

UNITED STATES OF AMERICA

Killing Hope - The Imminent Execution of Sean Sellers

December 1998

AI Index: AMR 51/108/98

Distr: SC/CC/CO/DP

"If I could get on the stand and just tell them everything, including who I am today, I don't think they'd give me the death penalty." Sean Sellers 1998.

In the face of an overwhelming international legal and moral consensus that the death penalty should never be used against children, the USA is set to deepen its attachment to this particular human rights violation. For, on 4 February 1999, the State of Oklahoma intends to kill Sean Sellers for crimes committed when he was a 16-year-old boy.

International law prohibits the use of capital punishment against those who were under 18 at the time of the crime. The USA has executed 12 such prisoners since it resumed judicial killing in 1977. All of them were 17 at the time of the offence. Sean Sellers would be the first US prisoner executed for a crime committed at 16 since Leonard Shockley was put to death in Maryland on 10 April 1959.

In the 40 years since Leonard Shockley was taken to the gas chamber, the execution of child offenders has become virtually unknown outside of the USA. Since 1990, only five other countries are known to have carried out such executions - killing nine individuals between them. The USA alone has put to death that many child offenders in the same period, including the only three such executions known in the world in 1998. Some 70 other prisoners await their deaths on US death rows for crimes committed when they were 16 or 17.¹

The USA has made no secret of its intention to flout the international ban on the use of the death penalty against children. When it ratified the International Covenant on Civil and Political Rights in 1992, the US government reserved the right to ignore Article 6(5) which forbids this practice. The UN Human Rights Committee, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as 11 European governments, have all stated that the US reservation is incompatible with the object and purpose of the treaty. Yet repeated demands for it to be withdrawn and for this violation of international law to be stopped have gone unheeded.

¹ The US Supreme Court ruled in 1988 that children of 15 or younger at the time of the crime cannot be sentenced to death. In mid-1998, there were 16 inmates on death row for crimes committed at the age of 16, and 54 convicted of crimes committed at 17. For further information, see *On the Wrong Side of History: Children and the Death Penalty in the USA* (AMR 51/58/98, October 1998).

Every country apart from the USA and the collapsed state of Somalia has agreed to be bound by Article 37(a) of the Convention on the Rights of the Child which prohibits the use of the death penalty against those who commit crimes when under 18. The guiding principle of the Convention is that the "best interests of the child" should determine all procedures and justice systems affecting children. The overriding aim must be to give young people who are found guilty of a criminal offence the greatest possible chance of their eventual reintegration into society. The death penalty kills any hope of such an outcome.

Amnesty International opposes the death penalty in all cases, whatever the age of the offender. Every death sentence is an affront to human dignity; every execution, with its message that killing is an appropriate response to killing, compounds the violence in society. As the world gradually moves towards abolition, the USA continues to undermine this global trend, perhaps most markedly in its defiance of the ban on the death penalty against child offenders. Yet at the same time US political leaders proclaim their country to be the most progressive force for human rights in the world. The execution of Sean Sellers would reinforce the view that such claims are nothing more than arrant hypocrisy.

Sean Sellers' childhood

"I was inviting demons into my body, and I was hearing all these voices in my head... They were telling me stuff like, 'shoot the class, kill everyone in the class.' I thought it was really cool at first. Then I got to where I was losing touch with my emotions. I hadn't felt anything for so long. I couldn't cry anymore. I just felt empty inside. It wasn't so much hateful or angry as empty." Sean Sellers, 1998²

Sean Sellers was born in California on 18 May 1969 to a 16-year-old mother and an unstable alcoholic father, who were divorced when Sean was three or four years old. His mother, Vonda, then married a truck driver, Paul Bellofatto, and Sean would frequently be left with relatives while his mother and stepfather drove across country. At other times the couple would bring Sean to live with them. By the time he was 16 he had moved some 30 times and had become a boy who preferred isolation rather than face the inevitability of leaving friends. An intelligent child, he performed well at school, but became more and more emotionally disturbed and detached from reality.

Although reportedly close to his mother and stepfather, from an early age Sean Sellers was exposed to violence and humiliation within the family setting. He has said that he suffered beatings at the hands of his mother as well as his grandfather. An uncle

² Quoted in *"By reason of insanity"*, Phil Bacharach, Oklahoma Gazette, 1 April 1998

with whom he lived would make him go around in nappies when age 12 and 13 because he wet the bed. If he wet the bed two nights in a row, the uncle would make him wear a soiled nappy on his head all day.

Violence was apparently approved of and practised in Sean Sellers' family. His mother and stepfather always carried guns whenever they travelled. One of his uncles would take him hunting and try to teach the young boy to step on an animal's head and pull on its legs to kill it. Sean Sellers later recalled to a psychiatrist how he saw his uncle put an axe on a wounded racoon's head and pull on its legs until the head tore off. The young boy was frequently called a "wimp" by his uncle and chastised by his stepfather for refusing to take part in these violent acts.

At his future trial for murder, the jury would be left unaware of any of these details of his childhood.

When he was about six or seven, Sean Sellers said that he began to hear voices in his head, often criticizing him. At the time he thought all people heard such voices. For years he displayed extremely paranoid behaviour. He has described how he would fix threads to doors and brush the knap of the rug in one direction before he would leave his bedroom, in order to see if anyone entered the room. He was subject to extreme mood swings, sometimes euphoric, other times suicidally depressed. As a teenager he became obsessed with good and evil, god and satan.

He increasingly turned to satanism and by the time he was 15 and 16 Sean Sellers was practising satanic rituals on a daily basis. He would store vials of his blood in the refrigerator, some of which he drank at school. He would perform acts of self-mutilation, such as putting sharp objects into his scalp. He became involved with drugs, taking amphetamines in order to stay awake and carry out his rituals. When asleep he would dream of killing and mutilating people. At some point he began to have dreams in which he would kill his parents. Then on the night of 4/5 March 1986, reportedly after going without sleep for three days, taking speed and smoking marijuana, Sean Sellers fell asleep, woke up, took a gun and shot his mother and stepfather as they slept in their bed.

The trial

"You and only you have the power to stop Sean Sellers from killing again.... You don't kill anyone. What you do, you go out and you deliberate, and you decide, and if death is the appropriate verdict, you bring it back in this courtroom. That's all you do." State prosecutor, arguing to persuade jurors to sentence Sean Sellers to death, 1986

On 8 September 1985, six months before the killing of Vonda and Paul Bellofatto, a shop clerk named Robert Paul Bower had been shot dead at the Circle K convenience store in Oklahoma City. Sean Sellers was tried for all three murders. In the absence of any forensic evidence linking him to either crime, the prosecution's main evidence was provided by Sean Sellers' best friend, Richard Howard, who was with him at the time of Robert Bower's murder. Howard was also initially charged with first degree murder, but the state dismissed the charge and recommended that he be given a five-year suspended sentence in exchange for testimony against his friend. Howard claimed that Sean Sellers had said that he killed Robert Bower because he "wanted to see what it feels like to kill somebody." Howard then testified that in the early hours of 5 March 1986, Sean Sellers had come to his house and told him that he had killed his parents.

A psychiatrist testified at the trial that Sean Sellers was incapable of forming the intent necessary to commit first degree murder, because he was either insane (by not knowing the difference between right and wrong) or "legally unconscious" (suffering from automatism and not conscious of what he was doing) at the time of all three killings.

To rebut this, the prosecution provided testimony from a psychologist. The latter, who had briefly examined Sean Sellers to see if he should be kept in juvenile court but had not tested the boy to determine his sanity at the time of the crimes, was unable to rule out the possibility that the psychiatrist was correct in his assessment.

The trial jury was not instructed that Sean Sellers' age of 16 at the time of the crime **was** a mitigating circumstance. Instead, the jurors were asked to decide **whether** his age was a mitigating factor. The judge did not allow the defence to introduce expert testimony that juveniles are developmentally different to adults, on the grounds that all jurors would know this anyway. In contrast, the prosecutor was allowed to develop the notion of Sean Sellers as an adult: *"He's only 17 [Sellers was 17 by the time of the trial], but when he picked up that .357 he became a man. And he walked out and he blew Robert Paul Bower away. And when he picked up that .44 Special, he became a man again. And he walked in and he blew Lee and Vonda Bellofatto into another world. He's acted like a man, he's going to have to stand up here like a man."*

Nor did the judge permit expert testimony that the length of a life sentence in Oklahoma meant at least 15 years in prison without parole. The defence had wished to counteract recent local newspaper articles suggesting that life imprisonment meant release in under half that time.

The judge refused to give the jury the option of finding Sean Sellers guilty of first-degree manslaughter if they had doubts about his ability to form the requisite intent for murder. This left jurors two options: to find Sean Sellers guilty of first-degree murder or to acquit him. Having concluded that he was guilty and a continuing threat to society, on 2 October 1986 they decided that he should die.

Psychiatric findings since trial

"I think this is just another one of his attempts to escape the death penalty. I guess we should have anticipated he'd come up with something like this multiple personality thing." Prosecutor at Sean Sellers' trial in 1986, speaking in 1998³

In March 1987, Sean Sellers was examined by Dr Dorothy Lewis, a professor of psychiatry. She found him to be chronically psychotic, exhibiting symptoms of paranoid schizophrenia and other major mood disorders. She described how he was in poor touch with reality at times and was overwhelmed by fantasy.

In 1992, six years after the trial, three mental health professionals diagnosed Sean Sellers as having Multiple Personality Disorder (MPD), a condition in which "alter" personalities manifest themselves in the sufferer. In brief, the three doctors found that: (a) a quantitative electroencephalogram test (QEEG) disclosed that Sean Sellers has brain damage as a result of a head injury suffered as a child; (b) the QEEG dramatically changed with each of Sean Sellers' alter states, indicating the presence of at least three alter personalities; (c) an Evoked Potential Test (EPT), which relies upon biological signals from the body and cannot be falsified by the patient, confirmed the QEEG; (d) two of the doctors, separately, spoke to two of Sean Sellers' alter personalities, named "Danny" (who demonstrated that he was left-handed, even though Sellers is not) and "The Controller"; (e) Sean Sellers suffered from MPD at the time of the killings; (f) one of the alter personalities, which is unlikely to have understood the difference between right and wrong, "must have been in executive control of [Sellers'] person or body" at those times; (g) there was only limited awareness of MPD in the mental health community at the time of the trial, when tests for it had not yet been developed; (h) MPD is a "hidden disease" which generally takes a number of years to confirm.

No remedy on appeal

"Although troubled by the extent of uncontroverted clinical evidence proving Petitioner suffers from Multiple Personality Disorder... and that the offenses were committed by an "alter" personality, we are constrained to hold Petitioner has failed to establish grounds for federal habeas corpus relief." 10th Circuit Appeals Court, 1998

Sean Sellers' 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 the time of the trial. It said that the evidence

³ Quoted in: *By reason of insanity.*" Phil Bacharach, Oklahoma Gazette, 1 April 1998

thus did not fall under the category of "newly discovered" which could have allowed for a successful appeal. This ruling, apparently unsupported by any expert evidence, contradicts the undisputed testimony that it was not possible to raise the MPD claim at Sean Sellers' trial because the clinical tests for discovering and confirming the presence of MPD had not yet been developed. The experts also provided evidence that it usually takes several years and several diagnoses to establish that a person suffers from MPD.

Next, a federal district court noted "*the significant neurological and psychological evidence*" that Sean Sellers suffers from MPD and brain damage. However, it ruled that the evidence "*does not amount to a truly persuasive demonstration of actual innocence nor meet the extraordinarily high threshold of showing that a constitutional violation will occur if [Sean Sellers] is executed.*" The court explained that it rejected the newly discovered evidence because the expert opinions were based on examinations conducted six years after the crimes, and thus the reliability of the conclusions was "diminished".

On 4 February 1998 a US Court of Appeals for the 10th Circuit reviewed the evidence of MPD and acknowledged the "significant evidence that the person facing death... is not the person who committed the crime."

The Court admitted that, if believed by a jury, this evidence of the culpability of an alter personality "renders the person known as Sean Sellers actually innocent". However, it said that, as a federal *habeas corpus* court, it was restricted to ruling whether a sentence violates the Constitution, rather than to correcting errors of fact. The Court ruled that it could not act unless Sean Sellers' claim of innocence was so great that no reasonable juror would convict. It noted that, although the psychiatric evidence was "clear, strong and supportive", it had not been cross-examined in a courtroom, and also lay people (ie jurors) could be expected to be sceptical about MPD. The Court said that it was therefore not able to conclude that not one juror would vote to convict, and it denied the appeal. The Court stated that it was "*not unmoved by the Petitioner's dilemma*" and that it was "*not unconvinced that given an opportunity by a state court he could not cast doubt on the propriety of the sentence he faces*". It seems that Sean Sellers will get no such opportunity.

On 30 November 1998, the US Supreme Court refused to hear Sean Sellers' final appeal. Oklahoma's Attorney General immediately asked the state Court of Criminal Appeals to set an execution date, which it duly did.

Childhood to death via prison

"When I was 15... I went to a drama production that Sean had written. Seeing the play made me realize I was headed in the wrong direction... I understand the severity of the horrible crimes Sean committed. Although, at the time he was only sixteen years old. As adults, we are all different people than we were as teenagers. Also, Sean's life has not only changed my life but I have personally seen it touch hundreds of others. He is not just a man in prison who has no effect on others, but his life has purpose and meaning. Therefore, I am asking you to grant Sean Sellers clemency and spare his life."

From a letter to Oklahoma Pardon and Parole Board from 24-year-old Oklahoma resident, 1 December 1998

The international ban on the use of the death penalty against child offenders stems not from a desire to excuse crimes committed by children, but out of recognition that young people are not yet fully mature, hence not fully responsible for their actions - and that there are much greater possibilities for their rehabilitation and eventual reintegration into society.

Sean Sellers has spent his entire adult life on death row. For the past seven years he has been incarcerated in H-Unit, the maximum security unit built within Oklahoma State Penitentiary in McAlester. He was among the prisoners moved there when the unit opened in November 1991.

Amnesty International has concluded that conditions for H-Unit's death row inmates, who are held effectively underground in small windowless concrete cells, amount to cruel, inhuman or degrading treatment in violation of international standards⁴.

While the rest of the world has agreed, via the Convention on the Rights of the Child, that "the best interests of the child" and maximizing the potential of that child to return to society should guide the treatment of children who come into contact with the law, US officials have kept Sean Sellers in dehumanizing conditions for most of his adult life with a view to killing him.

Sean Sellers has been an exemplary prisoner on death row, and it is reported that no incidents appear on his disciplinary record.

In prison he has become very religious and has engaged himself in writing and artwork with a view to helping others learn from his experience. He has made several videos which have been shown around the world, in which he talks about the dangers of cults, satanism, and drugs. Several people who have engaged in prolonged letter-writing with him, have credited him with helping them to deal with personal crises and turn their

⁴ See *USA: Conditions for death row prisoners in H-Unit, Oklahoma State Penitentiary* (AI Index: AMR 51/34/94, May 1994).

lives around. For example, a woman who was facing sexual abuse by her father began communicating with Sean Sellers by mail after seeing him on television. She says that their long exchange of letters helped her through her crisis, and that they remain strong friends.

Soon after Sean Sellers was sent to death row as a 17-year-old, he reportedly saved the life of another condemned prisoner, Henry Smith. Over a period of a few months Henry Smith had been repeatedly mocking, taunting and threatening Sean Sellers. He would warn the younger man that "he was going to get him" and that he should never drop his guard. One day Sean Sellers was placed on the exercise yard with four other inmates, one of whom was Henry Smith. Two of the other inmates attacked Smith with knives. Sean Sellers intervened, stepping between Smith and his attackers and calling the guards. When asked by Smith why he had helped someone who had treated him so badly, Sean Sellers replied that it was because Smith was a human being, and therefore entitled to live. They became friends. Henry Smith is no longer on death row, having had his death sentence commuted to life imprisonment by the courts.

The death penalty does not allow for the capacity of human beings to change. Still not yet 30, Sean Sellers is facing death because a jury a dozen years ago was persuaded that he would always be a threat to society. Surely the most powerful economy in the world can find a more humane response to the crimes of a 16-year-old mentally ill boy. Virtually all countries have stopped executing their child offenders. Why not the USA?

Into the final stage

"I just found out the Supreme Court denied me. On the radio, no less. I hate it when I find out things on the radio. It's so disrespectful to us here... Personally, the next step for me here is to be taken to a death watch cell. I'll be stripped of my art supplies, razors, shoelaces, belt, and put in a super maximum security cell with two doors instead of one. There I'll be isolated from everyone. I'll go to the yard alone, and I'll have no contact with any other inmate. Everywhere I go I'll be in leg shackles and handcuffs, including visits." Sean Sellers, 30 November 1998.

Since 1996, conditions for those H-Unit prisoners who exhaust or waive their appeals and receive an execution date have worsened. For the last 60 days of their lives, or until they receive a stay, the prisoners are transferred to solitary confinement in special double-doored "high-max" punishment cells. They are removed from any contact with other prisoners, and are repeatedly checked and searched by prison guards. This policy has apparently been enacted to prevent prisoners killing themselves before their government does. It follows an incident in August 1995 when Robert Brecheen overdosed on sedatives hours before his execution. He was rushed to hospital to have

his stomach pumped, before being returned to the lethal injection chamber and officially put to death.

In a macabre illustration of the extent to which resort to judicial killing has led to a conveyor belt of death in the USA, there was a delay of a few days before Sean Sellers was transferred to 60-day lockdown after his execution date was set. This was because the three high-max cells in the death row area of H-Unit were already occupied by three other men - Tuan Nguyen, John Duvall and John Castro - scheduled for execution before him. On 8 December Tuan Nguyen, the first man scheduled to die, was moved into the death cell - the cell adjacent to the execution chamber. On 9 December John Duvall was moved into Tuan Nguyen's vacated high-max cell, John Castro was moved into John Duvall's cell, and Sean Sellers' was moved into John Castro's high-max cell. On 10 December, Human Rights Day, Tuan Nguyen, a mentally ill former child refugee from Vietnam, was executed.

Sean Sellers has said that he intends to write his own life story while held in solitary confinement in his high-max cell.

Executive clemency - a foregone conclusion?

"Even though his illness is such that he may be able to prove his factual innocence of those crimes, we believe he must be left to the avenue of executive clemency to pursue that claim." 10th Circuit Court of Appeals, 4 February 1998

Once appeals are exhausted, executive clemency becomes the final option. In Oklahoma, the Governor has the authority to grant clemency on the advice of the Pardon and Parole Board. He needs a favourable recommendation from the Board to grant clemency.

In response to the 10th Circuit Court's reference in its February 1998 ruling that Sean Sellers still "apparently" had access to executive clemency, Governor Keating was reported to have responded that he would never give him clemency. He seemed to be indicating that whatever the outcome of the Board's decision on Sean Sellers (it will probably hear his petition for clemency in mid-January), the Governor would use his power to ensure that the final outcome was lethal injection anyway. Governor Keating is reported to have previously stated that he will not grant clemency to any condemned prisoner.⁵

⁵ For example: "Keating has said several times that no murderer will receive clemency while he is in office..." (*Daily Oklahoman*, 24 July 1996); "the parole is subject to approval by Gov. Frank Keating, who has said that he will not approve clemency for people convicted of a violent crime in the past 10 years or anyone convicted of murder." (*Tulsa World*, 16 November 1995).

International standards give all prisoners under sentence of death the right to seek commutation⁶, a right that only becomes meaningful if serious consideration is given to a prisoner's clemency petition.

The responsibility for killing a human being

⁶ For example, Article 6(4) of the International Covenant on Civil and Political Rights states: "Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence..."

"Even if its a different me, its still me, isn't it? And if it's some other me who does something horrible and evil, isn't it an evil part of myself that did it? I want to take responsibility for it. I don't want to rationalize it away, and that's usually what it sounds like whenever I try to explain it." Sean Sellers on Multiple Personality Disorder, 1998.⁷

Sean Sellers is no longer a child. He is a 29-year-old man. Perhaps the physical reality that it will not be a child who is taken from his cell on 4 February 1999, strapped down and injected with lethal chemicals, makes it easier for society to stomach this premeditated killing. The fact remains, however, that Sean Sellers is about to be executed for a crime committed when he was a 16-year-old boy. It is a death threat that his government has kept him under for the whole of his adult life.

The jurors at Sean Sellers' trial were encouraged by the prosecutor to rid themselves of any feelings of responsibility in the killing of this child offender, to rest assured that they themselves would not be killing him. They were encouraged to think of Sean Sellers, not as a child, but as an adult who had committed adult crimes. The trial judge did not allow an expert to provide the jurors with information about the relevance of developmental differences between adults and children. Yet it is precisely these differences which lie behind the international ban on the judicial killing of child offenders.

The Oklahoma state court system has washed its hands of the case by saying that Sean Sellers should have raised the full extent of his mental disorder at trial, despite undisputed expert opinion that this was an impossibility. The federal court system has acknowledged the extent of the evidence of Sean Sellers' mental illness, but has said that its hands are tied and that it can do nothing to help, passing that responsibility on to those who have the power of executive clemency. The Governor has apparently ruled out this option even before he is asked to make a decision on the case. Meanwhile, in breach of its international obligations and apparently unprepared to offer moral leadership on the issue, the federal government continues to say that such cases are the business of individual states, and refuses to withdraw its reservation to Article 6(5) of the International Covenant on Civil and Political Rights or to ratify the Convention on the Rights of the Child, both of which forbid the execution of Sean Sellers.

No one person will be responsible for the killing of Sean Sellers. He will have been killed by legislators, judges, jurors, prosecutors, voters, as well as by the team scheduled to actually administer the lethal injection on 4 February. Perhaps those involved in this premeditated human rights violation see it as their job, or defend it as the rule of law properly taking its course. They may be ignorant or contemptuous of

⁷ Quoted in "By reason of insanity", Phil Bacharach, Oklahoma Gazette, 1 April 1998.

international law, or unaware that there is almost no other country in the world where Sean Sellers would be put to death. Many people in the USA have probably never even heard of Sean Sellers. If they do learn of his planned killing it may leave them unmoved, in a country which has been host to an average of one execution a week for the past six years.

Like many elected officials in the USA, Oklahoma's Attorney General refers to the condemned prisoner's "cold-blooded" crimes to justify his execution. At a press conference after Sean Sellers' appeals were exhausted on 30 November, the Attorney General said that Sellers had shown "that he was a very cold-blooded killer, even at that age, and the jury found that allowing him not to be executed would pose a threat to the rest of society". Yet an execution is itself a profoundly "cold-blooded" and calculated act, and a brutalizing assault on human dignity which Amnesty International believes is a threat to the well-being of society.

The Attorney General issued a press release on 30 November to announce that he would be asking the state Court of Criminal Appeals to immediately set an execution date for Sean Sellers. He reiterated the state's reason for killing the prisoner: "Sean Sellers committed three coldly calculated murders..." In a grotesque juxtaposition, directly under these words in the news release was the heading "Execution Schedule", followed by the names of three men - Tuan Nguyen, John Wayne Duvall and John Walter Castro - and the exact times, to the minute, of their planned killing by the Oklahoma authorities.

That the crimes for which the 16-year-old Sean Sellers was convicted were appalling is not in question. But his punishment is contrary to contemporary standards of justice and humane treatment across the world. Oklahoma has never executed a prisoner for a crime committed when under 18. Amnesty International urges it not to do so now.

WHAT YOU CAN DO

"The fight ain't over, but death has now appeared. From here every step is closer to death."
Sean Sellers, 30 November 1998

A. Appeals to Oklahoma authorities

Please send faxes and letters, in your own words:

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. acknowledging the seriousness of the crimes for which Sean Sellers was convicted and 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 and commute the death sentence;
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.

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

Note: You should aim for your appeals to reach the Board by 20 January 1999.

2. Governor Frank Keating (**recommended actions 1-3 & 5**)

212 State Capitol, Oklahoma City, OK 73105, USA

Tel: +1 405 521 2342; Fax: +1 405 521 3353

E-mail: governor@oklaosf.state.ok.us Salutation: Dear Governor

B. Faxes and letters to US federal Attorney General

- expressing deep concern that Oklahoma is planning to execute Sean Sellers for a crime committed when he was 16, in violation of international law which takes priority over national legislation;
- noting that the US reservation to article 6(5) of the ICCPR has been repeatedly declared as invalid by international experts, and noting also that the federal government is responsible under international law for ensuring that all states comply with the USA's international commitments;
- noting that only five countries - Iran, Nigeria, Pakistan, Saudi Arabia, and Yemen - are known to have judicially executed child offenders since 1990, that the USA is responsible for half the world total of such executions in that period, and that the only known executions of child offenders in 1998 were three in the USA;
- noting President Clinton's Executive Order issued on 10 December 1998, Human Rights Day, which said "It shall be the policy and practice of the Government of the United States, being committed to the protection of human rights and fundamental freedoms, fully to respect and implement its obligations to which it is a party, including the ICCPR...";
- urging that the federal authorities do everything in their power to stop the execution of Sean Sellers, which would represent a further deterioration in respect for human rights and international law by US authorities.

The Honourable Janet Reno, Attorney General, Department of Justice

950 Pennsylvania Ave. N. W., Room 440, Washington, DC 20530-0001, USA

Fax: + 1 202 514 4371. Salutation: Dear Attorney General

Copies of appeals to Attorney General Reno to: Congressional Human Rights Caucus, Office of Representative Tom Lantos, 2217 Rayburn House Office Building, Washington, DC 20515, USA
E-mail: talk2tom@hr.house.gov

Copies of appeals to all US authorities can be copied to the US embassy in your country.

C. Publicity

You may send copies of your appeals to the following newspapers. Better still, write a short letter to the Editor, directly voicing your concerns about Sean Sellers' imminent execution.

Editor, *Washington Post*, 1150 15 Street NW, Washington DC 20071, USA. **Fax: +1 202 334 5693.**

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

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

D. Appeals to your own Foreign Minister

- pointing out that the US authorities are about to execute Sean Sellers for crimes committed when he was a 16-year-old boy, in violation of international law and an overwhelming global consensus, and that this would be the first such execution in the USA since executions resumed in 1977;
- urging that your government use its influence to prevent this further backward step for the respect of human rights in the USA;
- urging that your government establish or continue efforts in its intergovernmental relations to encourage the USA to withdraw its reservation to Article 6(5) of the International Covenant on Civil and Political Rights, and to ratify without reservation the Convention on the Rights of the Child.

PLEASE TAKE ACTION AS SOON AS POSSIBLE.

KEYWORDS: DEATH SENTENCE1 / JUVENILES1 / MENTAL HEALTH / TRIAL / PHOTOGRAPHS
