

EXTERNAL

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EXTRA 87/96

Death Penalty

10 June 1996

USA (NEBRASKA) John JOUBERT

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John Joubert, white, is scheduled to be executed in Nebraska on 28 June. He was sentenced to death in 1984 for the murders of Danny Joe Eberle and Christopher Walden. Joubert has been previously scheduled for execution in 1988, 1990 and 1991: all three dates were stayed by appeal courts.

The power to grant clemency in Nebraska rests with the State Board of Pardons. The Board comprises three members: Nebraska's Governor, Secretary of State and Attorney General. The Attorney General, as the legal official responsible for prosecuting capital cases on appeal, cannot be said to be impartial in his role as one of the members of the panel considering clemency. The present Attorney General, Don Stenberg, recently held a press conference during which he said of Joubert "There is no killer on death row for whom the death sentence is more appropriate. It is unfortunate that 11 years have already been consumed in the courts in this case...However, justice, which has been long delayed in this case, will now, hopefully, soon be done." Amnesty International believes that these comments indicate that the Attorney General has already decided against granting clemency before the clemency petition has been presented by Joubert's attorneys.

The Board of Pardons will decide whether or not to grant clemency to John Joubert a few hours before his scheduled execution on 28 June.

#### **BACKGROUND INFORMATION**

As of 31 January 1996, there were 10 prisoners under sentence of death in Nebraska. The only prisoner to be executed under the state's current death penalty laws was Harold "Wili" Otley on 2 September 1994. The method of execution is electrocution. Otley was the first prisoner to be executed in the state since 1959.

Amnesty International opposes the death penalty unconditionally as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

#### **RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in ENGLISH or your own language:**

- expressing concern that John Joubert is scheduled to be executed on 28 June 1996; at the same time expressing concern and sympathy for the victims of violent crime and their families;
- urging the Board of Pardons to grant clemency to John Joubert by commuting his death sentence;
- expressing concern at the clear conflict of interest in the role played by the office of the Attorney General in prosecuting cases on appeal, and his role as one of the three members of the Board of Pardons, and that his statements at the press conference referred to above indicate that he has pre-judged Joubert's case for clemency before it has been presented.

#### **APPEALS TO:**

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Governor Ben Nelson  
State Capital

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**Salutation: Dear Governor**

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**Salutation: Dear Attorney General**

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**PLEASE SEND APPEALS IMMEDIATELY.**