

EXTERNAL (for general distribution)

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Death Penalty

8 January 1992

USA (Arkansas):

Ricky Ray RECTOR

Ricky Ray Rector is scheduled to be executed by the state of Arkansas on 24 January 1992. Rector, who is black, was convicted in 1982 of the murder in November 1981 of Bob Martin, a white police officer who was investigating Rector's involvement in another homicide.

After shooting Bob Martin, Rector attempted to take his own life by shooting himself in the head. The bullet wound, and subsequent surgery to remove the bullet from Rector's head resulted in a frontal lobotomy (the loss of a three-inch section of his brain), leaving him mentally impaired. He suffered memory loss and medical examinations revealed him to be severely limited in his mental capacity. He was found to be unable to recognize or communicate facts, and thus unable to assist his attorneys in his defence.

On 24 June 1991, the US Supreme Court denied Rector's final petition for federal review of his conviction and death sentence. Justice Thurgood Marshall dissented in a lengthy opinion, three days before he retired from the Court. Justice Marshall argued that the Court should have granted review of Rector's petition in order to decide a comprehensive definition of insanity or mental incompetence for execution. He concluded, "Unavoidably, the question whether such persons can be put to death once the deterioration of their faculties has rendered them unable even to appeal to the law or the compassion of the society that has condemned them is central to the administration of the death penalty in this Nation."

Amnesty International is concerned that Ricky Rector's execution may be in contravention of 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."

The Governor of Arkansas has full clemency authority. However, all clemency applications are referred to the Board of Pardons and Paroles for investigation and recommendation. The Arkansas Pardons Board will meet to consider a clemency application on behalf of Ricky Rector on 14 January 1992.

BACKGROUND INFORMATION

At the end of 1991 there were 36 prisoners under sentence of death in Arkansas. The method of execution is either electrocution or lethal injection. Two

prisoners have been executed in Arkansas under its current death penalty statute. They were John Swindler and Ronald Gene Simmons who were both executed in June 1990.

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

To the Governor, and to the Pardons Board:

- Urging that clemency be granted to Ricky Rector, and his death sentence commuted;
- Making reference to the fact that Rector is reported to be severely mentally impaired.

APPEALS TO

1) The Honorable Bill Clinton
Governor of Arkansas
250 State Capitol Building
Little Rock, AR 72201
USA

Telegrams: Governor Clinton, Little Rock, AR 72201, USA
Telephone: + 501 682 2345
Faxes: + 501 682 1382

Salutation: Dear Governor

2) Arkansas Board of Pardons and Paroles
PO Box 34085
Little Rock, AR 72203
USA

Telegrams: Board Pardons/Paroles, Little Rock, AR 72203, USA
Telephone: + 501 682 3850
Faxes: + 501 682 3860

Salutation: Dear Board Members

COPIES TO: diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY: TO REACH THE BOARD OF PARDONS BY 14 JANUARY, AND THE GOVERNOR BY 23 JANUARY. Check with the International Secretariat, or your section office, if sending appeals after 23 January 1992.