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Death Penalty

13 May 1994

USA (Washington)

Charles CAMPBELL

Charles Campbell, white, is scheduled to be executed in Washington on 27 May 1994. He was sentenced to death in December 1982 for the murders of two white women and a child.

Campbell's appeal was rejected by a narrow majority of the 9th Circuit Court of Appeals in April 1994. After it upholds a death sentence, the 9th Circuit Court usually grants an automatic stay of execution for 90 days to allow a final appeal to the US Supreme Court. However, according to newspaper reports, the court said that "exceptional circumstances" justified different treatment in Campbell's case, noting that it had previously been criticized by the US Supreme Court for its delay in failing to resolve Campbell's appeals, and that it had been instructed to act quickly in the case. In its ruling, the court lifted a stay of execution which had been in effect since March 1989, allowing Campbell's execution to be carried out within 42 days.

According to newspaper reports, in a dissenting opinion, one of the 9th Circuit Court judges said: *"Our decision demonstrates once again that in capital punishment cases, the current federal judiciary is less concerned with rules of law and constitutional principles than with ensuring that defendants are executed speedily"*.

Campbell may still seek a stay of execution from the US Supreme Court, but it is considered unlikely that any appeal for a stay would be granted.

BACKGROUND INFORMATION

Prisoners facing execution in Washington must choose between hanging or lethal injection; if they make no choice - as in the case of Charles Campbell - Washington's law provides for execution by hanging. Campbell's attorneys are appealing to the US Supreme Court that execution by hanging constitutes cruel and unusual punishment, and is contrary to the Constitution. Washington and Montana are the only US states that allow execution by hanging.

In Washington the governor has final power to grant clemency. According to information received by Amnesty International, Governor Lowry has indicated that he is personally opposed to the death penalty but has said that he could allow an execution if the crime fits the narrow provisions of the state's law.

If Campbells' execution goes ahead it will be the first in Washington under Governor Lowry.

As of 6 January 1994, there were 13 prisoners under sentence of death in Washington. The last person to be executed in the state was Westley Allan Dodd on 5 January 1993; this was the first execution in the state for 29 years.

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

RECOMMENDED ACTION: Please send telegrams, telexes, faxes, express and airmail letters, in English if possible, or your own language, or call by telephone:

- urging Governor Lowry to grant clemency to Charles Campbell by commuting his death sentence;
- acknowledging the seriousness of the crime for which Charles Campbell was convicted, and expressing sympathy for the victims of violent crime, their families and friends;
- urging Governor Lowry to exercise leadership on this important human rights issue and set an example to other US state governors by rejecting the death penalty as a punishment in Washington;

and using some of the following points:

- explain that international human rights standards and treaties encourage governments to restrict the use of the death penalty;
- stating that executions are contrary to the world trend towards abolition of the death penalty and that the USA is the only western industrialized nation to carry out the death penalty;
- stressing your/AI's unconditional opposition to the death penalty;
- expressing concern that according to research studies, including those of Amnesty International, the death penalty in the USA is imposed disproportionately on the poor, on minorities, on the mentally ill or retarded, on those without adequate legal counsel, and on people from deprived backgrounds;
- noting that execution is irrevocable and, despite the most stringent safeguards may be imposed on the innocent;
- referring to the overwhelming conclusion from studies on the issue that there is no reliable evidence that the death penalty deters crimes more effectively than other punishments.

APPEALS TO:

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and to diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY.