

8 June 2000

Further information on EXTRA 50/00 (AMR 51/78/00, 23 May 2000) - Death penalty / Legal concern**USA (Maryland) Eugene Sherman Colvin-El, black, aged 55**

Eugene Colvin-El's death sentence was commuted to life imprisonment without parole by the Governor of Maryland on 7 June 2000. His execution had been due to take place next week.

Governor Glendening stopped the execution by Executive Order. In a statement he said: "The most difficult decision that a Governor must make is to determine whether or not the State should impose the death penalty. The role of the Governor is not to sit as a final jury or judge. The role is to review the totality of the case and determine if the State should move forward with the ultimate sanction society can apply.

"During my tenure as Governor, this is the third time I have been called upon to review a death penalty case. I support the death penalty. There are some crimes that are so brutal, so vile, and so shocking to society that they call for the ultimate punishment. All three death penalty cases that I have examined as Governor fit this description. In the first two cases, it was not only reasonable to conclude that the death penalty was appropriate - I was absolutely certain of it. That is why I proceeded with those executions.

"I have thoroughly and carefully reviewed the records in this case. I believe Colvin-El committed this horrible crime. But I do not have the same level of absolute certainty I had with the other two cases. It is not appropriate to proceed with an execution when there is any level of uncertainty, as the death penalty is final and irreversible. Therefore, I have commuted his sentence to life in prison without the possibility of parole..."

Pressure on the Governor to stop the execution had mounted in recent weeks. On 1 June, in an unusual move, Maryland's three Catholic bishops held a press conference to call for clemency. On 6 June, black state legislators placed an advertisement in the *Baltimore Sun* calling for a moratorium on executions because of "all the uncertainties and racial disparities revealed about the implementation of the death penalty." Eugene Colvin-El is a black man convicted by an all-white jury on limited circumstantial evidence of killing a white woman (see original EXTRA).

A spokesman said that the Governor had received more letters and calls than for previous Maryland executions, with the majority favouring clemency. The *Baltimore Sun* noted international concern about the case, for example quoting from an appeal from the Austrian capital, Vienna, and noting Amnesty International's involvement. In a letter dated 30 May, Pope John Paul II made his first appeal for clemency in a Maryland case.

The Maryland abolitionist movement has reported greater attendance at rallies and meetings, with local awareness fueled by growing national concern about the fairness and reliability of the US capital justice system.

The *Washington Post* noted: "Glendening's decision to issue the clemency order arrived just as the nation has become embroiled in debate over how death penalties are being meted out. Amid the widening concern that innocent people

are being sent to death row, Gov. James Ryan halted executions in Illinois in January, and last week, Texas Gov. George W. Bush ordered an execution delayed for 30 days to allow new DNA testing." (See update to UA 139/00, AMR 51/83/00, 2 June).

Reaction in Maryland to the commutation has been mixed. Relatives of the murder victim, Lena Buckman, who had been campaigning for the execution, expressed their anger. Her 70-year-old son blamed the decision on "political pressure and mob rule". The Senate President disagreed with the decision, reportedly saying: "I think it's a mistake. The governor's decision undermines the jury system. I just have this terrible empathy for the children and grandchildren of the victim". Another legislator, however, whilst expressing sympathy for the relatives, welcomed the decision: "This does send a continuing message that seems to be slowly rippling across the country - that we need to take a careful look at this."

Amnesty International welcomes the fact that Governor Glendening stopped this execution and urges him to support a moratorium on all executions with a view to abolishing this inherently cruel and irrevocable punishment.

No further action is requested. Many thanks to all who sent appeals.