

PUBLIC

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Further information on EXTRA 01/01 (AMR 51/01/01, 4 January 2001) - Death penalty / Legal concern

USA (Arizona) José Jacobo Amaya Ruiz, Salvadoran national, aged 41

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A federal US District Judge has stopped the execution of José Amaya Ruiz, who was scheduled to be executed in Arizona on 18 January 2001.

Amaya Ruiz was sentenced to death in 1986 for the murder of Kimberly Lopez, who was killed at her home on 28 March 1985. Amaya Ruiz, an illegal immigrant from El Salvador, was employed by Lopez and her husband on their ranch near Tucson.

In 1999 José Amaya Ruiz, who has a long history of serious mental illness, was found legally insane by a court after two doctors concluded that he did not understand the reason for, or reality of, his punishment. However after mental health treatment, in 2000 a doctor said that the prisoner's competency had been restored, and the state set an execution date.

The US District Judge wrote that under Arizona law "the decision about when and if a prisoner has recovered competency for execution rests entirely with the chief medical officer of the state hospital... A prisoner found incompetent by a superior court judge and then later declared competent by the state hospital has no direct method of challenging the state officer's determination. The statutes do not provide for a hearing before a judge to determine sufficiency or reliability of the hospital's evaluation... nor do the statutes provide for the appointment of defense experts to examine the prisoner, a hearing at which to present any evidence which may contradict the hospital's report, or a right to appeal [to] the Arizona Supreme Court...".

The judge concluded that under US constitutional requirements (*Ford v Wainwright*, 1986) "Arizona's procedures are substantially inadequate to protect Petitioner's right to a fair redetermination of his competency". The judge cited statutes in a number of other US states (Tennessee, California, Kentucky, Mississippi, Montana, Nebraska, New York and Wyoming) which require or allow for a judicial hearing when it is claimed by the State that a prisoner has regained his sanity and is once again competent to be executed.

The judge ruled that José Amaya Ruiz is entitled to a federal evidentiary hearing on the issue of his competency and "that a stay of execution is required to allow that hearing to be held in a meaningful manner". The state opposed the stay of execution, but did not get it overturned.

On the original EXTRA it was noted that in 1985, a psychologist for the state had estimated José Amaya Ruiz's IQ to be in the region of 65-75. Amnesty International has since received information that in 1994, a clinical psychologist actually tested José Amaya Ruiz, and concluded that his IQ was in the region of 51-53, indicating a serious mental impairment.

**No further action is requested by the UA Network. José Amaya Ruiz's lawyer has asked for her thanks to be sent to all who sent appeals.**