

17 June 1999

**Further information on UA 105/99 (AMR 51/77/99, 12 May 1999) - Death Penalty / Legal Concern****USA (Virginia) Douglas Christopher Thomas, aged 26**

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Five hours before he was scheduled to be executed on the evening of 16 June 1999, Douglas Christopher Thomas was granted a stay of execution by the Virginia Supreme Court.

Chris Thomas was convicted in 1991 of the 1990 murders of J.B. Wiseman and Kathy Wiseman, the parents of his 14-year-old girlfriend Jessica Wiseman. He received a 65-year prison sentence for the murder of J.B. Wiseman, and was sentenced to death for the murder of Kathy Wiseman.

The defence appealed for the stay following the state Supreme Court's ruling on 11 June 1999, in an unrelated case, that juvenile courts must notify both parents when a juvenile is charged with a crime. In 1990 Chris Thomas's father had not been notified that his son had been charged in juvenile court and would be tried as an adult. The state Supreme Court granted the stay, without comment, and said it would hear the case in September.

According to his lawyers, Chris Thomas was "tearful" and "very joyous" when he received the news of the stay, and immediately rang his parents to tell them. An hour earlier he had said his final goodbyes to them. In an interview from death row a few days before, he had expressed his remorse for the 1990 shootings: "I've re-lived that night over and over in my head for eight and a half years. I don't say that because I'm here [in a death cell]. I say that because what happened was out of character for me." He reiterated his claim that he had not fired the second, fatal, shot at Kathy Wiseman (see original UA). He said that he was "trying to maintain hope" that the governor would grant clemency.

When the stay was granted, Governor Gilmore had yet to announce his decision on whether or not he would grant clemency. As part of the clemency petition presented to him, Chris Thomas's lawyers had included two affidavits from women who had recently come forward after seeing media reports of the case. They claimed that they had been held in juvenile detention with Jessica Wiseman (a claim since verified), and that she had admitted to them that she had fired the second shot at her mother. Jessica Wiseman, who has issued a statement denying this claim, was tried as a juvenile and released in 1997 when she turned 21.

In recent days, the Virginia press has reported the growing support for clemency, including from the forensic psychologist who, in an unusual turn of events (see original UA), had testified for both the defence and prosecution at Chris Thomas's trial. He reportedly stated that the death sentence against Chris Thomas represented "the worst defeat of my career". He added that he supports the death penalty, but that he would "hate to see this boy get executed". It was also reported that the trial judge, who died in 1998, had long been concerned by the death sentence against Chris Thomas. A close friend said the judge had "expressed to me many times in the years after this conviction that he was very disturbed by the outcome."

The President of the American Bar Association wrote to Governor Gilmore: "In our view, the execution of people for crimes they committed while children is unacceptable in a civilized society, irrespective of guilt or innocence. The vast disparity in sentences between these two juvenile co-defendants - death for the 17-year-old and release from prison at age 21 for the 14-year-old - is particularly troubling."

Amongst the international support for clemency cited by the local press was a "faxed petition from Amnesty International with about 650 signatures", according to a spokesperson for the governor.

On 14 June Amnesty International Secretary General Pierre Sané wrote to President Clinton, Secretary of State Albright and Attorney General Reno, urging that the federal government meet its international obligations by intervening to stop the execution in the absence of a state-level remedy. The letters pointed out that the ban on the death penalty against those under 18 at the time of the crime is binding on all countries, regardless of which human rights instruments they have or have not ratified. Pierre Sané wrote: "As we approach the 21<sup>st</sup> century, the international community can be proud that this ban is now so widely accepted and adhered to that it has become a principle of customary international law. It is therefore sadly ironic, to say the least, that the country which so often claims to be the most progressive force for human rights in the world, is currently the only country known to be executing people for crimes committed when they were children."

On 16 June Mary Robinson, the United Nations High Commissioner for Human Rights, called on the federal and state authorities to stop the execution of Chris Thomas and "reaffirm the customary international law ban on the use of the death penalty on juvenile offenders." Mary Robinson made her statement in the Russian Federation, after a visit to the Butyrka pre-trial detention centre in Moscow, where a number of detainees should be taken off death row following President Yeltsin's recent commutation of all death sentences in the Russian Federation. The UN High Commissioner for Human Rights said: "At a time when the international community is increasingly moving towards banning the death penalty altogether, as evidenced by Russia's recent moratorium on capital punishment, it would be sad to see the United States go against accepted standards on the treatment of juvenile offenders by executing Mr. Thomas."

Mary Robinson acknowledged the seriousness of the crime of which Chris Thomas was convicted, and expressed sympathy for the family of the victims. However, she said, "abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights."

Amnesty International welcomes the stay of execution, but reiterates that Chris Thomas's continuing sentence of death violates international law. The organization has yet to receive any response from the federal authorities to its letters of 14 June.

**No further action by the UA Network is requested at present. Many thanks to all who sent appeals on behalf of Chris Thomas.**