

USA Juan Raul GARZA, aged 43

Juan Raul Garza is set to become the first prisoner put to death in the USA under federal law since 1963. The US Supreme Court denied his final appeal in November 1999, and the government could now set a date for his execution at any time.

Juan Raul Garza was convicted in 1993 of three murders committed in the context of a marijuana trafficking operation based in Brownsville, Texas, on the border with Mexico. At the sentencing stage of his trial, the prosecution, arguing for a sentence of death rather than life imprisonment without the possibility of parole, introduced evidence that Juan Raul Garza had committed four other murders in Mexico. The Mexican authorities had never solved these crimes, and the US Government sent agents to Mexico to investigate them. The prosecution - with no physical evidence linking Garza to the crimes, for which he had never been prosecuted or convicted - relied instead on the testimony of three accomplices in the Brownsville drug ring, who were offered reduced sentences in return for their testimony.

Lawyers for Juan Raul Garza have taken his case to the Inter-American Commission on Human Rights (IACHR), claiming that the US government violated his right to a fair trial by introducing this evidence, which the defence team could not effectively challenge. It is the only case since executions resumed in the USA in 1977 in which evidence of unsolved, unadjudicated crimes in a foreign country has been used to secure a death sentence. On 27 January 2000, the IACHR asked the US government not to allow Juan Raul Garza's execution to proceed until it had examined the case and issued its judgement as to whether his rights under the inter-American system of human rights protection have been violated.

BACKGROUND INFORMATION

No prisoner has been executed under US federal capital laws since Victor Feguer was hanged in Iowa in 1963. In contrast, 600 prisoners have been executed since 1977 under state laws. In replies to Amnesty International's concerns about the repeated violations of international standards by individual US states in their use of the death penalty, the federal government has consistently denied any responsibility. It cannot hide behind the argument of "states' rights" in this way when challenged about the pending execution of Juan Raul Garza.

At the end of 1999 there were 21 prisoners on federal death row in Terre Haute, Indiana, where the method of execution is lethal injection. Of these inmates, 14 were black, five white, one Asian and one, Juan Raul Garza, who is Latino. The US military has eight prisoners under sentence of death, of whom five are black, one white, and two Asian. In February 2000 it was revealed that during 1999 the US Justice Department had begun a review into whether there are any inappropriate racial disparities in federal death sentencing. However, the scope and methodology of this study have not been made public. Amnesty International believes that they should be.

President Clinton, who has the power of executive clemency in federal death penalty cases, is under pressure to impose a moratorium on federal executions. This pressure has intensified since Illinois Governor George Ryan announced on 31 January 2000 that he was imposing a moratorium on executions in his state

because of its "shameful" record of wrongful convictions. Senator Feingold, who in 1999 introduced a bill to abolish the federal death penalty, on 2 February 2000 urged President Clinton to introduce a moratorium on federal executions. The President is said to be considering the request. On 10 February, the City Council of Philadelphia (the fifth largest US city) adopted a resolution calling for a moratorium on executions in Pennsylvania until the system can be shown to be fair and free from racial bias. A recent study showed that black capital defendants were four times more likely to be sentenced to death than whites, after taking other factors into account.

On 13 February, the Reverend Philip Wogaman, senior minister at the Foundry Methodist Church in Washington DC, reportedly added his voice to calls for a moratorium in a service attended by President Clinton: "Maybe there are circumstances in which historically one can justify [the death penalty]. I'm not sure there are anymore. I hope we will be in for a season of serious reexamination of that issue."

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters, in your own words using the following guide, in English or your own language:

- expressing deep concern that a date may soon be set for Juan Raul Garza's execution, explaining that you do not condone the crime of which he was convicted or seek to belittle its consequences for the victims and their families;
- expressing concern at the prosecution's use of unadjudicated crimes in Mexico in their pursuit of the death penalty at Mr Garza's 1993 trial, the only time that this has occurred in a modern US capital trial;
- urging that the US government comply with the request made by the Inter-American Commission on Human Rights on 27 January 2000 that the execution not proceed before it has examined and ruled on the case;
- noting the that the Governor of Illinois has imposed a moratorium on executions due to serious concern about the fairness of capital convictions in his state (you may also note the Philadelphia resolution);
- noting reports that the US Justice Department is conducting a review into race and the federal death penalty and urging that the methodology and scope of this study be made public;
- noting the worldwide trend towards abolition of the death penalty, and US claims to be a progressive force for human rights in the world;
- noting that the USA has not executed a prisoner under federal law since 1963, and urging the President to grant clemency to Juan Raul Garza and to impose an immediate moratorium on federal executions as a first step in leading the USA away from its use of this cruel and fallible punishment.

APPEALS TO:

President Bill Clinton
The White House
Office of the President
1600 Pennsylvania Avenue
Washington DC 20500, USA

Fax: +1 202 456 2461

Telegrams: President Clinton, Washington, USA

Salutation: Dear Mr President

COPIES TO:

The Honourable Janet Reno, Attorney General, Department of Justice, 950 Pennsylvania Avenue, N.W., Room 440, Washington DC 20530, USA

Fax: +1 202 514 4371

Salutation:Dear Attorney General

and to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 1 May 2000.