

PUBLIC

AI Index: AMR 51/140/00

4 September 2000

Further information on EXTRA 70/00 (AMR 51/134/00, 21 August 2000) and follow-up (AMR 51/145/00, 1 September) - Death penalty

USA (Virginia) Derek Rocco Barnabei, white, aged 33

The missing evidence in the Barnabei case was found on 1 September. An envelope containing biological evidence from the case was reportedly discovered in the Norfolk Circuit Court Clerk's office, in a different room of the same courthouse from where it had been reported missing two days earlier. The police investigation into the incident is continuing.

A spokesman for Governor Gilmore is reported to have said that the Governor will wait for the results of the police investigation before making a decision on Barnabei's long-standing request to have the biological evidence in the case DNA-tested: "We don't know whether it's been tainted or where it has been. The governor's going to withhold judgement."

Derek Barnabei remains scheduled for execution on 14 September.

ANYONE PARTICIPATING IN THIS ACTION WHO HAS NOT YET SENT AN APPEAL BASED ON THE 1 SEPTEMBER UPDATE, SHOULD TAKE INTO ACCOUNT THE LATEST DEVELOPMENTS:

- expressing sympathy for the family and friends of Sarah Wisnosky and acknowledging the seriousness of the crime;
- noting the doubts that surround Derek Barnabei's conviction, which was based on circumstantial evidence, and noting the increasing concern about the reliability and fairness of the US capital justice system as a whole;
- expressing concern about the disappearance of evidence in this case, including some which Derek Barnabei was seeking to have DNA tested, and noting that even though it is has been recovered, it may prove impossible to determine if it was tampered with during its disappearance;
- arguing that the risk of fatal error can only be eradicated by abolishing the death penalty, which more than half the countries of the world have done;
- urging the Governor to grant clemency to Derek Barnabei, and to endorse efforts to establish a moratorium on executions in Virginia.

APPEALS TO:

The Honorable James Gilmore
Governor of Virginia
State Capitol, Richmond, VA 23219, USA
Telegrams: Governor Gilmore, Richmond, VA, USA
Fax: +1 804 371 6351
Tel: +1 804 786 2211
Salutation: Dear Governor

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

You may also write brief letters of concern (not more than 250 words) to:
Letters to the Editor, *Richmond Times-Dispatch*, PO Box 85333, Richmond, VA 23293, USA

Fax: +1 804 775 8090
E-mail: letters@timesdispatch.com

PLEASE SEND APPEALS IMMEDIATELY.