

USA (Oklahoma) Sean SELLERS, aged 29

Sean Sellers is scheduled for execution on 4 February 1999 in Oklahoma for crimes committed when he was 16. His death sentence violates international law banning the death penalty for crimes committed by persons under 18. The USA has not executed a prisoner for a crime committed at 16 since 1959.

Sean Sellers was sentenced to death in 1986 for the murder of Robert Bower, a shop owner, in 1985, and of his own mother and stepfather in 1986. In 1992 three mental health professionals diagnosed Sean Sellers as having a childhood brain injury and Multiple Personality Disorder (MPD), a condition in which "alter" personalities manifest themselves in the sufferer.

In February 1998 a federal appeals court said that it was "*troubled by the extent of uncontroverted clinical evidence proving [Sean Sellers] suffers from [MPD]... and that the offenses were committed by an "alter" personality*". The court admitted that, if accepted by a jury, this evidence "*renders the person known as Sean Sellers actually innocent*". However, it said that it could not act unless Sean Sellers's claim of innocence was so great that no reasonable juror would convict. It ruled that, although the psychiatric evidence was "*clear, strong and supportive*", it was not able to know for sure that not one juror would vote to convict.

The court went on: "*We are not unmoved by [Sean Sellers's] dilemma. Nor are we unconvinced that given an opportunity by a state court he could not cast doubt on the propriety of the sentence he faces*". Yet the court stated that it was beyond its power to grant relief and it denied the appeal, noting that Sean Sellers still "apparently" had access to executive clemency. Governor Keating reportedly responded that he would never grant Sean Sellers clemency. International standards give all condemned prisoners the right to seek commutation, a right that is meaningful only if their appeals are seriously considered.

Sean Sellers's state appeals were exhausted in 1995 when the Oklahoma Court of Criminal Appeals ruled that his right to raise the claim of MPD had been waived because it could, and therefore should, have been raised at trial. This ruling contradicts the undisputed expert testimony that this claim could not have been raised at the trial because clinical tests for MPD had not yet been developed. The experts also provided evidence that it usually takes several years to establish that a person suffers from MPD.

Sean Sellers has been a model prisoner, apparently with no disciplinary record.

He has spent much of his adult life in H-Unit of Oklahoma State Penitentiary, where conditions of detention amount to cruel, inhuman or degrading treatment in violation of international standards. On or around 4 December he will be transferred to solitary confinement in a special "high-max" cell for the last 60 days of his life or until he receives a stay of execution (for more on this 60-day policy see UA 292/98, AMR 51/93/98, 10 November). He intends to write his life story while held in this cell.

BACKGROUND INFORMATION

The USA has executed nine juvenile offenders since 1990, all for murders committed when they were 17. The five other countries known to have executed

juvenile offenders in that time - Iran, Nigeria, Pakistan, Saudi Arabia and Yemen - have killed nine such prisoners between them.

Article 6(5) of the International Covenant on Civil and Political Rights (ICCPR), forbids the death penalty for crimes committed under 18. When the USA ratified the ICCPR, it reserved the right to continue this human rights violation. The UN Human Rights Committee has ruled that the US reservation to Article 6(5) is incompatible with the object and purpose of the ICCPR and should be withdrawn.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language, in your own words (please avoid mentioning AI or general anti-death penalty statements):

1. expressing deep concern that Sean Sellers is scheduled for execution for crimes committed when he was 16, and despite strong evidence that he suffers from a serious mental disorder only diagnosed after his trial and therefore not examined in state court;
2. noting that Sean Sellers has been an exemplary prisoner;
3. expressing sympathy for the victims of violent crime and their families;
4. urging that the Pardon and Parole Board recommend to the Governor to grant clemency;
5. expressing concern at reports that the Governor has said that he will not grant clemency to Sean Sellers, and urging him to reconsider and to give serious consideration to all the facts of the case.

APPEALS TO:

1. Oklahoma Pardon and Parole Board (**recommended actions 1-4 only**)
4040 N. Lincoln Street, Suite 219, Oklahoma City, OK 73105-5221, USA
Tel: +1 405 427 8601
Fax: +1 405 427 6648
Salutation: Dear Board Members

If you are able to, please write to individual board members:

Ms Susan Bussey, PO Box 636, Norman, OK 73070, USA
Mr M. Bradley Little, PO Box 720363, Norman, OK 73070, USA
Ms. Nadine McPherson, PO Box 720356, Oklahoma City, OK 73172-0356, USA
Mr. Ray H. Page (Chairperson), PO Box 289, Spavinaw, OK 73154-0831, USA
Ms. Ruby Smith, PO Box 18831, Oklahoma City, OK 73154-0831, USA

Please copy all appeals to Board or Board members to: Steve Presson (Sean Sellers's lawyer), PO Box 5392, Norman, Oklahoma 73070-5392, USA. (Fax: +1 405 447 1452; e-mail: smpresson@aol.com) (Board will meet in mid-January).

2. Governor Frank Keating (**recommended actions 1-3 & 5**)
212 State Capitol, Oklahoma City, OK 73105, USA
Fax: +1 405 521 3353
E-mail: governor@oklaosf.state.ok.us
Salutation: Dear Governor

COPIES TO: diplomatic representatives of USA accredited to your country.

If possible, please write short letters voicing your concern to:

The Editor, *Daily Oklahoman*, 9000 North Broadway, PO Box 25125, Oklahoma City, OK 73125, USA. **Fax: +1 405 475 3183 or +1 405 231 3513**

The Editor, *Tulsa World*, 315 South Boulder Avenue, Tulsa, OK 74103, USA. **Fax:**
+1 918 581 8353

PLEASE SEND APPEALS IMMEDIATELY.