

EXTERNAL (for general distribution)

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EXTRA 11/93

Death Penalty

8 February 1993

USA (Louisiana): Robert SAWYER, white, aged 42

Robert Sawyer is scheduled to be executed by the state of Louisiana, USA, on 5 March 1993. He was sentenced to death on 16 October 1980 for his role in the 1979 murder of Frances Arwood, a white woman. A co-defendant in the crime was given a life sentence.

Robert Sawyer has a history of mental retardation and brain damage, which were detected very early in his life. At school he was placed in special education classes for the mentally retarded, and in early adolescence was committed to a mental hospital. According to hospital records, Mr Sawyer was diagnosed "moderately retarded" and suffering from chronic brain disorder. Mr Sawyer's present IQ is 68 (a person of average intelligence has an IQ of 100).

According to reports, Sawyer grew up in a disturbed family environment, suffering beatings at the hands of his father, which probably contributed to his brain damage, and an attempt by his mother to kill him when he was a small baby. His mother committed suicide shortly after this incident.

None of this evidence was presented to the jury at the sentencing phase of Sawyer's trial because his trial lawyer allegedly made no investigation of his background. Consequently, the jury was unable to take these factors into account in their determination of whether to impose a sentence of death or life imprisonment. Sawyer was found competent to stand trial by psychiatrists from a court-appointed sanity commission who apparently spent less than thirty minutes examining him. It was only when new lawyers took up Sawyer's case in 1990 that evidence relating to Sawyer's severe mental impairment came to light. Sawyer was subsequently evaluated by a neurologist, psychiatrist and psychologist whose diagnoses corroborated those of Sawyer's earlier hospital records.

On 11 November 1991, four days before Sawyer was scheduled to be executed, the Louisiana Board of Pardons and Paroles recommended by 3 votes to 2 in favour of clemency after hearing extensive testimony regarding Sawyer's mental handicaps. However, the then Governor of Louisiana, Buddy Roemer, rejected the Board's recommendation, and ordered the execution to proceed. On 15 November 1991, the United States Supreme Court granted a last minute stay of execution so it could consider an appeal filed by Sawyer's lawyers for federal habeas corpus relief, claiming that "no reasonable juror" would have found him eligible for a death sentence if they had been given the additional information about his case. On 22 June 1992, the US Supreme Court ruled against the appeal. (For further details see EXTRA 52/91, AMR 51/28/91 of 16 August 1991 and follow-ups AMR 51/30/91 of 22 August 1992, AMR 51/55/91 of 8 November 1991 and AMR 51/60/91 of 20 November 1991)

After Sawyer's parole board hearing in November 1991, a member of the original trial jury came forward and admitted that had he known of Sawyer's mental retardation and brain damage he would never have voted for the death penalty, but would have voted for a life sentence. (In Louisiana, if one juror votes for a life sentence, the judge must sentence the defendant

to life).

BACKGROUND INFORMATION

If executed, Robert Sawyer would be the first prisoner in Louisiana to be executed by lethal injection. The state's previous method of execution was the electric chair. The most recent execution in the state was that of Andrew Lee Jones, black, on 22 July 1991. As of October 1992, there were 40 prisoners under sentence of death in Louisiana.

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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.

Amnesty International is additionally concerned in this case that Robert Sawyer's execution may contravene United Nations Economic and Social Council (ECOSOC) safeguards protecting the rights of persons facing the death penalty. ECOSOC Resolution 1989/64, adopted in May 1989, recommends among other things "...eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence, whether at the state of sentence or execution."

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

In appeals to the Governor:

- expressing concern that Robert Sawyer is scheduled to be executed on 5 March 1993 and urging the Governor to follow the clemency recommendation made by the Board of Pardons and Paroles in November 1991 by commuting his sentence of death;

In appeals to the Board of Pardons and Paroles:

- expressing concern that Robert Sawyer is scheduled to be executed on 5 March 1993 and urging the Board to recommend that the Governor grant clemency to him;

In appeals to both:

- expressing deep concern that, because of poor legal representation, Sawyer's history of mental illness/mental retardation was not heard by the jury responsible for sentencing him to death as mitigating factors in their determination of whether to seek a sentence of death or life imprisonment;

- noting that one of the jurors responsible for sentencing Sawyer to death has recently admitted that had he been aware of Sawyer's mental impairments he would have voted against the death penalty; pointing out the likelihood, therefore, that the jury would not have sentenced him to death had they been made aware of his mental handicaps;

- citing the UN ECOSOC safeguard which calls on states not to execute persons suffering from mental retardation or extremely limited mental competence; suggest that there is ample evidence that Robert Sawyer falls into this category.

APPEALS TO

1) The Honorable Edward Edwards
Governor of Louisiana
PO Box 94004
Baton Rouge, LA 70804-9004
USA

Faxes: + 1 504 342 7099

Salutation: Dear Governor

**Telegrams: Governor Edwards, Baton Rouge,
LA 70804-9004, USA**

Telephone: + 1 504 342 7015

2) Cynthia Fayard (female)
Chair, Louisiana Board of Pardons and
Paroles
504 Mayflower Street
Baton Rouge, LA 70802, USA
**Telegrams: Louisiana Pardons Board, Baton
Rouge, LA 70802, USA**
Faxes: + 1 504 342 6593
Telephone: + 1 504 342 5421

Salutation: Dear Ms Fayard

PLEASE SEND COPIES OF YOUR APPEALS TO:

Newspaper:
The Letters Editor
Times Picayune
3800 Howard Avenue
New Orleans, LA 70140
USA

and to diplomatic representatives of the USA accredited to country.

PLEASE SEND APPEALS IMMEDIATELY TO ARRIVE BY 5 MARCH 1993.