

EXTERNAL (for general distribution)

AI Index: AMR 51/45/95
Distr: UA/SC

9 March 1995

Further information on EXTRA 06/95 (AMR 51/12/95, 19 January 1995) - Death Penalty

USA (New York) Reinstatement of the death penalty

On 7 March 1995 the governor of New York, George E Pataki, signed a death penalty bill into law. The law will be effective from 1 September 1995. There have been no executions in the state since 1963.

The bill passed the New York State Senate on 5 March by a vote of 38-19, and by a vote of 94-52 in the State Assembly on 7 March, before it was passed to Governor Pataki for signing.

Saying that "this bill will save lives", Governor Pataki spoke about his belief that the death penalty provides a deterrence to violent crime. Former Governor Mario M Cuomo, who vetoed every death penalty bill which came before him during his tenure as governor, called the move "...a step back in what should be a march constantly toward a higher level of civility and intelligence. The argument that the death penalty will deter and reduce crimes has been abandoned almost everywhere."

According to reports, the bill provides for the death penalty for several categories of murder including intentional murders committed during other violent crimes, serial and "contract" killings, the murder of judges, police officers and prison guards who are on duty, and murders involving torture. It includes a provision which will exempt pregnant women, the mentally incompetent and mentally retarded from execution, although the mentally retarded can be executed if they commit murder while in prison.

According to press reports, the bill has had mixed reactions from the five district attorneys in New York City, where the majority of murders are committed. One of them has apparently said that he will never impose the death penalty because of his "intense respect for the value and sanctity of human life", while he also expressed concern about the fairness of the death penalty and its cost.

Amnesty International opposes the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as proclaimed in Article 5 of the Universal Declaration of Human Rights.

FURTHER RECOMMENDED ACTION: Please telephone, or send telegrams, faxes, express and airmail letters:

- expressing deep regret at the reintroduction of the death penalty in New York;
- citing arguments against the death penalty, for example - that detailed research, both in the USA and other countries, has produced no evidence that the death penalty deters crime more effectively than any other punishment (you may cite examples such as Canada, where the homicide rate per 100,000 population has dropped by 27% since it abolished the death penalty in 1976, and the end of 1993. Other relevant information pertaining to your country, if it is abolitionist, could also be cited).

APPEALS TO:

The Honorable George E Pataki
Governor of New York State
The Capitol
138 Eagle Street
Albany, NY 12224
Faxes: +1 518 474 1513
Telephone: +1 518 474 7516
Telegrams: Governor Pataki, New York, USA
Salutation: Dear Governor

COPIES OF YOUR APPEALS TO:

Dennis C. Vacco
Attorney General
State of New York
120 Broadway
New York, NY 10271
Faxes: +1 518 474 8995

Letters Editor
New York Times
229 West 43rd Street
New York, NY 10036
Faxes: +1 212 556 3690

Letters Editor
The Albany Times
News Plaza, Albany, NY 12212
USA

and to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.