

EXTERNAL (for general distribution)

AI Index: AMR 51/97/92
Distr: UA/SC

Please bring this action to the attention of the person responsible for outreach work in your section. Appeals from religious organizations and Canadians are considered to be particularly useful.

24 August 1992

Follow-up to EXTRA 25/92 (AMR 51/33/92, 9 March 1992), and follow-ups AMR 51/37/92, 16 March 1992; AMR 51/44/92, 30 March 1992; AMR 51/49/92, 10 April 1992; AMR 51/62/92, 5 May 1992, AMR 51/74/92, 5 June 1992, and AMR 51/95/92, 6 August 1992 - Death Penalty

USA (Texas): Joseph FAULDER (Canadian)

Joseph Faulder, who was scheduled to be executed by the state of Texas, USA, on 21 August 1992, has had his execution date modified to 23 October 1992. This is the fifth execution date that Joseph Faulder has received this year, and is considered to be extremely serious.

Following his conviction and death sentence, Joseph Faulder was not informed of his right to consult with a representative of the Canadian government. The Canadian government was not notified that he had been sentenced to death, which, his attorneys claim, violated his rights under international law. The Secretary of State for External Affairs for Canada, Barbara McDougall, has appealed to the Texas authorities for clemency for Joseph Faulder.

Joseph Faulder, white, now aged 54, was convicted of the murder of Inez Phillips, white, during a robbery at her home in 1975. Joseph Faulder's conviction for murder was reversed on appeal, but in 1981 he was again convicted and sentenced to death. At the time of his second trial, Joseph Faulder was examined by three psychiatrists for the prosecution who found that he was incapable of rehabilitation and should be sentenced to death.

It is alleged that Joseph Faulder's accomplice and another key state witness were paid a sum of money in exchange for their testimony against Joseph Faulder at trial. The accomplice was given a ten year probationary sentence.

Joseph Faulder's attorneys recently learned from his family that he had been diagnosed at the age of nine as suffering from brain damage as a result of a severe head injury. They also learned that he had begun drinking at the age of fourteen and became an alcoholic. Recent tests by a neuropsychologist for the defence, suggest that Joseph Faulder's brain damage may have impaired his ability to determine right from wrong at the time of the crime. Amnesty International is concerned at the failure of Joseph Faulder's court-appointed defence attorney to present any of this mitigating evidence to the sentencing jury at the trial.

Joseph Faulder's family in Canada, who had not heard from him for many years, thought that he was dead until they were contacted by his present attorneys

in November 1991 and informed of his situation. Joseph Faulder had assumed that his family were aware of his position and had disowned him.

BACKGROUND INFORMATION

As of April 1992, there were 349 prisoners under sentence of death in Texas.

Nine prisoners have been executed in the state so far this year, the most recent being Curtis Johnson on 11 August 1992. The method of execution is lethal injection.

page 2 of 7FU EXTRA 25/92...

Clemency has not been granted to any prisoner under sentence of death in Texas since the death penalty was reintroduced there in the mid-1970s. Under Texas' clemency rules, the governor may commute a death sentence only if she receives a favourable recommendation from a majority of the 18-member Board of Pardons and Paroles. The Board has convened only rarely to consider petitions for clemency (to Amnesty International's knowledge, the Board met once in 1987, and once in 1992). Their reluctance to hold full clemency hearings is a matter of great concern to Amnesty International.

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:

- referring to Joseph Faulder's history of brain damage and alcoholism, and expressing concern that this evidence was not heard by the jury responsible for sentencing Joseph Faulder to death;
- strongly urging the Board of Pardons and Paroles to convene and hold a full hearing into the new evidence uncovered by Joseph Faulder's attorneys as a result of tests by a neuropsychologist;
- asking the Board to recommend that Governor Richards grant clemency to Joseph Faulder by commuting his sentence of death;
- expressing grave concern that Joseph Faulder was not informed of his right to consult with a representative of the Canadian government and that the Canadian authorities were never informed of Joseph Faulder's imprisonment and death sentence.

APPEALS TO:

Texas Board of Pardons and Paroles
8610 Shoal Creek Boulevard, PO Box 13401
Capitol Station
Austin, TX 78711-3401
USA

Telegrams: Texas Board Pardons/Paroles, Austin, TX 78711, USA

Faxes: + 1 512 406 5231

Telephone: + 1 512 406 5852

Salutation: Dear Board Members

COPIES OF YOUR APPEALS TO:

The Honorable Ann Richards
Governor of Texas
Office of the Governor
PO Box 12428, Capitol Station

Austin, TX 78711

USA

Faxes: + 1 512 463 1849

Salutation: Dear Governor Richards

The Letters Editor

Austin-American Statesman

Box 670

Austin, TX 78767

USA

Faxes: + 1 512 445 3679

The Letters Editor

Houston Chronicle

801 Texas Avenue

Houston, TX 77002

USA

Faxes: + 1 713 220 7868

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

PLEASE SEND APPEALS IMMEDIATELY TO ARRIVE IN TEXAS BY 22 OCTOBER 1992.