

URGENT ACTION

THREE MEN EXECUTED, FOUR OTHERS AT RISK

On 14 July, the US authorities carried out the first federal execution in 17 years, with two others following closely on 16 and 17 July. Two of them were executed hours after their original death warrants had expired, following the lifting by the US Supreme Court of temporary injunctions put in place by lower courts. As a fourth man remains at risk of execution on 28 August and new executions have been set for August and September, we urge the US Attorney General to call off the death warrants and abandon any plans to pursue further executions.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Attorney General William Barr
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
Department Comment Line: 202-353-1555
Email: askdoj@usdoj.gov

Dear Attorney General Barr,

I am writing to ask to do all in your power to call off the executions of four men convicted under US federal law, currently set for 26 and 28 August and 22 and 24 September, and abandon any plans to pursue further death warrants.

The three executions carried out over four days in July have provided new evidence of flaws and arbitrariness that have long affected the US death penalty system. Racial bias and flawed legal representation are some of the common factors that have contributed to unreliable judicial decisions on life or death, including for people with severe mental and intellectual disabilities. I ask you to intervene and lead the urgent review of the broken US death penalty system.

As of today, 22 US states have now abolished the death penalty, and 11 others have not carried out executions in more than 10 years. 2019 figures on executions and death sentences confirmed that yearly US totals remain within historical lows. Similar trends are reflected at a global level, where 86% of all confirmed executions in 2019 (excluding China) were recorded in just four countries – Iran, Saudi Arabia, Iraq and Egypt.

I encourage you to do everything in your power to call off the scheduled executions and end the cycle of violence.

Yours sincerely,

ADDITIONAL INFORMATION

On 14 July, the US authorities carried out the first execution since 2003 of a person convicted under federal law. Daniel Lewis Lee was pronounced dead at 08.07am on 14 July, more than 16 hours after his execution was initially set. The original death warrant expired at midnight and, two hours later, the US Supreme Court lifted the stay of execution that was ordered by the US District of Columbia court in a 5-4 decision. The Department of Justice reset the execution for 4am, and as the validity of the stay was further litigated, Daniel Lewis Lee remained cruelly strapped to the lethal injection gurney. The US Court of Appeals for the Eighth Circuit removed the last legal impediment to the execution at 7.36am and the federal authorities moved to immediately administer the lethal injection to Daniel Lewis Lee, without adequate notice to his legal counsel and with several legal motions in the case still pending.

Wesley Ira Purkey was pronounced dead on 16 July at 8.19am, also 16 hours after the time set for his execution. His attorneys filed a motion before the US District of Columbia court to seek a stay of execution on the ground 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. International law prohibits the use of the death penalty against persons with mental or intellectual disabilities. The District Court granted the injunction on the execution, only for that to be lifted by the US Supreme Court – again in a 5-4 decision – in the early hours of 16 June, after the original death warrant expired. His attorneys expressed concern at several violations of due process in the case, including the withholding from the government of scientific evidence documenting his advancing dementia and the lack of adequate notice of the rescheduled execution.

Dustin Honken's execution was set for 4pm on 17 July and he was pronounced dead 36 minutes later. His attorneys highlighted how his trial and sentencing were affected by misconduct and ineffective legal counsel, who failed to inform the jury of his mental disability and challenges in his background history. All three executions took place at the Federal Correctional Centre in Terre Haute, Indiana. A fourth federal execution remains scheduled for 28 August, even if the attorneys representing the man highlighted how the ineffective legal representation he received at trial resulted in crucial errors and the jury never hearing of mitigating factors in his case, including the repeated sexual and physical abuse that he faced during his traumatic childhood. On 29 July, US Attorney General William Barr directed the Federal Bureau of Prisons to set the execution of a fifth man for 26 August. Two additional executions have also been set for 22 and 24 September.

The pursuit of these executions, including through the rushed rescheduling, proceeding with expired death warrants, as motions remained pending, show complete disregard on the part of the US federal authorities of international safeguards that must be observed in all death penalty cases and provide further evidence of the flaws and arbitrariness that have long affected the use of the death penalty in the USA. 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."

As of today, 142 countries are abolitionist in law or practice. Amnesty International opposes the death penalty in all cases, without exception.

PREFERRED LANGUAGE TO ADDRESS TARGET: English.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 24 September 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Men at risk of US federal executions (them, they, theirs)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr51/1960/2020/en/>