

PUBLIC

AI Index: AMR 51/23/99

4 February 1999

Further information on UA 305/98 (AMR 51/101/98, 3 December 1998) and follow-up (AMR 51/07/99, 14 January 1999) - Death Penalty / Legal Concern

USA (Oklahoma) Sean SELLERS, aged 29

Sean Sellers was executed, as scheduled, just after midnight local time on 4 February 1999. He is the first US prisoner to be put to death for crimes committed at 16 since the USA resumed executions in 1977.

Sean Sellers's execution is a violation of international law and a further sign of the USA's contempt for the global human rights standards it so often claims to support.

On 27 January, his clemency petition was unanimously rejected by the Oklahoma Pardon and Parole Board. His relatives were among those at the hearing urging that no mercy be shown - Sellers was convicted of the murder of his mother and stepfather and for killing a shopkeeper. When Sean Sellers tried to express his remorse at the hearing to the relatives of his victims, his uncle shouted "Stop begging. Take your punishment".

At the hearing, one of the jurors from the 1986 trial urged the Board to recommend clemency. She recalled how the jurors at the trial had not believed Sean Sellers would ever be executed, as there had been no execution in Oklahoma for two decades. She claimed that they had voted for death because they feared that otherwise the defendant would be released from prison within a few years. The court had not allowed them to hear expert testimony that the length of a life sentence in Oklahoma meant at least 15 years in prison without parole. The defence had wished to counteract local newspaper articles suggesting that life imprisonment meant release in under half that time.

The juror at the clemency hearing told of how she had learned of, and been moved by, Sean Sellers' personal development on death row and his work to help other troubled teenagers. It is precisely this potential for change in a young person which lies behind the global ban on the use of the death penalty against children.

In the days leading up to the clemency hearing and execution, in the face of growing national and international publicity on the case and opposition to the imminent execution, local newspapers published articles claiming Sean Sellers was a "manipulative" individual and had invented his mental illness. This was despite the fact that in 1998 a federal court had acknowledged undisputed expert testimony about his serious mental illness. The extent of this illness was not raised at his trial because clinical tests for his condition had not yet been developed.

The American Bar Association and Archbishop Desmond Tutu of South Africa were among those who wrote to Governor Keating urging that the execution be halted. Following the rejection of clemency,

Amnesty International appealed to international bodies to do all they could to prevent the execution. The Organization of American States, the United Nations High Commissioner for Human Rights and Defence for Children International were among those who called for the execution to be stopped.

On 1 February, Amnesty International wrote an open letter to President Clinton, the leaders of the US Senate and the Chief Justice of the US Supreme Court, calling for their intervention (see AMR 51/20/99). Noting that questions of morality, responsibility and leadership in politics were currently high on the US political agenda, Amnesty International challenged the federal authorities to live up to their international legal obligations in the case of Sean Sellers and to join the global moral consensus that the execution of child offenders is wrong. The organization does not yet know if the federal authorities made any effort to prevent the execution.

On the same day as Sean Sellers' clemency hearing, Pope John Paul II challenged the USA to reject the cruelty of the death penalty. However, immediately after the hearing, Oklahoma's Governor, a Catholic, welcomed the rejection of clemency, and in television interviews on 3 February, said that the Pope was "wrong" on the death penalty, and that Catholic theology supports capital punishment. The Archbishop of Oklahoma City is reported to have reacted strongly against the Governor's statements. Even before the clemency hearing, the Governor had said that he would not grant Sean Sellers clemency.

Sean Sellers was the 13th person since 1977 to be executed in the US for a crime committed when he was under 18. The others were all 17 at the time of their offences. The USA, which has carried out the world's last four executions of child offenders, has now executed more such prisoners since 1990 than the rest of the world combined, as far as Amnesty International is aware.

Sean Sellers' was the 512th prisoner executed in the USA since executions resumed in 1977. Twelve have been executed in 1999 so far, and at least another 11 are scheduled to die in February.

Many thanks to all who sent appeals on behalf of Sean Sellers. Local press reported that the authorities were "inundated" with appeals. Participants may write to Governor Keating and the federal authorities expressing deep regret at the execution and calling on the USA to meet its international obligations and to stop using the death penalty against those under 18 at the time of the crime.

Governor Keating
212 State Capitol
Oklahoma City
OK 73105, USA
Faxes: + 1 405 521 3353
E-mail: governor@oklaosf.ok.us
Salutation: Dear Governor

The Honorable Janet Reno

Attorney General
Department of Justice
950 Pennsylvania Ave. N.W.
Room 440
Washington DC 20530-0001
Faxes:+ 1 202 514 4371
Salutation:Dear Attorney General