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AI INDEX: NWS 11/87/94
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NEWS SERVICE ITEMS: EXTERNAL - USA

NEWS INITIATIVES - INTERNAL

INTERNATIONAL NEWS RELEASES

Trade Unionists - 29 April - SEE NEWS SERVICE 62

Saudi Arabia - 10 May - SEE NEWS SERVICE 62

Burundi - 17 May - SEE NEWS SERVICES 81/94, 53/94 and 36/94

China - 1 June - SEE NEWS SERVICE 81/94

Pakistan - 29 June - SEE NEWS SERVICE 81/94

TARGETED AND LIMITED NEWS RELEASES

****China - 5 May**** - SEE NEWS SERVICE 81/94

News service item enclosed is embargoed for 5 May to go with document: "China: Death Penalty Figures recorded for 1993", AI Index: ASA 17/15/94.

FORTHCOMING NEWS INITIATIVES

Annual Report - 7 July - SEE NEWS SERVICE 51/94

News Service 87/94

**AI INDEX: AMR 51/WU 08/94
26 APRIL 1994**

USA: NEW RULING ON GARY GRAHAM CASE

Gary Graham, sentenced to death in 1981 for the murder of Bobby Lambert, can now petition Texan courts for a retrial, according to an important new ruling by the highest criminal appeals court in Texas.

On 20 April, ruling on the case of Gary Graham, the Texas Court of Criminal Appeals said that prisoners under sentence of death in Texas who have late claims of innocence are entitled to petition the state courts for a retrial. Previously, Texas law required that motions for a new trial based on newly discovered evidence must be made within 30 days of sentence. However, the ruling set a high standard for proving any claim of innocence.

Graham, who has consistently maintained his innocence, was convicted on the uncorroborated testimony of an eye-witness. This evidence has since been challenged by other witnesses to the crime, some of whom were never examined by either the defence or prosecution counsel at the time of the trial.

Under the new ruling, if appeals currently pending in federal court fail he can return to the state courts and present the new evidence.

Amnesty International has repeatedly urged the Texas authorities to grant clemency to Gary Graham, and expressed its concerns regarding the weaknesses in the evidence on which he was convicted, evidence which suggests that racial bias may have played a part in the outcome of his case, and concerns regarding his 17 years of age at the time of the crime. International human rights standards prohibit the execution of people aged under the age of 18 at the time of the crime.

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