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Texas double execution to expose capital justice flaws

International standards of justice and decency continue to be ignored in the US capital of judicial killing, Amnesty International warned today, as Texas prepares to kill the first two of six prisoners it has lined up for execution in August.

"The cases of Brian Roberson and Oliver Cruz, facing lethal injection within one hour of each other on the evening of 9 August, are textbook examples of the arbitrary and often discriminatory application of capital punishment in the USA," Amnesty International said.

"As the world increasingly turns its back on this cruel, outdated and irrevocable punishment, the international community must now redouble its protests at the injustice inherent in the US capital justice system."

Brian Roberson, black, was sentenced to death for the 1986 killing of an elderly white couple in Dallas County. The prosecutor at his trial systematically removed African Americans from the jury pool, indicating that they were not educated enough to sit on a jury. The prosecutor had been trained at a time when such training in Dallas County routinely used a manual encouraging new prosecutors to remove "minority races", "Jews", and people with "physical afflictions" during jury selection because they "almost always empathize with the defendant". A 1986 study found that in the 15 capital murder cases tried in the county between 1980 and 1986, 91 per cent of African American jurors were removed.

At the trial of Oliver Cruz, a Latino accused of the rape and murder of Kelly Donovan, white, the prosecutor argued for execution on

the grounds that Cruz's learning disability made him more of a threat to society. International standards oppose the death penalty for the mentally impaired. In yet another blatant example of the lottery of US capital justice, Cruz's white co-defendant, charged with the same murder, received a prison term in exchange for testimony against Cruz.

Studies have repeatedly shown that the US capital justice system places a higher value on white life," Amnesty International said, pointing out that over 80 per cent of the more than 650 people executed in the USA since 1977 were convicted of crimes involving white victims.

"It is time for the US leadership to reflect on their country's history of racist state-sanctioned killing and on the evidence of continuing discrimination, and to recognize that whether a defendant lives or dies depends as much on where the crime was committed, who the victim was, and who the defence lawyer was, as it does on the crime itself," the organization added.

"In 1972 the US Supreme Court temporarily halted the death penalty because of its arbitrary application," Amnesty International said. "State and federal politicians must find the courage to overcome the politics of this brutalizing punishment and offer human rights leadership. The US conveyor belt of death must be halted."

Background

John Satterwhite, who has been diagnosed as learning disabled and suffering from paranoid schizophrenia, and Richard Jones, about whose guilt there remain troubling doubts, are set to die in Texas in the next two weeks. David Gibbs and Jeffery Caldwell are also due to be killed in the Huntsville lethal injection chamber before the end of the month.

Texas accounts for a third of US executions since they resumed in 1977, and almost half of those carried out so far this year -- 26 out of 56.

Among those executed in Texas in 2000 have been two child offenders, in violation of international law (Glen McGinnis, Gary Graham), a 62-year-old great-grandmother diagnosed with Battered Woman Syndrome whose jury never knew of her history of abuse (Betty Beets), a man whose severe mental illness had been left untreated before his crime (Larry Robison), and a man whose possible wrongful conviction led the President and Prime Minister of France to intervene on his behalf (Odell Barnes).

In a 1990 report, the General Accounting Office (an independent agency of the US Government) concluded that 82 per cent of the 28 major studies into racial discrimination and the US death penalty it had reviewed, had found a correlation between the race of the victim and the likelihood of a death sentence. That is, that after all other factors had been taken into account, a defendant was several times more likely to be sentenced to death if the murder victim was white. No action was taken to address these findings.

In 1998, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions concluded that Race, ethnic origin and economic status appear to be key determinants of who will, and who will not, receive a death sentence in the United States. @

The US Department of Justice is currently reviewing evidence of racial and geographic disparities in relation to the federal death penalty. Earlier this month, President Clinton stopped the first federal execution since 1963 from going ahead. The execution has been rescheduled for 12 December.

The US death penalty has come under intense scrutiny since the Illinois Governor suspended executions in his state because of its Ashameful@ record of wrongful convictions. The Chicago Tribune, which had investigated the Illinois death penalty prior to the January moratorium and found it to be riddled with injustice, recently concluded that the same problems were plaguing Texas capital justice.

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