

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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USA: SENSELESS PURSUIT OF US FEDERAL EXECUTIONS CALLS FOR REVIEW OF PROCEEDINGS AND IMMEDIATE HALT TO USE OF DEATH PENALTY

On 14 July, the US federal government carried out the first execution in 17 years of a person convicted under federal law. Two other such executions followed on 16 and 17 July; and a further four are currently set to be carried out at the end of August and September. If all take place, in just over two months the Trump administration will have tripled the number of federal executions recorded since 1977, when US judicial killings resumed in the post-*Furman v. Georgia* era.¹ Against national and global trends away from the death penalty, the federal government has also stepped firmly forward in carrying out executions during an unprecedented pandemic.

The relentless pursuit of executions by the US Department of Justice as displayed in recent weeks has not only put the spotlight on the flaws and arbitrariness that have long affected the US death penalty system, but has also shown cruel contempt on the part of the Trump administration for safeguards and restrictions established under international law and standards to guarantee protection of the rights of those facing the death penalty. As four men face lethal injections in the coming weeks, the full review of the use of the death penalty could not be any more urgent.

This document highlights human rights concerns associated with the execution of three men in July and calls on the US Congress, as well as regional and international bodies, to investigate the developments that culminated in the July executions; and on the Department of Justice to call-off all scheduled executions, as first critical steps towards abolishing the death penalty in law.

1. ARBITRARINESS OF THE RESUMPTION OF EXECUTIONS

The July resumption of executions by the US federal government broke a 17-year-long hiatus observed through three presidential mandates and injected further arbitrariness into an already flawed US death penalty system.² International law and standards have long established abolition as the goal to be achieved in countries that still retain the death penalty.³ This abolitionist vision also renders increases in the use of this punishment inconsistent with the protection of the right to life. In the words of the UN Human Rights Committee, the UN independent expert body tasked with the interpretation of the International Covenant on Civil and Political Rights (ICCPR): "The death penalty cannot be reconciled with full respect for the right to life, and abolition of the death penalty is both desirable and necessary for the enhancement of human dignity and progressive development of human rights. It is contrary to the object and purpose of article 6 for States parties to take steps to increase de facto the rate and extent in which they resort to the death penalty, or to reduce the number of pardons and commutations they grant."⁴

States that have not yet abolished the death penalty can only apply it in a manner that is not arbitrary. According to the UN Human Rights Committee: "The notion of 'arbitrariness' is not to be fully equated with 'against the law', but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as

¹ In *Furman v. Georgia* in June 1972, the US Supreme Court overturned the USA's capital laws because of the arbitrary way in which death sentences were being imposed. The list of executions carried out by the federal authorities is available from this link: <https://deathpenaltyinfo.org/state-and-federal-info/federal-death-penalty>

² For a summary of the developments, see Death Penalty Information Centre, <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/the-federal-governments-2019-attempt-to-restart-federal-executions-an-analysis>

³ See the UN Human Rights Committee's authoritative pronouncement on this almost forty years ago: UN Human Rights Committee, General Comment No.6, Article 6 (1982, rev.2008) "Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies", UN Doc. HRI/GEN/1/Rev.9, para.6. This General Comment has now been superseded by the UN Human Rights Committee's General Comment 36 (2018), where the Committee reiterates its position on this goal (para 50).

⁴ UN Human Rights Committee, General comment No. 36 (2018) on article 6 ICCPR on the right to life, UN Doc. CCPR/C/GC/36, para.50. Although the USA reserved its right to impose the death penalty in line with its constitutional restrictions when it ratified the ICCPR in 1992, 11 other states objected to the reservation and the UN Human Rights Committee deemed it "incompatible with the object and purpose of the Covenant" and therefore invalid. UN Human Rights Committee, Consideration of reports submitted by state parties under Article 40 of the Covenant – Comments of the Human Rights Committee (1995), UN Doc. CCPR/C/79/Add.50, para.14.

well as elements of reasonableness, necessity and proportionality".⁵ In this regard, executions carried out as a result of a change in policy that is linked to extraneous developments not relating to the crime or individual offender in question may be considered arbitrary. In his 2014 report, the then UN Special Rapporteur on extrajudicial, summary or arbitrary executions explained that "[i]f executions were suspended for an extended period, it is unclear how authorities would be able to provide objective reasons for their resumption at a specific point in time, or for specific prisoners on death row, especially if no prior announcement is made. If the timing of an execution and the selection of prisoners are essentially decided upon at random, those executions are rendered arbitrary. [...] The execution of that convict in order to demonstrate strength in the criminal justice system is arbitrary."⁶

The current US federal government began to take steps to resume executions in July 2019, when it introduced a revised lethal injection protocol, allowing for the use of pentobarbital as a single-drug; and ordered the scheduling of five executions for December 2019 and January 2020.⁷ Litigation led to those executions being put on hold until June 2020, at which time the US government scheduled four executions to take place in July; additional dates were scheduled in July 2020 for August and September.⁸ The US Department of Justice did not provide any reasoning for the decision to suddenly resume executions. It claimed that the men whose executions were scheduled— all of whom had been convicted and sentenced to death between 16 and 21 years ago- had been chosen because their crimes involved child or female victims, but no explanation was given as to the prioritization of individual cases. The US Department of Justice provided no clarity regarding the selection of the dates for these executions. President Trump has been a vocal supporter of the death penalty even before his time in office;⁹ and as president he has repeatedly called for its imposition or implementation in several cases.¹⁰ The regressive resumption of executions linked to no other reason than the views of rotating governments renders life or death decisions arbitrary.

2. EXECUTION OF A MAN WITH SERIOUS MENTAL DISABILITIES

Wesley Ira Purkey was executed on 16 July. His attorneys filed a motion before the US District Court for the District of Columbia to seek a stay of execution on the grounds that he had Alzheimer's disease and had been diagnosed with complex Post-Traumatic Stress Disorder, schizophrenia, bipolar disorder, major depression and psychosis, which made him not competent for execution.¹¹ As summarized by the District Court: "Wesley Ira Purkey is 68 years old. As a child, he experienced repeated sexual abuse and molestation by those charged with caring for him. As a young man, he suffered multiple traumatic brain injuries—first in 1968, when he was 16, and again in 1972 and 1976, when he was 20 and 24 respectively. At 14, he was first examined for possible brain damage, and at 18, he was diagnosed with schizophrenic reaction, schizoaffective disorder, and depression superimposed upon a preexisting antisocial personality. At 68, he suffers from progressive dementia, schizophrenia, complex-post traumatic stress disorder, and severe mental illness."¹²

International law prohibits the imposition and implementation of the death penalty on persons with mental (psychosocial) or intellectual disabilities, including those who have developed them after being sentenced to death.¹³ The UN Human Rights Committee underscored in its General Comment no.36 that state parties to the ICCPR "must refrain from imposing the death penalty on individuals who face special barriers in defending themselves on an equal basis with others, such as persons whose serious psycho-social and intellectual disabilities impeded their effective defense, and on persons that have limited moral culpability. They should also refrain from executing persons that have diminished ability to understand the reasons for their

⁵ UN Human Rights Committee, General comment No. 36 (2018) on article 6 ICCPR on the right to life, UN Doc. CCPR/C/GC/36, para. 12.

⁶ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (2014), UN Doc. A/69/265, para.102-103.

⁷ Department of Justice, *Federal Government to resume capital punishment after nearly two decade lapse*, 25 July 2019, www.justice.gov/opa/pr/federal-government-resume-capital-punishment-after-nearly-two-decade-lapse; the executions were temporarily halted to allow the courts to consider legal challenges. Four new warrants were issued in June 2020.

⁸ Department of Justice, *Executions Scheduled for Four Federal Inmates Convicted of Murdering Children*, 15 June 2020, www.justice.gov/opa/pr/executions-scheduled-four-federal-inmates-convicted-murdering-children; *Execution Rescheduled for Federal Inmate Convicted of Brutally Murdering a Grandmother and her Nine-Year-Old Granddaughter*, 29 July 2020, www.justice.gov/opa/pr/execution-rescheduled-federal-inmate-convicted-brutally-murdering-grandmother-and-her-nine; *Executions Scheduled for Two Federal Inmates*, 31 July 2020, www.justice.gov/opa/pr/executions-scheduled-two-federal-inmates

⁹ Jane Ransom, "Trump Will Not Apologize for Calling for the Death Penalty Over Central Park Five", New York Times, 18 June 2019, www.nytimes.com/2019/06/18/nyregion/central-park-five-trump.html

¹⁰ See, for example, Amnesty International, *USA: capital injustices- More damage to rule of law principles, more shambles at Guantánamo, more executions* (AMR 51/7413/2017), www.amnesty.org/download/Documents/AMR5174132017ENGLISH.PDF

¹¹ Under *Ford v. Wainwright*, 477 U.S. 399 (1986), US Supreme Court, and the Eight Amendment to the US Constitution.

¹² *Purkey v. Barr*, US District Court for the District of Columbia, Civil Action No. 1:19-cv-3570 (TSC), 15 July 2020.

¹³ UN Safeguard No.3 in Economic and Social Council resolution 1984/50 of 25 May 1984. UN Commission on Human Rights resolution 2005/59, para.7(c); Human Rights Committee: Concluding Observations: USA, UN Doc. CCPR/C/USA/CO/3/Rev.1, 2006, para. 7; Concluding Observations: Japan, UN Doc. CCPR/C/JPN/CO/5, 2008, para.16; *Sahadath v. Trinidad and Tobago*, UN Doc. CCPR/C/78/D/684/1996, 2002, para.7.2. Committee Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Concluding observations on the second periodic report of Japan, UN doc. CAT/C/JPN/CO/2, 28 June 2013, para. 15; UN General Assembly resolution 73/175 of 17 December 2018, para 7(d).

sentence”.¹⁴ In commenting on a case in 2015, the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment noted the view that the execution of persons with mental disabilities is a violation of a norm of customary international law.¹⁵

On the morning of the day of his set execution, the District Court granted a stay holding that Wesley Ira Purkey had provided substantial evidence of his incompetence for execution, only for that injunction to be subsequently lifted by the US Supreme Court in a 5-4 ruling in the early hours of 16 June, with no rationale provided for the decision.¹⁶

In the motions and appeals that preceded the lifting of the stay, the government did not provide evidence of its claim that Wesley Ira Purkey was competent for execution and took issue instead with the location of the filing of the *habeas* claim. In her dissenting opinion joined by three other Justices, US Supreme Court Justice Sotomayor highlighted: “the Government’s objection here is not that Purkey failed to raise a valid claim prohibiting his execution. Instead, the Government quibbles principally with the venue in which Purkey filed that claim. In this posture, that protest does not reflect an ‘extraordinary circumstanc[e]’ that justifies overturning a preliminary injunction. Nor does it support this Court’s decision to shortcut judicial review and permit the execution of an individual who may well be incompetent. Importantly, the Government does not appear to dispute that Purkey may advance his competency claims in a proceeding filed in the Southern District of Indiana. It identifies no procedural barriers to such a suit. Indeed, the Government proposed that the District Court below transfer the case to the Southern District of Indiana because, in the Government’s view, that is ‘the appropriate forum for [Purkey’s] *habeas* action.’ It is thus undisputed that there is a District Court in which Purkey may properly pursue his Ford claim and his request for a competency hearing.”¹⁷

According to Wesley Ira Purkey’s lawyers, on the same day as he was scheduled to be executed his defence team discovered that “the government had been withholding from them scientific evidence documenting his advancing dementia.”¹⁸ His attorneys further highlighted how at the time of his death, Wesley Ira Purkey’s “dementia had progressed to the point that he could not remember the names of loved ones, and even believed his own lawyers were part of the vast government conspiracy against him.”¹⁹ In proceeding with the execution of Wesley Ira Purkey, the US authorities committed a violation of international law and standards on the use of the death penalty.

3. EXECUTIONS WHILE APPEALS WERE PENDING

International law and standards set out as one of the safeguards to guarantee protection of the rights of those facing the death penalty that executions may not be carried out “pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence.”²⁰ In its General Comment no.36, the Human Rights Committee has stated that “[a]ny penalty of death can be carried out only pursuant to a final judgment, after an opportunity to resort to all judicial appeal procedures has been provided to the sentenced person, and after petitions to all other available non-judicial avenues have been resolved, including supervisory review by prosecutors or courts, and consideration of requests for official or private pardon.”²¹

In two of three cases that resulted in the July executions, the federal authorities moved to administer lethal injections before the courts could rule on pending motions, in violation of this international safeguard. After the 13 July set date had passed at midnight, and upon hearing that the Department of Justice had rescheduled the execution of Daniel Lewis Lee for a few hours later on 14 July, his attorneys immediately alerted counsel for the US Government that they could not proceed given an outstanding stay. The government, which had already begun the execution process, moved immediately to vacate that stay. The defence team then filed an emergency motion before the US District Court of the District of Columbia to seek an immediate decision on an outstanding claim submitted in June, as well as to stay his execution.²² However, Daniel Lewis Lee

¹⁴ UN Human Rights Committee, General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights on the right to life, UN Doc. CCPR/C/GC/36, para.50.

¹⁵ Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN document A/HRC/28/68/Add.1, 5 March 2015, para. 607.

¹⁶ *Barr v. Purkey*, (591 US 2020), US Supreme Court, 16 July 2020.

¹⁷ *Barr v. Purkey*, (591 US 2020), US Supreme Court, 16 July 2020.

¹⁸ Attorney statement regarding the execution of Wesley Ira Purkey, 16 July 2020, <https://drive.google.com/file/d/17GzSPWHFax5rXuIXAT5kKDOu-LxfTtE7/view>

¹⁹ Attorney statement regarding the execution of Wesley Ira Purkey.

²⁰ Safeguard no.8 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty, approved by Economic and Social Council resolution 1984/50 of 25 May 1984 and endorsed by the UN General Assembly without a vote.

²¹ UN Human Rights Committee, General comment No. 36 (2018) on article 6 ICCPR on the right to life, UN Doc. CCPR/C/GC/36, para. 46.

²² Plaintiff Daniel Lewis Lee’s emergency motion for ruling on pending claim and motion, Case No. 19-mc-0145 (TSC), filed on 14 July 2020.

was executed as soon as the previous stay was lifted and before the Court could rule on the new emergency motion. The legal defence team stated that it was also in the process of appealing decisions relating to other motions.²³

Similarly, the attorneys of Wesley Ira Purkey had filed a motion before the District Court for the Southern District of Indiana, in response to the government suggestion in previous appeals that it was the appropriate court to hear the claim. The Indiana district court eventually denied the stay of execution and his attorneys filed an emergency application before the US Court of Appeals for the Seventh Circuit.²⁴ Wesley Ira Purkey was executed before the Court of Appeals could decide on the application.²⁵

4. CRUEL PURSUIT OF EXECUTIONS, INADEQUATE NOTICE, DENIAL OF REMEDY

International safeguards to be observed in all death penalty cases require that this punishment be carried out “so as to inflict the minimum possible suffering”²⁶; this includes both physical and mental suffering.²⁷ Two out of the three July executions followed long delays and were pursued by the federal authorities past the time originally set for the administration of the lethal injections through the hastened issuing and immediate implementation – with inadequate notice to legal counsel– of new execution dates.

Daniel Lewis Lee was pronounced dead at 8.07am on 14 July, more than 16 hours after his execution was initially set.²⁸ The original notice which set the execution for 13 July expired at midnight on that date; two hours later, the US Supreme Court lifted the stay of execution that was ordered by the US District Court for the District of Columbia. The Department of Justice quickly reset the execution date for July 14 and immediately moved to carry out the execution at 4am, by tying Daniel Lewis Lee to the gurney and inserting intravenous cannulas in his veins – without notifying his attorneys. Then, as the validity of a remaining stay was further litigated, Daniel Lewis Lee remained cruelly strapped to the lethal injection gurney for four hours.²⁹ As soon as the last legal impediment was lifted, the officials resumed the execution process and he was pronounced dead 31 minutes after.

Wesley Ira Purkey’s original execution date of 15 July expired at midnight on that date, as the courts considered the appeals brought forward in his case. After the US Supreme Court overturned an injunction on his execution in the early hours of 16 July, the government again moved to immediately reset the execution for 17 July, and proceeded with the lethal injection at 7.53am.³⁰ He was pronounced dead on 16 July at 8.19am, also 16 hours after the original time set for his execution.³¹

The use of torture or other cruel, inhuman or degrading treatment or punishment is absolutely prohibited under international law,³² and UN mechanisms have linked these practices with the anxiety of facing execution. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment highlighted how “death row prisoners constantly face unimaginable anxiety over their own imminent death. Additional circumstances, including lack of notice as to the date of the execution, public executions and mistakes in administering the execution increase the mental trauma of persons sentenced to death. [...] The anxiety and foreknowledge of death affect the mental integrity of a person sentenced to death and can amount to torture or cruel, inhuman or degrading treatment.”³³ In its 2018 General Comment no. 36, the UN Human Rights Committee added: “States parties that have not abolished the death penalty must respect article 7 of the Covenant, which bars certain methods of execution. Failure to respect article 7 would inevitably render the execution arbitrary in nature and thus also in violation of article 6. The Committee has already opined that stoning, injection of untested lethal drugs, gas

²³ Statement from lawyers of Daniel Lewis Lee, 14 July 2020, https://drive.google.com/file/d/1g9E242X4gkZUJ1iOg_R-2ebCe5If0-VH/view

²⁴ Petitioner’s motion for stay of the July 16, 2020 execution while pending appeal, Appeal no.:20-2280, filed on 16 July 2020 before the US Court of Appeals for the Seventh Circuit.

²⁵ Attorney statement regarding the execution of Wesley Ira Purkey.

²⁶ Safeguard no.9 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty, approved by Economic and Social Council resolution 1984/50 of 25 May 1984.

²⁷ Human Rights Committee, General Comment 20, Article 7 (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 30 (1994).

²⁸ US Department of Justice, “Daniel Lewis Lee executed for federal capital crimes”, 14 July 2020, https://www.bop.gov/resources/news/pdfs/20200714_press_release_lee.pdf

²⁹ Statement from lawyers of Daniel Lewis Lee, 14 July 2020, https://drive.google.com/file/d/1g9E242X4gkZUJ1iOg_R-2ebCe5If0-VH/view

³⁰ “Wesley Ira Purkey executed in Terre Haute, 2nd man put to death this week”, Indystar, 16 July 2020, <https://eu.indystar.com/story/news/crime/2020/07/16/wesley-purkey-executed-terre-haute/5442505002/>

³¹ US Department of Justice, “Update on the Scheduled Execution of Wesley Ira Purkey”, 16 July 2020, https://www.bop.gov/resources/news/pdfs/20200716_press_release_purkey_execution.pdf

³² Among other instruments, Article 5 of the Universal Declaration of Human Rights, Article 7 of the ICCPR, Article 2 of the Convention against Torture.

³³ Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2012), UN Doc. A/67/279, para.50.

chambers, burning and burying alive, and public executions, are contrary to article 7. For similar reasons, other painful and humiliating methods of execution are also unlawful under the Covenant.”³⁴ Amnesty International is of the view that the insistence of the US authorities in pursuing the executions of Daniel Lewis Lee and Wesley Ira Purkey in the face of prolonged delays beyond the announced execution dates and by immediately resetting them for just hours later, as well as the holding of Daniel Lewis Lee strapped to the gurney for hours, amount to cruel, inhuman or degrading treatment.

It is of additional concern that the legal teams of Daniel Lewis Lee and Wesley Ira Purkey stated that they had not received adequate notice of the rescheduled executions. In an interview to online news publication *The Intercept*, Ruth Friedman, one of the lawyers of Daniel Lewis Lee, described how his legal team was talking to him when he was taken from his cell and learned many of the details from other witnesses and social media – including that the execution had been resumed and their client executed.³⁵ Similarly, the lawyers of Wesley Ira Purkey noted in their statement that they had not received adequate notice of the rescheduled execution and that “Reporters in Terre Haute tweeted that the government was, nevertheless, moving forward with its plans to execute Mr. Purkey.”³⁶

Amnesty International is of the view that the death penalty always violates the right to life, and is the ultimate cruel, inhuman and degrading punishment. The senseless pursuit of the executions by the US federal government added further cruelty and anxiety to the execution process; and the lack of adequate notice to legal counsel has undermined the possibility for the men facing execution to consult with their legal counsel and seek remedy for any violations of due process with regard to the hastily rescheduled executions, or the implementation of the executions while motions were pending, among other concerns.

The haste with which these executions were carried out also undermined the prisoners’ ability to seek effective remedies for the inadequate legal representation they had received at trial and at the appeal stage, as well as other flaws and concerns that have long affected their cases. For example, US Supreme Court Justice Breyer highlighted in his dissenting opinion how “the death penalty is often imposed arbitrarily. Mr. Lee’s co-defendant in his capital case was sentenced to life imprisonment despite committing the same crime”.³⁷ It was precisely this disparity in sentencing that led the crime victim’s family, the trial judge and lead prosecutor to oppose the execution, among other concerns.³⁸ His attorneys had raised alarm at the fact that the state had relied on “junk science and false evidence” to secure the conviction and death sentence, and that two federal judges had concluded on two different grounds that the death sentence in his case had been unfairly obtained, but procedural obstacles had prevented them from granting relief.³⁹ Similarly, “The attorneys of Dustin Lee Honken denounced how his trial and sentencing were plagued by misconduct and the ineffectiveness of counsel, who failed to adequately inform Mr. Honken’s jury of his severely dysfunctional background or his resultant mental health problems. He was then denied full and fair review of these defects in federal *habeas* proceedings.”⁴⁰

Justice Breyer raised this very issue in his other dissenting judgment: “Purkey’s case also raises serious problems of proper procedure. Simplifying the problem, imagine that a death-sentenced defendant’s trial or sentencing suffered from his lawyer’s constitutionally inadequate performance. Suppose too that his lawyer in his initial *habeas* proceeding was himself inadequate because he failed to raise the trial lawyer’s initial constitutional inadequacy. Can the defendant bring the matter up in a later *habeas* proceeding, say, a proceeding where he now has a better lawyer? He can sometimes do so where a state conviction is at issue. But can he do so where, as here, a federal conviction is at issue? In my view, the question, as presented here, is difficult. On the one hand, we ought not to have a procedural system where challenges to a conviction can go on endlessly. On the other hand, is it consistent with criminal justice principles to allow the execution of a defendant whose conviction rests upon the constitutional inadequacy of a lawyer, when no court has ever adjudicated that inadequacy?”⁴¹

5. URGENT NEED FOR A REVIEW AND MORATORIUM ON ALL EXECUTIONS

The developments that led to the three federal executions in July exposed the continued arbitrariness and flaws that have long characterized the application of the death penalty in the USA. The cruel pursuit of these executions, including through

³⁴ UN Human Rights Committee, General comment No. 36 (2018), para.40.

³⁵ “Blood in the water”, *The Intercept*, 2 August 2020, <https://theintercept.com/2020/08/02/federal-executions-indiana-trump-coronavirus/>

³⁶ Attorney statement regarding the execution of Wesley Ira Purkey.

³⁷ *Barr v. Lee*, (591 US 2020), US Supreme Court, 14 July 2020.

³⁸ Video of victim family member Earlene Peterson: <https://vimeo.com/359661291>; letter from G. Thomas Eisele to Eric H. Holder jr., Attorney General of the United States, 7 November 2014, <https://drive.google.com/file/d/1I9C266n5doLYCiUHUUsu0r82G7wCScq41/view>; and letter from Dan Stripling to Eric H. Holder jr., Attorney General of the United States, 28 October 2014, https://drive.google.com/file/d/1gUO-IPz7NaaxTFsOq0TAVH_sd6WnHV8z/view

³⁹ Attorney statements in response to announcement of federal execution dates, 15 June 2020, <https://drive.google.com/file/d/1aezFXungOvl-YsI8Tf0vfnAkBns5ytZl/view>

⁴⁰ Attorney statements in response to announcement of federal execution dates, 15 June 2020.

⁴¹ *Barr v. Purkey*, (591 US 2020), US Supreme Court, 16 July 2020.

the rushed rescheduling of the executions and as motions remained pending, shows complete disregard on the part of the US federal authorities for international safeguards that must be observed in all death penalty cases.

In his dissenting judgment in *Barr v. Purkey*, joined by Justice Ginsburg, US Supreme Court Justice Breyer concluded: “the Federal Government has resumed executions after a 17-year hiatus. And the very first cases reveal the same basic flaws that have long been present in many state cases. That these problems have emerged so quickly suggests that they are the product not of any particular jurisdiction or the work of any particular court, prosecutor, or defense counsel, but of the punishment itself. A modern system of criminal justice must be reasonably accurate, fair, humane, and timely. Our recent experience with the Federal Government’s resumption of executions adds to the mounting body of evidence that the death penalty cannot be reconciled with those values. I remain convinced of the importance of reconsidering the constitutionality of the death penalty itself.”

Amnesty International opposes the death penalty in all cases and under any circumstances, regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to carry out the execution. The organization considers the death penalty a violation of the right to life as recognized in the Universal Declaration of Human Rights and the ultimate cruel, inhuman and degrading punishment.

The resumption of US federal executions comes at a time when the world – and indeed the majority of states in the USA – has been moving away from the death penalty. As of August 2020, 22 US states have abolished the death penalty and 11 have not carried out executions in more than 10 years. Figures on 2019 executions and death sentences in the USA represented the second lowest yearly totals recorded in 28 and 46 years, respectively. Similarly, the majority of the world has abandoned the use of the death penalty, with a small minority – 7 US states and 19 other countries – carrying out executions in 2019. Iran, Saudi Arabia, Iraq and Egypt accounted for 86% of confirmed global executions in 2019. Most recently, the Governor of Wyoming has expressed serious consideration of a moratorium on the death penalty;⁴² and in 2019 the Governor of California – the state with the highest number of prisoners on death row in the country – issued an order officially halting all executions and closing the execution chamber.⁴³

As four more executions are set to be carried out in the coming weeks, Amnesty International calls on the US Congress as well as regional and international bodies, to immediately carry out an independent and impartial investigation into the developments that culminated in the July executions and the observance of safeguards that must be applied in all death penalty cases as established under US and international human rights law and standards.

Amnesty International also calls on:

- the US Congress to take all necessary steps to abolish the death penalty in law for all offences and at minimum commute all death sentences to terms of imprisonment;
- the US Department of Justice to immediately ensure that all scheduled execution dates are withdrawn, and no others are issued.

⁴² “Wyoming governor: Death-penalty moratorium could save money”, Associated Press, 13 July 2020, <https://apnews.com/787bf85032ed5f27ed60388a7ceff292>

⁴³ Office of Governor Gavin Newsom, *Governor Gavin Newsom orders a halt to the death penalty in California*, 13 March 2019, www.gov.ca.gov/2019/03/13/governor-gavin-newsom-orders-a-halt-to-the-death-penalty-in-california/