

USA (Oklahoma) Lois Nadean Smith (f), white, aged 61
Sahib al-Mosawi (m), Iraqi national, aged 53

Lois Nadean Smith and Sahib al-Mosawi are scheduled to be put to death by lethal injection in Oklahoma on 4 and 6 December respectively. There have already been 16 executions in Oklahoma in 2001, more than in any single year since state records began in 1915.

Lois Smith is the only woman on death row in Oklahoma after two other women were executed earlier this year. She was sentenced to death in December 1982 for the murder of 20-year-old Cindy Baillee, five months earlier. In an unusually close vote on 7 November 2001, the state Pardon and Parole Board voted 3-2 against clemency. The Board heard evidence that Lois Smith had acted out of fear that Cindy Baillee was planning the murder of her boyfriend, who was Smith's son. The defence also presented evidence that Lois Smith had sustained a serious head injury in her 20s which affected her ability to control her impulses.

Sahib al-Mosawi, an Iraqi national, has chosen not to have a clemency hearing. He was convicted in 1994 of the murder of his wife, Inaam Al-Nashi Al-Mosawi, and her uncle, Mohammed Al-Nashi, who were stabbed to death in 1992. The three had met in a refugee camp in Saudi Arabia after fleeing Iraq in 1991. After about a year in the camp, both families were granted permission to come to the USA. They settled in Oklahoma City and the murders occurred about two months later. The appeal courts have rejected the claim that mitigating factors, including evidence of the defendant's depression and post-traumatic stress disorder, his troubled background and his difficulties in adapting to US culture, would have led the jury to a different decision if such evidence had been fully presented at the trial.

Oklahoma last executed a foreign national in 1998. Tuan Anh Nguyen, a mentally ill former child refugee from Vietnam, was put to death on 10 December, Human Rights Day, for the stabbing murder of his wife and the two young children of her cousin. As Human Rights Day 2001 approaches, Oklahoma is set to round off an appalling year of judicial killing.

BACKGROUND INFORMATION

Amnesty International opposes capital punishment unconditionally. The death penalty is a symptom of violence, not a solution to it, and can offer no constructive contribution to society's efforts to combat crime. In contrast to the clear majority of countries which have abolished the death penalty in law or practice, the USA has continued to resort to this cruel, brutalizing and outdated punishment. More than 600 men and women have been put to death in the USA since 1990, 61 of them this year.

In the past four years Oklahoma has been executing at a greater per capita rate than any other US state, and at a greater rate than most countries. Oklahoma, which accounts for less than one and a half per cent of the USA's population, has carried out 12 per cent of the country's executions since 1998 (37 out of 312), and a quarter of this year's executions (16 of 61).

In April 2001, Amnesty International released a 100-page report, *Old habits die hard: The death penalty in Oklahoma* (AMR 51/055/2001), which found that, as elsewhere in the USA, Oklahoma's capital justice system is marked by

arbitrariness, discrimination and error. The report found that Oklahoma violates international standards, including in its use of the death penalty against child offenders and the mentally impaired.

The USA's growing isolation on this fundamental human rights issue has significant consequences for its international relations. Nine senior former US diplomats reiterated this in a brief filed in the US Supreme Court in June, in which they argued that executions in contravention of international standards "strain diplomatic relations... and impair the United States foreign policy interests". Also in June, the Parliamentary Assembly of the Council of Europe - 43 member countries with 800 million inhabitants - adopted a resolution calling into question the USA's observer status with the Council because of the USA's continuing resort to the death penalty. In April, the USA was voted off the UN Commission on Human Rights. A former US Assistant Secretary of State for Democracy, Human Rights, and Labor, described the vote as "a wake-up call that the era of automatic global deference to US leadership on human rights is over. Our belief in our global exceptionalism has too often led us to vote alone at the commission, falsely assuming that such isolationism has no costs." Among the issues he cited was the USA's continuing refusal to support resolutions calling for a worldwide moratorium on the death penalty.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language. Please write IN YOUR OWN WORDS, using the following points if you wish:

- expressing sympathy for the victims of violent crime, and their families;
- expressing the view that the death penalty contributes nothing constructive to society's efforts to combat violence, and simply creates more grief and suffering - that of the families of the condemned;
- expressing deep concern that Oklahoma continues to be a leading death penalty state in the USA, pointing out the immense damage that is being done to the USA's reputation abroad in an increasingly abolitionist world;
- calling on the Governor to do all in his power and influence to prevent the execution of Lois Nadean Smith and Sahib al-Mosawi;
- calling on the Governor to support a moratorium on executions in Oklahoma with a view to abolition of this outdated punishment.

APPEALS TO:

Governor Frank Keating
 212 State Capitol Building, Oklahoma City, OK 73105, USA
Fax: +1 405 521 3353
E-mail: governor@gov.state.ok.us
Salutation: Dear Governor

COPIES TO:

Jane Jayroe, Director, Tourism and Recreation Department, 15 N. Robinson, Suite 100, Colcord Building, Oklahoma City, OK 73102, USA
Fax: +1 405 522 5354

Ron Bussert, Executive Director, Department of Commerce, 900 N. Stiles, Oklahoma City, OK 73104, USA
Fax: +1 405 815 5290

and to diplomatic representatives of USA accredited to your country.

You may also write brief letters (not more than 200 words) to:
Your Views, The Oklahoman, P.O. Box 25125, Oklahoma City, OK 73125, USA **Email:**
yourviews@oklahoman.com

PLEASE SEND APPEALS IMMEDIATELY.