in the USA since 1964, and the third in Texas under its present death penalty law. (Charles Rumbaugh was executed in Texas on 11 September 1985, and Jay Kelly Pinkerton was executed on 15 May 1986. They were both 17 year-old-offenders).

In June 1989 the US Supreme Court ruled that it was permissible to execute juvenile offenders as young as 16. The minimum age at which the death penalty may be imposed in Texas is 17. The imposition of the death penalty on juvenile offenders is in clear contravention of international human rights treaties and standards, including the International Covenant on Civil and Political Rights and the American Convention on Human Rights, both of which the USA signed in 1977 but has not yet ratified. The execution of juvenile offenders is extremely rare. More than 70 countries which retain the death penalty by law have abolished it for people under 18 at the time of the crime. The USA is one of only seven countries known to have carried out such executions in the last decade (the other countries are Barbados, which has since raised the minimum age to 18, Iran Iraq, Nigeria and Pakistan; one such execution was also reported in Bangladesh).

Approximately 30 of the 2504 prisoners under sentence of death in the USA are juvenile offenders.

As of 23 August 1991, 343 prisoners were under sentence of death in Texas. Five Texas prisoners have been executed this year, the most recent being G W Greene on 11 November 1991. Texas has the largest death row in the country and, since 1976, has executed more prisoners than any other state (43 to date)

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

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters;

- Appeals to the Texas Board of Pardons and Paroles:
- urging the Board to recommend that the Governor grant clemency to Johnny Garrett by commuting his death sentence;
- expressing concern that according to reports, mitigating evidence relating to his history of drug and alcohol abuse, chronic psychosis and head injuries was not made available at his trial or sentencing;
- expressing concern at the imposition of a death sentence on an individual who was under 18 at the time of the offence, and pointing out that this is in contravention of international human rights standards on the death penalty.
- Appeals to the Governor:
- urging Governor Richards to grant clemency to Johnny Garrett by commuting his death sentence;
- requesting that she give this case her most careful review in light of the fact that the imposition of the death penalty on juvenile offenders is recognised internationally to be a wholly inappropriate penalty for individuals who have not attained fully physical or emotional maturity at the time of their actions; and that any execution carried out on a juvenile offender is in clear contravention of these standards.
- expressing concern that according to reports important mitigating evidence which might have persuaded the jury not to impose the death penalty was not presented at Mr Garrett's trial or sentencing.

Appeals to both from churches/religious groups/organizations would be particularly welcome.

APPEALS TO:

Texas Board of Pardons and Paroles
8610 Shoal Creek Blvd.
PO Box 13401, Capitol Station
Austin, TX 78711
USA

**Telegrams: Texas Board Pardons/Paroles, Austin, Texas
78711, USA**

Telex: 910 874 1340

Fax: +(512) 459 2735

[Salutation: Dear Board Members]

The Honourable Ann Richards
Governor of Texas
Office of the Governor

PO Box 12428
Austin, TX 78711
USA

Telegrams: Governor Richards, Austin, Texas 78711, USA

Telex: 910 874 1340

Fax: +(512) 463 1849

[Salutation: Dear Governor]

COPIES TO:

diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 27 January 1992.