

EXTRA 47/95

Death Penalty

1 May 1995

USA (Alabama)

Varnall WEEKS

---

Varnall Weeks, black, is scheduled to be executed in Alabama on 12 May 1995. He was sentenced to death in 1982 for the murder of Mark Batts.

Varnall Weeks has been diagnosed as being severely mentally ill and is suffering from "longstanding paranoid schizophrenia." Psychologists testifying for both the state and the defence agree that he suffers from pervasive and bizarre religious delusions. Weeks believes that he is God, that his execution is part of a millennial religious scheme to destroy mankind, and that he will not die but rather will be transformed into a tortoise and will reign over the universe. In January 1995, Weeks covered himself in his own faeces and ran around his cell mouthing meaningless sounds.

In a ruling given on 25 April 1995, an Alabama judge acknowledged these facts, finding that Weeks believes that "he is God in various manifestations, such as God the Father, Jesus Christ and Allah" and that he is "schizophrenic paranoid" and "suffers from delusions". The ruling went on to say that Weeks is "insane" according to "the dictionary generic definition of insanity" and what "the average person on the street would regard to be insane". However, the judge ruled that the electrocution could proceed because Weeks' ability to answer a few limited questions about his execution proved that he was legally 'competent'.

In 1974, Weeks was committed to a state mental hospital and diagnosed as suffering from paranoid schizophrenia. However, the court-appointed attorney representing Weeks failed to obtain or present any evidence regarding his mental health.

The judge sentencing Weeks to death found no mitigating circumstances that might support the only alternative punishment of life imprisonment without the possibility of parole. Mental health problems are normally recognised as a mitigating factor in capital trials. Subsequent appeal-courts have not examined whether the original trial-court failed in its duty to include Weeks' mental condition as a mitigating factor.

Amnesty International is concerned that the execution of Varnall Weeks may be contrary to the safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the United Nations Economic and Social Council (ECOSOC) in May 1989 (Resolution 1989/64), which recommends "*eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence, whether at the stage of sentence or execution.*" Resolution 1984/50, adopted in May 1994, also states "*the death penalty shall not be carried out on persons who have become insane.*"

#### **BACKGROUND INFORMATION**

As of 31 January 1995, 134 prisoners were under sentence of death in Alabama. The last prisoner to be executed was Willie Clisby, black, on 28 April 1995.

Of the 11 prisoners executed in Alabama since 1983, eight were black (73 per cent). Blacks make up 43 per cent of Alabama's death row. The method of execution is electrocution. The Governor of Alabama has full clemency authority.

Amnesty International opposes the death penalty unconditionally as a violation to 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 telephone, or send telegrams/faxes/express/airmail letters in English if possible:**

- expressing deep concern that Varnall Weeks is scheduled to be executed on 12 May 1995, and urging Governor James to grant him clemency and commute his sentence of death;
- expressing sympathy for the victims of violent crime and their families;
- expressing deep concern that evidence concerning Varnall Weeks' severe mental illness, which would have been a mitigating factor, appears not to have been acknowledged by the judge that sentenced him to death; make references to the ECOSOC guidelines;
- expressing your opposition to the death penalty in all cases.

**APPEALS TO:**

State Governor

The Honorable Fob James  
Governor of Alabama  
State Capitol  
600 Dexter Avenue  
Montgomery, AL 36130

**Telegrams: Governor James, Montgomery, Alabama, USA**

**Telephone: +1 205 242 7100**

**Faxes: +1 205 242 4541**

**Salutation: Dear Governor**

**COPIES OF YOUR APPEALS TO:**

The Letters Editor

Montgomery Advertiser  
PO Box 1000  
Montgomery, AL 36101

**Faxes: +1 205 261 1502**

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

**PLEASE SEND APPEALS IMMEDIATELY.**