

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AMR 51/103/2002 (Public)
News Service No: 110
28 June 2002

USA: Time to rethink the death penalty - 30 years after landmark court ruling

Politicians in the United States should use the 30th anniversary of *Furman v Georgia*, the Supreme Court decision which overturned the country's capital laws, to reflect upon the USA's increasingly isolated position on the death penalty and to begin to work towards its abolition, Amnesty International said today.

"US officials should be troubled by the damage that the death penalty inflicts on their country's reputation in an increasingly abolitionist world", Amnesty International said. "The failure of their predecessors to seize the opportunity presented by the *Furman* decision to lead their country away from judicial killing is coming home to roost 30 years on".

The *Furman v Georgia* ruling was handed down on 29 June 1972. It found that the arbitrary manner in which the death penalty was being applied rendered it unconstitutional. Although only two of the Justices found the death penalty unconstitutional *per se*, the ruling nevertheless overturned existing death sentences. However, instead of progressing towards abolition, the country's legislators set about rewriting their capital statutes. In 1976, the US Supreme Court upheld the new laws, and executions resumed in 1977 with the killing of Gary Gilmore in Utah.

"Nearly 800 executions later, the evidence continues to mount that the capital justice system is tainted by arbitrariness, discrimination and error", Amnesty International continued. "At the same time, the number of countries that have abolished the death penalty in law or practice has risen to 111, a clear majority worldwide".

The USA frequently violates international minimum safeguards in its pursuit of the death penalty, including in its use against people whose guilt remains in doubt; defendants denied their right to adequate legal representation; the mentally impaired; foreign nationals denied their consular rights; and child offenders -- those under 18 at the time of their crimes.

Last week the US Supreme Court finally ruled that the execution of people with mental retardation violates the Constitution. The ruling came 13 years after a resolution was adopted at the United Nations calling on all retentionist countries to abolish such use of the death penalty.

"US officials frequently promote their country as the world's most progressive force for human

rights", Amnesty International said. "Their continuing failure to put an end to the ultimate cruel, inhuman and degrading punishment starkly gives the lie to that claim".

Since judicial killing resumed in the USA in January 1977, 784 men and women have been put to death nationwide. More than 500 of these executions have occurred since 1995.

See: *USA: Wrong Turn - An international perspective on the 30th anniversary of Furman v. Georgia* (AMR 51/102/2002, 28 June 2002), available on www.amnesty.org

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