

UNITED STATES OF AMERICA:

AMNESTY INTERNATIONAL URGES PRESIDENTIAL COMMISSION ON DEATH PENALTY.

The use of the death penalty in the United States of America brings shame to the country's judicial system, according to Amnesty International.

In a hard-hitting open letter to President Bill Clinton, the international human rights organization brands the death penalty "arbitrary, unfair and racially discriminatory", and calls for an urgent Presidential Commission to look into the system-wide problems.

And, says Amnesty International, federal authorities can no longer hide behind their repeated claims that the death penalty is an issue for states alone to decide - the problems are now so serious and the discrepancies so severe that they must be looked into at a national level.

Amnesty International has drawn up a list of eleven crucial areas it believes a Presidential Commission must look into as a matter of urgency. They include:

- provision of legal counsel:** many poor defendants are inadequately represented by lawyers untrained in capital punishment law - the situation is a disgrace. It is particularly shameful in Texas, where many prisoners have no lawyer at all to handle their appeals;
- death penalty and juvenile offenders:** the USA is one of only seven countries worldwide to have executed people in the last five years for crimes committed while they were still minors under 18 - the others are Iran, Iraq, Nigeria, Pakistan, Saudi Arabia and Yemen;
- risk of executing an innocent person:** in March last year, Walter McMillan was freed after spending six years on death row for a crime he did not commit. Other innocent people have gone to the electric chair;
- executive clemency:** power to reduce a death sentence on humanitarian or other grounds is a vital safeguard which has been all but abandoned.

One of the most shocking aspects of the Amnesty International report highlights the ingrained racism of the death penalty in action. Figures speak for themselves: 40 per cent of death row prisoners are black, compared to just 12 per cent of the population and an astonishing 84 per cent of prisoners executed since 1977 were convicted of murdering white victims - although black and white

people are murdered in roughly equal numbers.

Most shocking of all, the US Supreme Court appears to tolerate this racism. In a key ruling in 1987, the Court narrowly rejected a claim that the death penalty in Georgia was unconstitutional because of racism, saying: "apparent disparities in sentencing are an inevitable part of our criminal justice system." This is unacceptable, says Amnesty International, and in its open letter asks: "Where would the US be today if, in 1954, the Supreme Court had ruled that school segregation was an "inevitable part" of the education system?"

Equally shocking is the treatment handed out to mentally ill or impaired prisoners - the USA has executed more than 50 mentally ill or seriously retarded people since 1982.

Among them was Nollie Martin, who spent his 13 years on death row rocking back and forth on the floor of his cell. His symptoms were so severe he needed constant medication, he hallucinated, and mutilated himself constantly. Nevertheless, he was executed in May 1992. During the 1992 Presidential Campaign, Bill Clinton, then Governor of Arkansas, refused to grant clemency to Ricky Rector, another severely mentally impaired prisoner who was executed in January 1992.

Amnesty International's open letter also contains persuasive practical reasons for abandoning the death penalty - not least its cost. It currently costs between \$2 million and \$3 million for each execution - more than three times the cost of keeping a prisoner behind bars for 40 years. What is more, there is no evidence to suggest that the death penalty is an effective deterrent.

"Only misplaced political will keeps the death penalty viable in the USA today," said Amnesty International. "There are currently over 2,700 people on death row in the United States, all sentenced to death under a system which is clearly deeply flawed. Last year alone, 35 people were killed after going through this unfair process.

"At the very least, and as a first step towards abolition, we believe there is an urgent need for the use of the death penalty to be looked at systematically across the country. Only if the real facts are presented objectively can we hope to see an end to the blatant injustices, the racism, and the waste of resources and human life that are the hallmark of the death penalty in the USA today."

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