

PUBLIC

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Death penalty

19 July 2006

USA (Montana)

David Thomas Dawson (m), white, aged 49

David Dawson is scheduled to be executed in Montana on 11 August 2006. He was sentenced to death in April 1987 for the murder of Monica and David Rodstein and their 11-year-old son Andrew at a motel in Billings, Montana, in 1986. If the execution goes ahead, it would be the first judicial killing in the state of Montana for more than eight years.

David Dawson, who has been on death row for nearly two decades, has given up appeals against his conviction and death sentence. State and federal courts have found David Dawson competent to waive his appeals and have granted his request to dismiss his lawyers. The lawyers challenged Dawson's efforts to waive his appeals and fire them, arguing that his decision-making has been influenced by the harsh conditions on Montana's death row and the suicides of two other condemned inmates who hanged themselves in their cells in July 2003 and February 2004. David Dawson first moved to waive his appeals in 2004.

Efforts are underway to attempt to stop the execution based on legal challenges to the constitutionality of the state's lethal injection process.

BACKGROUND INFORMATION

There have been 1,032 executions in the USA since judicial killing resumed there in 1977. Montana accounts for two of these executions, which were carried out in May 1995 and February 1998. Meanwhile, elsewhere in the world, some 125 countries are abolitionist in law or practice. More than 20 countries have abolished the death penalty since Montana last executed a prisoner.

About one in 10 of the people executed in the USA since 1977 have been so-called "volunteers", prisoners who had dropped their appeals and "consented" to execution. Any number of factors may lead a prisoner not to pursue appeals against his or her death sentence, including mental disorder, physical illness, remorse, bravado, religious belief, the severity of conditions of confinement, including prolonged isolation and lack of physical contact visits, the bleak alternative of life imprisonment without the possibility of parole, pessimism about appeal prospects, a quest for notoriety, or simply a desire to gain a semblance of control over a situation in which the prisoner is otherwise powerless. Rational or irrational, a decision taken by someone who is under threat of death at the hands of others cannot be consensual. What is more, it cannot disguise the fact that the state is involved in a premeditated killing – part of a culture of violence, not a solution to it.

Whether or not prisoners who "ask" to be executed are deluding themselves about the level of control they have gained over their fate – after all, they are merely assisting their government in what it has set out to do anyway – the state is guilty of a far greater deception. It is peddling its own illusion of control: that, by killing a selection of those it convicts of murder, it can offer a constructive contribution to efforts to defeat violent crime. In reality, the state is taking to refined, calculated heights what it seeks to condemn – the deliberate taking of human life. While such executions are sometimes referred to as a form of state-assisted suicide, "prisoner-assisted homicide" would be a more accurate label. For if a death row inmate seeks to commit actual suicide, the state will make every effort to prevent it. The phenomenon of prisoners "volunteering" for execution contributes to the lottery of the death penalty. To put it another way, given the rate of reversible error found in capital cases, if the approximately 120 "volunteers" executed since 1977 had pursued their appeals, there is a significant possibility that a number of them would have had their death sentences overturned to prison terms by the appeal courts.

As well as opposing the death penalty unconditionally in all cases, Amnesty International also has serious concerns about the conditions on death rows in the USA (for example, see pages 143-148 of *USA: The execution of mentally ill offenders*, <http://web.amnesty.org/library/Index/ENGAMR510032006>). The organization has recently raised this issue with the United Nations Committee Against Torture (<http://web.amnesty.org/library/Index/ENGAMR510612006>) and the UN Human Rights Committee (<http://web.amnesty.org/library/Index/ENGAMR511112006>).

In Montana, death row inmates spend most of their lives alone in their cells. The exercise area to which they have access for five hours a week is reportedly an enclosed cage surrounded by concrete walls, with the only outside view straight up (to the sky). David Dawson has spent nearly 20 years in such conditions.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in your own words, in English or your own language:

- expressing sympathy for relatives and friends of Monica, David and Andrew Rodstein, explaining that you are not seeking to excuse this crime or downplay the suffering caused;
- welcoming the fact that there has not been an execution in Montana in more than eight years, and opposing the execution of David Dawson;
- calling on the Governor to stop this execution and to grant clemency to David Dawson;
- calling on the Governor to support a moratorium on executions in Montana.

APPEALS TO:

Governor Brian A. Schweitzer
Office of the Governor
Montana State Capitol Bldg.
P.O. Box 200801
Helena MT 59620-0801, USA
Fax: +1 406 444 5529

Email, via website: <http://governor.mt.gov/contact/comment.asp>.

Salutation: Dear Governor

COPIES TO: diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.