

EXTERNAL (for general distribution)

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Death Penalty

2 November 1994

USA (Nebraska)

Robert Williams

Robert Williams, black, is scheduled to be executed in Nebraska on 16 November 1994. Williams was sentenced to death in June 1978, for the rape and murder of Catherine Brooks, and the murder of Patricia McGarry, both white, on 11 August 1977.

Williams' death sentence in the McGarry case has since been overturned on appeal, but he is still scheduled to be executed for the murder of Catherine Brooks.

BACKGROUND INFORMATION

Nebraska carried out its first execution in over 35 years on 2 September 1994, when the state executed Harold Lamont 'Wili' Otey. As of 20 April 1994 there were 10 prisoners under sentence of death in Nebraska. The method of execution is electrocution.

In Nebraska the trial judge is wholly responsible for determining whether the death penalty is appropriate, based on a balancing of "aggravating" and "mitigating" factors. Concern has been expressed that this may result in subjective decisions.

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 its Attorney General. The involvement of the Attorney General in the state's clemency decision-making process has been criticised on the grounds that the Attorney General is not an objective party.

Amnesty International is concerned that the death penalty in the USA is disproportionately imposed on the basis of race. Racial disparities in death sentencing in the USA as a whole are borne out by the findings of many research studies, and confirmed by the findings of the General Accounting Office (GAO), an independent agency of the federal government, in 1990. The GAO review found that persons convicted of the murder of white victims are far more likely to be sentenced to death than those convicted of black-victim homicides. These racial disparities remained after all other legally relevant factors had been taken into account. Studies have also shown that blacks who kill white victims are significantly more likely to receive the death penalty than whites who kill whites.

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

RECOMMENDED ACTION: Please telephone, or send faxes, telegrams or express mail, in English if possible:

- expressing deep concern that Robert Williams is scheduled to be executed on 16 November;
- urging the Board of Pardons to grant clemency to Robert Williams by commuting his death sentence;
- expressing your and Amnesty International's 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;

- expressing your and Amnesty International's deep concern that in the USA the death penalty is applied in a racially discriminatory manner, a fact borne out by many research studies.

APPEALS TO

Nebraska Board of Pardons

801 West Van Dorn

Lincoln, NE 68509-4754, USA

Telegrams: Board of Pardons, Lincoln, Nebraska

Telephone: +1 402 471 2156

Faxes: +1 402 479 5119 (Mark for attention of Nebraska Board of Pardons)

Salutation: Dear Board Members

COPIES OF YOUR APPEALS TO

Lincoln Journal-Star

Box 81689

Lincoln, NE 68501, USA

Faxes: +1 402 473 7291

Omaha World Herald

World Herald Square

Omaha, NE 68102, USA

Faxes: +1 402 444 1299

and to diplomatic representatives of the USA accredited to your country

PLEASE SEND APPEALS IMMEDIATELY.