

EXTERNAL (for general distribution

AI Index; AMR 51/35/90
Distr: UA/SC

5 September 1990

Further information on UA 183/90 (AMR 51/18/90, 10 May 1990, and follow-ups AMR 51/23/90 (21 June) and AMR 51/31/90 (1 August) - Death Penalty

USA: (Louisiana) Frederick Kirkpatrick

=====

Frederick Kirkpatrick, who was scheduled to be executed on 20 June this year and received a stay is now scheduled to be executed in Louisiana on 19 September 1990. It is feared that this execution will go ahead as planned.

Frederick Kirkpatrick, white, aged 34, was convicted of the murder on 28 January 1982 of a white man and was sentenced to death on 10 November 1982.

Kirkpatrick was offered life imprisonment if he pleaded guilty but he refused to do so arguing that the murder had been carried out in self-defence.

Mr Kirkpatrick's lawyer, who had reportedly done no previous preparation for the trial, realised two days after the trial had begun that he was a friend of the victim's family. He asked to be removed from the case, but this request was denied. During the trial, he told the jury that in his view they would be "justified" if they voted for the death penalty, which they did. Kirkpatrick's co-defendant, represented by a different lawyer, got a life sentence.

Mr Kirkpatrick's case is now represented at the appeal stage by another attorney who is currently presenting appeals on a number of issues. One of these issues is that Louisiana's electric chair could easily malfunction and in so doing torture the person being executed. This is the first time that this issue has been raised as a matter of concern in Louisiana.

As of 30 May 1990 there were 32 prisoners under sentence of death in Louisiana. The most recent person to be executed in the state was Dalton Prejean on 18 May 1990.

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/Telephone calls:

- urging that clemency be granted to Frederick Kirkpatrick by commuting his death sentence.

APPEALS TO:

The Hon. Charles Roemer Telegrams: Governor Roemer, Baton Rouge
Governor of Louisiana Louisiana 70804, USA
State Capitol Telephone: (504) 342 7015
Baton Rouge, LA 70804 FAX: (504) 342 0909
USA Telex: 5109933256

Louisiana Board of Pardons and Paroles
504 Mayflower Street Telegrams; Louisiana Pardons Board, Baton
 Baton Rouge, LA 70802 Rouge, Louisiana
USA Fax: (504) 342 6593

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

PLEASE SEND APPEALS TO ARRIVE BY 18 SEPTEMBER 1990.