

URGENT ACTION

TWO MORE US FEDERAL EXECUTIONS IMMINENT

After a hiatus of 17 years, the Trump administration resumed executions of people convicted under US federal law on 14 July 2020. Five men have already been put to death over a seven-week period, and two other executions are currently set for 22 and 24 September. As global progress towards ending the use of the death penalty continues, 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 two men convicted under US federal law, currently set for 22 and 24 September, and abandon any plans to pursue further death warrants.

The relentless pursuit of executions by the US Department of Justice as displayed in recent months has not only put the spotlight on the flaws and arbitrariness that have long affected the USA death penalty system, but has also shown cruel contempt on the part of your administration for safeguards and restrictions established under international law and standards to guarantee protection of the rights of those facing the death penalty. 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 USA death penalty system.

As of today, 22 US states have abolished the death penalty, and 11 others have not carried out executions in more than 10 years. 2019 figures confirmed that yearly US totals of executions and death sentences remain within historical lows; at a global level, 86% of all confirmed executions (excluding China) were recorded in 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 USA authorities carried out the first execution since 2003 of a person convicted under federal law. Daniel Lewis Lee was pronounced dead at 08:07 am on 14 July, more than 16 hours after his execution was initially set. After the USA Court of Appeals for the Eighth Circuit removed the last legal impediment to the execution at 7:36 am, 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 8:19 am, also 16 hours after the time set for his execution. His attorneys filed a motion before the USA 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 (psychosocial) or intellectual disabilities. 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 USA Supreme Court in a 5-4 ruling in the early hours of 16 June, with no rationale provided for the decision.

Dustin Honken was executed on 17 July. 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.

Lezmond Mitchell, a Navajo man, was executed on 26 August. The execution went ahead despite a request for a stay issued by the Inter-American Commission on Human Rights, on the grounds that his right to a fair trial had been violated; and that the execution would also violate the right to cultural identity of the Navajo Nation and undermine their right to self-determination, as they actively oppose the application of the death penalty to their members. His attorneys also highlighted concerns that racial discrimination affected the jury selection and the jurors' decision in his case.

Keith Dwayne Nelson's execution was carried out on 28 August. His attorneys 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.

All five executions took place at the Federal Correctional Centre in Terre Haute, Indiana. 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 USA 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, USA 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."

Two more federal executions are scheduled for 22 and 24 September. 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 PRONOUN: Men at risk of US federal executions (them, they, theirs)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr51/2815/2020/en/>