

EXTERNAL (for general distribution)

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EXTRA 106/93 Death Penalty

17 December 1993

USA (Idaho) Keith WELLS, white, aged 31

Keith Wells is scheduled to be executed in Idaho on 6 January 1994. If carried out, this will be the first execution in Idaho for 36 years.

Keith Wells was sentenced to death for the December 1990 murders of John Justad and Brandi Rains, both white, during a robbery in a bar. According to newspaper reports, earlier this year Wells wrote to judges and attorneys involved in his case relinquishing his right to all appeals, dismissing his attorneys and demanding that his execution be carried out as soon as possible. In his letter he is quoted as saying: "...I feel that prolonging my life through years of appeals will only serve to prolong the pain and grief of not only my family members and loved ones, but that of the victims' families and loved ones as well. This suffering *MUST STOP* so the healing can begin." He went on to say "The best, both in monetary and emotional well being, for all concerned, taxpayers, family, friends and victims alike, for keeping me confined in a 7' x 14' concrete and steel box year after year, is a wasted and irresponsible one. Especially when all that money and energy can be better spent on things that really mean something, ie Hunger, Poverty, Drug addiction treatment, etc. etc."

Wells' case was reviewed by the Idaho Supreme Court which recently upheld his death sentence. At the review, Wells' lawyer presented no appeal, instead arguing for the death sentence. According to newspaper reports, one of the judges admitted to being concerned that Wells had never directly admitted to carrying out the killings. However, during the Court's review of the case Idaho's Solicitor General, speaking for the state, is recorded in newspapers as saying that the trial presented "*unmistakable evidence that this defendant is the sole perpetrator of the crimes.*"

Wells' current attorney apparently personally opposes the death penalty but according to newspaper reports has said that "... a person in his [Wells'] position should be able to have an attorney who will do what he wants", and has asked that Wells' wish to be executed be carried out as soon as possible, saying that any delay in carrying out the execution would be cruel and unusual punishment.

Apparently court records show that Keith Wells took drugs and alcohol in his childhood. After a failed robbery at the age of 16, he spent some time in a mental hospital. At age 17 he was sent to prison for armed robbery. Newspaper reports quote Wells' current lawyer as saying; "*He's been in and out of jail since he's been 15 years old and he's just sick to death of it.*"

Amnesty International opposes the death penalty unconditionally in all cases.

The execution of prisoners who have chosen to abandon their appeals, and allow the state to execute them, is no less a gross human rights violation than any other execution. The fact that an individual makes such a choice does not relieve the state of its responsibility in taking the life of one of its citizens.

BACKGROUND INFORMATION

There have been no executions in Idaho since 1957. The method of execution there is lethal injection. As of 6 October 1993 there were 22 prisoners under sentence of death in the state. The power to commute sentences rests with the State Commission on Pardons and Parole.

The USA stands alone among western industrialized nations in its continued use of capital punishment. Nearly half the countries of the world have abolished the death penalty in law or practice, a trend which is especially noticeable in both western and eastern Europe. Countries which have abolished the death penalty for all offences since 1989 include the Czech and Slovak Republics, Romania, Cambodia, Angola, Slovenia, Mozambique and Namibia. South Africa suspended all executions in February 1990. In 1992, Paraguay abolished the death penalty for ordinary offences.

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

- acknowledging the seriousness of the crime for which Keith Wells was sentenced to death;
- expressing sympathy for the victims of violent crime and their families;
- urging Governor Andrus/the Commission on Pardons and Parole to grant clemency to Keith Wells by commuting his death sentence;
- urging them not to take the retrograde step of permitting executions to resume in Idaho after 36 years without any;
- if your country has abolished the death penalty it is especially important to mention any national experience demonstrating that the death penalty has no special deterrent effect against violent crime.

APPEALS TO

The Honorable Cecil Andrus
Governor of Idaho
State House
Boise, ID 83720, USA

Telegrams: Governor Andrus, Boise, Idaho, USA

Telephone: +1 208 334 2100

Faxes: +1 208 334 2175

Salutation: Dear Governor

Commission on Pardons and Parole
280 N 8th, Suite 140
Boise, ID 83720, USA

Telegrams: Commission on Pardons and Parole, Boise, Idaho, USA

Telephone: +1 208 334 2520

Faxes: +1 208 334 3501

Salutation: Dear Commission Members

COPIES OF YOUR APPEALS TO:

The Letters Editor

Idaho Statesman (newspaper)
Box 40, Boise, ID 83707, USA
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and to diplomatic representatives of the USA accredited to your country

PLEASE SEND APPEALS TO ARRIVE IN IDAHO BY 5 JANUARY 1994.