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EXTRA 26/93 **Death Penalty** **10 March 1993**

USA (Texas): **Harold BARNARD**
Carlos SANTANA

Amnesty International is deeply concerned that two men face imminent execution by the state of Texas, USA. Harold Barnard is scheduled to be executed on 16 March 1993 and Carlos Santana on 23 March 1993.

Harold Barnard, white, was sentenced to death in July 1981 for the murder of an Asian male.

Carlos Santana, originally from the Dominican Republic, was sentenced to death in October 1981 for his role in the shooting death of a Hispanic security guard during the robbery of an armoured security van. The evidence did not show the identity of the actual trigger-person in the crime. However, the Texas Court of Criminal Appeals in 1986, in confirming Santana's conviction and death sentence, ruled that "the evidence "suggests" that appellant fired the fatal shot, and even if he was not the shooter, his actions indicated a "reasonable expectation that the death of the deceased or another would result" from his deliberate acts."

According to an account of his life given by a source to Amnesty International, Carlos Santana was born and grew up in rural poverty in the Dominican Republic, where he was the illegitimate son of a local farmer. As a young adult, he emigrated to Puerto Rico, and then to the USA in 1974, where he worked and sent money home to his disabled mother. Since being on death row, he has obtained educational diplomas and become a self-taught paralegal, helping other prisoners with their cases.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

BACKGROUND INFORMATION

Within the USA, Texas is the state which passes the most death sentences and carries out the most executions. Fifty-four of the 194 prisoners executed in the USA since states reintroduced the death penalty in the mid 1970s have been executed in Texas. As of 15 January 1993, there were 367 prisoners under sentence of death in the state. The most recent prisoner to be executed in Texas was Kevin Lincecum, black, on 9 December 1992. The method of execution is lethal injection.

Clemency has not been granted to any prisoner under sentence of death in Texas since the death penalty was reintroduced there in the mid 1970s. Under Texas' clemency rules, the governor may commute a death sentence only if she receives a favourable recommendation from a majority of the 18-member Board of Pardons and Paroles. The Board has convened only rarely to consider petitions for clemency (to Amnesty International's knowledge, the Board met once in 1987, and once in 1992). Their reluctance to hold full clemency hearings is a matter of great concern to Amnesty International.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in English is possible:

- expressing concern that Harold Barnard is scheduled to be executed on 16 March 1993 and Carlos Santana, who is originally from the Dominican Republic, on 23 March 1993;

- urging the Board of Pardons and Paroles to convene clemency hearings to consider their cases;

- asking the Board to recommend that Governor Richards grant clemency to Harold Barnard and Carlos Santana.

APPEALS TO

Texas Board of Pardons and Paroles
8610 Shoal Creek Boulevard, PO Box 13401
Capitol Station
Austin, TX 78711-3401
USA
Telegrams: Texas Board Pardons/Paroles, Austin, TX 78711, USA
Faxes: + 1 512 406 5231
Telephone: + 1 512 406 5852

Salutation: Dear Board Members

COPIES TO:

The Honorable Ann Richards
Governor of Texas
Office of the Governor
PO Box 12428, Capitol Station
Austin, TX 78711
USA
Faxes: +1 512 463 1849

the following newspapers:
The Letters Editor
Austin-American Statesman
Box 670
Austin, TX 78767

USA
Faxes: +1 512 445 3679

The Letters Editor
Houston Chronicle
801 Texas Avenue
Houston, TX 77002
USA
Faxes: +1 713 220 7868

and to bring Carlos Santana's case to the attention of the Ambassador of the Dominican Republic in the USA:
Jose del Carmen Ariza
Ambassador of the Dominican Republic to the USA
1715 22nd St, NW
Washington DC 20008
Faxes: +1 202 265 8057

and to diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY, TO ARRIVE BY 16 MARCH FOR HAROLD BARNARD, AND 23 MARCH FOR CARLOS SANTANA.