

USA (California) Jaturun SIRIPONGS, Thai national, in his 40s

Jaturun Siripongs is scheduled to be executed in California on 17 November 1998. He was sentenced to death in 1983 for a double murder committed during a robbery at Pantai market in Garden Grove, Orange County, California, in December 1981, 18 months after he arrived in the USA from Thailand.

After his arrest, Jaturun Siripongs should have been informed of his right to contact and seek assistance from the Thai Consulate, as provided by Article 36 of the Vienna Convention on Consular Relations, ratified by the USA in 1969. However, like most of the more than 60 other foreign nationals currently on death row in the USA, he was not informed of this right. Amnesty International believes that, in a capital justice system prone to race and class-based bias, in which sentencing can depend more on a defendant's lawyer than on their crime, access to consular resources and legal expertise can make the difference between life and death.

Jaturun Siripongs' lawyer called no witnesses during the trial, choosing to exclude evidence that an accomplice might have been involved in the killings.

At the sentencing phase of the trial he called no character witnesses to provide mitigating evidence, including the facts of Jaturun Siripongs's childhood, which was marked by extreme poverty and physical, emotional and sexual abuse.

Since he has been in prison, Jaturun Siripongs is reported to have been a model prisoner, studying Buddhism and becoming an accomplished artist.

Surachai Wattanaporn, the widower of one of the two people killed in the 1981 crime, is reported to have written to Governor Wilson appealing for clemency: "As a Buddhist, I do not seek revenge for my wife's death, and ask you to consider exercising mercy in this case." The widow of the second murder victim is also said to be opposed to the execution.

The Royal Thai government is reported to have requested that Governor Wilson commute Jaturun Siripongs' death sentence.

BACKGROUND INFORMATION

The violation of the rights of foreign nationals arrested on capital charges in the USA came to international attention in April 1998, when Ángel Francisco Breard, a Paraguayan national denied his rights under Article 36 of the Vienna Convention on Consular Relations, was executed in Virginia despite a ruling by the International Court of Justice that the execution be suspended. This ruling was binding under international law.

Earlier in the year, Amnesty International had called upon the US federal authorities to impose a moratorium on the execution of foreign nationals to allow the US State Department to assess the impact of Vienna Convention violations in such cases.

In California, the Governor has sole power to grant clemency. There are currently 517 people under sentence of death in the state, the largest death row in the USA. Five prisoners have been executed in California since 1977, most recently Thomas Thompson on 14 July 1998. In the same period, 486 inmates have been

put to death nationwide. The most recent execution, that of Ronald Lee Fitzgerald in Virginia, was carried out on 21 October.

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

to the Governor:

- expressing deep concern that Jaturun Siripongs is scheduled to be executed on 17 November, and urging that his death sentence be commuted to a more humane alternative;
- expressing sympathy for the victims of violent crime and their families, but noting that an increasing number of families of murder victims in the USA are speaking out against the death penalty, saying that it does not help them in their loss and only compounds the brutality;
- noting that Jaturun Siripongs' rights under Article 36 of the Vienna Convention on Consular Relations were violated after arrest, and that, at the very least, the execution should be stayed to assess the impact of this violation on the outcome of his trial.

To Secretary of State Albright:

- expressing deep concern that another foreign national, Jaturun Siripongs, is due to be executed in the USA after his rights under Article 36 of the Vienna Convention on Consular Relations were violated;
- calling on the federal authorities to do everything in their power to stop this execution, and to enforce a moratorium on the execution of foreign nationals in order to assess the impact of Vienna Convention violations on their trials;
- asking what measures the State Department has taken since the execution of Ángel Francisco Breard in April 1998 to ensure that such violations do not continue.

APPEALS TO:

State Governor

The Honorable Pete Wilson
State Capitol, 1st Floor
Sacramento, CA 95814, USA

Telegrams: Governor Wilson, Sacramento, California, USA

Faxes: + 1 916 445 4633

Salutation: Dear Governor

US Secretary of State

The Honorable Madeleine Albright
Office of the Secretary of State
2201 C Street, N.W.

Washington DC 20520, USA

Telegrams: Secretary of State Albright, Washington DC, USA

Faxes: + 1 202 647 1533

Salutation: Dear Secretary of State

COPIES TO:

Editor, *Fresno Bee*, 1626 E St, Fresno, CA 93786, USA. **Faxes: + 1 209 441 6436**

and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.