

22 May 2001

Further information on EXTRA 25/01 (AMR 51/058/2001, 12 April 2001) - Death penalty

**USA (Federal) Action for a moratorium on federal executions
Timothy McVeigh, white, aged 32**

A 38-year *de facto* moratorium on federal executions in the USA is due to come to an end with the execution of Timothy McVeigh on 11 June 2001, unless McVeigh decides to resume his appeals or President George W. Bush announces an official moratorium on federal executions.

The USA has executed more than 700 men and women since it resumed judicial killing in 1977. All were convicted of murder under the laws of individual states. No federal prisoner has been executed since 1963.

Timothy McVeigh was convicted in federal court in 1997 of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on 19 April 1995, in which 168 people were killed and more than 500 injured. He was scheduled to be executed on 16 May 2001, but this was postponed by US Attorney General John Ashcroft after it emerged that the Federal Bureau of Investigation (FBI) had withheld more than 3000 pages of evidence from the trial lawyers in the case. The defence lawyers are currently analyzing this documentation and reviewing their options with their client. Until the FBI's revelations, Timothy McVeigh had dropped appeals against his death sentence and refused to petition for clemency. He has apparently not yet decided whether to resume his appeals on the basis of the new evidence.

The FBI's revelations in the McVeigh case have been a serious embarrassment to the US authorities. At a time of increasing concern about the reliability and fairness of the US capital justice system, the disclosure has led many people to ask: if this type of error can happen in such a high-profile case, what about all those capital cases around the country which have attracted nothing like this level of public scrutiny?

For those who have long worked against the death penalty in the USA, the revelations have come as no surprise. The reality is that official misconduct, legal incompetence, political expediency, discrimination, arbitrariness, and error have been the hallmarks of the US capital justice system over the past two decades.

A recent indication that the federal death penalty system is plagued by the same lottery-like qualities as its state level counterparts came in September 2000, when the US Justice Department released the findings of a review into the federal capital justice system. These revealed widespread racial and geographic disparities in the application of the federal death penalty (see *Memorandum to President Clinton: An appeal for human rights leadership as the first federal execution looms*, AMR 51/158/00, November 2000). These findings led President Clinton to issue a six-month stay of execution for Juan Raul Garza, who was due to die by lethal injection on 12 December 2000, and who is now scheduled to die on 19 June, eight days after Timothy McVeigh. As one of his last acts in office, President Clinton also commuted the death sentence of a federal prisoner, David Ronald Chandler, whose guilt was in serious doubt (see EXTRA 03/01, AMR 51/008/2001, 12 January 2001 and update).

More than 60 countries have abolished the death penalty since the USA resumed executions in 1977. Today, as the first US federal execution in almost four decades approaches, more than 100 countries have abandoned executions in law or practice. A measure of the global progress towards abolition can also be found in the mandate of the International Criminal Court. Set up to try the world's worst crimes - genocide, torture, mass killing - the most severe penalty that the Court will be able to impose is life imprisonment, subject to review after 25 years.

Amnesty International opposes executions in all cases, without reservation, regardless of the heinousness of the crime. The death penalty is a symptom of a culture of violence, not a solution to it. By imitating what it seeks to condemn - the deliberate taking of human life - the state is allowing those who kill to set society's moral tone. The death penalty offers no answers to the many questions that arise from violent crime, and diverts energy and resources away from humane, constructive alternatives to confronting this pressing social problem. It encourages feelings of vengeance, division, intolerance, and hatred. It is an entirely destructive exercise with no measurable societal benefit.

The USA's increasingly isolated resort to this cruel, brutalizing, ineffective and irrevocable punishment is a matter which cries out for leadership at the highest level.

President Bush can declare a moratorium on federal executions under Article II, Section 2, Clause 1, of the US Constitution which gives him the "Power to Grant Reprieves and Pardons for Offenses against the United States".

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language, in your own words, drawing from the above and other arguments as you see fit. While expressing sympathy for the victims of violent crime, urge President Bush not to allow federal executions to resume after 38 years without them and to impose an immediate moratorium with a view to leading his country away from the death penalty.

APPEALS TO:

George W. Bush
The President
The White House
Office of the President
1600 Pennsylvania Avenue, Washington, DC 20500, USA
Fax: + 1 202 456 2461
Telegrams: President Bush, Washington DC, USA
E-mail: president@whitehouse.gov
Salutation: Dear Mr President

COPIES TO: diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.