

EXTERNAL (for general distribution)

AI Index: AMR 51/41/93

Distr: UA/SC

13 May 1993

Please bring this action to the attention of the person responsible for outreach work in your section to encourage appeals from medical professionals.

Further information on EXTRA 100/92 (AMR 51/121/92, 17 November 1992) and follow-up AMR 51/125/92, 2 December 1992 - Death Penalty

USA (Missouri): Bobby Lewis SHAW, 43 (not Robert as was previously stated)

Bobby Shaw is scheduled to be executed in Missouri, USA, on 9 June 1993.

Bobby Shaw was previously scheduled to be executed on 3 December 1992 but was granted a stay of execution to allow for an evaluation of his mental condition. A hearing was held before a judge in March 1993. On 13 April, the judge ruled that Bobby Shaw had sufficient understanding to meet the test of competency to be executed under state law, a finding which was disputed by a number of mental health experts who testified at the hearing.

Bobby Shaw, who is black, was sentenced to death in November 1980 for the murder of a white prison officer in July 1979. At the time of the crime he was serving a life sentence for the murder of his sister's boyfriend. Bobby Shaw has a history of mental illness and mental retardation. He was first treated for psychotic episodes while in prison for attempted robbery in 1974 when he was placed on the anti-psychotic drug Mellaril. He exhibited continued symptoms of mental illness after his release in 1975. He has since been diagnosed as suffering from dementia, schizophrenia and brain damage. Tests show him to be borderline mentally retarded, with a full scale IQ of around 73.

Despite his history, Bobby Shaw was reportedly given no mental evaluation before the trial for the murder of his sister's boyfriend. Although his low IQ was mentioned at his capital murder trial, his court-appointed lawyer conducted no investigation into his mental history and did not learn that he had been treated for psychotic episodes or that he had been placed in special education classes at school. The court-appointed psychiatrist who interviewed him before trial was also not given full information about his background and has since revised his conclusion that Bobby Shaw was mentally competent to stand trial and has stated that he now believes that Bobby Shaw "was suffering from the early stages of dementia, and possibly the early onset of schizophrenia" (affidavit of Dr S Parwarker dated 17 March 1993).

Amnesty International is concerned that Bobby Shaw's execution would contravene the United Nations Economic and Social Council Resolution 1989/64, adopted in May 1989, which recommends "eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence".

Bobby Shaw was brought up in acute poverty in one of the poorest counties in Missouri. One of nine children, he worked long hours as a small child for a pittance picking cotton or beans on farms. Although Bobby Shaw was very slow and had learning problems at school, his disability was not identified until he was 16, after schooling was desegregated and shortly before he left school altogether.

Page 2 of 2FU EXTRA 100/92

BACKGROUND INFORMATION

As of January 1993 there were 84 prisoners on death row in Missouri. The method of execution is lethal injection. Missouri has executed eight prisoners under its present laws. The last prisoner to be executed was Martsay Boulder in January 1993.

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

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters in English or your own language:

Appeals to Governor Carnahan:

- urging that he grant clemency to Bobby Shaw and commute his death sentence to one of imprisonment;

Appeals to the Board of Pardons and Paroles:

- urging that they recommend that the Governor grant clemency to Bobby Shaw;

Appeals to both:

- expressing concern that Bobby Shaw is scheduled to be executed on 9 June 1993;

- expressing concern that Bobby Shaw is borderline mentally retarded and has been diagnosed as suffering from mental illness. Cite the relevant international standard.

APPEALS TO

1) The Honorable Mel Carnahan
Governor of Missouri
PO Box 720
Jefferson City
MO 65102, USA

Salutation: Dear Governor

Telegrams: Governor Carnahan, Jefferson City, MO 65102, USA

Faxes: + 1 314 751 2128

Telephone: + 1 314 751 3222

2) Mr Cranston Mitchell
Chairman
Missouri Board of Pardons and Paroles

Salutation: Dear Mr Mitchell

PO Box 267
Jefferson City
MO 65102, USA

**Telegrams: Chairman Mitchell, Missouri Pardon Board, Jefferson City,
MO 65102, USA**

Faxes: + 1 314 751 4099

Telephone: + 1 314 715 2389, + 1 314 715 4949

COPIES TO

Newspaper:
Kansas City Star
1729 Grand Avenue
Kansas City
MO 64108, USA

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 9 June 1993.