

# AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AMR 51/081/2003 (Public)  
News Service No: 134  
4 June 2003

## **USA: Not in the jury's name - Abu-Ali Abdur'Rahman set for execution**

The Governor of Tennessee must stop an execution scheduled for 18 June in his state because he cannot rely on the jury's original sentencing decision, Amnesty International said today, releasing a report on the case of Abu-Ali Abdur'Rahman.

"Having learned of exculpatory and mitigating evidence kept from them at trial 16 years ago, eight of the original trial jurors have said that they no longer have confidence in their sentencing verdict", Amnesty International said.

"Governor Phil Bredesen cannot have confidence in it either."

Abu-Ali Abdur'Rahman was sentenced to death after a three-day trial in 1987. He was represented by a trial lawyer who has admitted that he was unprepared to defend his client, and faced a prosecutor whose zeal for a death sentence led him into professionally questionable conduct. A federal judge has described the case as a "miscarriage of justice". A Tennessee Supreme Court judge has pointed out that "none of the judges who have reviewed this case has seriously disputed that Abdur'Rahman's trial counsel was woefully incompetent and demonstrably ineffective."

The defence lawyer, for example, failed to present any evidence of his client's history of appalling childhood abuse and mental illness. For his part, the prosecutor "engaged in a pattern of deception" that also kept crucial information from the jury, according to six former prosecutors in an appeal last year to the US Supreme Court.

Due to procedural technicalities, no court has reviewed the full range of prosecutorial misconduct claims. Meanwhile, the only judge to have heard the testimony from the wide range of witnesses and evidence not presented by the defence lawyer, concluded that Abdur'Rahman had been "seriously prejudiced by utterly ineffective assistance of counsel". This federal judge said that his review of all the evidence "compels" the conclusion that the death sentence "cannot stand".

"Due to a combination of technical legalities and harsh legal precedents, the death sentence does still stand," Amnesty International continued.

"The power of executive clemency exists precisely to compensate for the rigidity of the judiciary. Governor Bredesen should use that power to commute this death sentence in the interest of justice and the reputation of the State Tennessee and the USA."

Amnesty International's report: *Not in the jury's name: the imminent execution of Abu-Ali Abdur'Rahman* is available at <http://web.amnesty.org/library/Index/ENGAMR510752003>

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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