

MID JUNE-JULY 16 DEATH PENALTY SUMMARY

Date format: day/month/year

International Update (7 June – 14 July 2016)

- **USA**

- *Florida* – 7.6.16 – The Supreme Court heard arguments whether the legislature's changes to State death penalty law can be applied to pending cases. This follows the ruling by the US Supreme Court that the old system was unconstitutional because it gave too much power to judges rather than juries. Two executions have already been stayed and the Court is currently considering whether the death sentence imposed on Timothy Lee Hurst should be reduced to life imprisonment. This could then affect some or all of the State's 389 prisoners on death row.
- *Pennsylvania* – 9.6.16 -The US Supreme Court criticised the Chief Justice for not stepping aside in a murder case in which he had earlier served as a prosecutor. The Court (5:3 decision) has given Terrance Williams (convicted of murder in 1984) leave to challenge his death sentence.
- *Connecticut* – 12.6.16 – 'The Day' newspaper carried a report that the State Supreme Court had ruled their abolition of the death penalty applied not only to those on trial since capital punishment was outlawed in 2012, but also to prisoners sentenced to death prior to 2012.
- *Texas* –
 - 15.6.16 – Speaking in connection with the appeal of Julius Murphy, Judge Elsa Alcala has called for Texas's highest Criminal Court to consider whether the death penalty is being applied fairly and should still be recognised as constitutional.
 - 16.6.16 – The Court of Criminal Appeals stayed the execution of Robert Roberson, sending his case back to court for a hearing on new scientific evidence. Four medical experts have claimed the scientific theory (Shaken Baby Syndrome) used to convict him of the murder of his daughter has been discredited. (Note: Roberson is said to have 'severe limitations in intellectual functioning').
 - 11.7.16 – The execution of Perry Williams, convicted of murder in 2000 and due to be executed on 14th July, was stayed pending test results on the drugs to be used.
- *Delaware* – 15.6.16 – The Supreme Court is considering the constitutionality of Delaware's death penalty. (Delaware is one of only

three States – alongside Alabama and Florida, to give Judges rather than Juries the final say in allowing the death penalty).

○ *Alabama –*

- 17.6.16 – An appellate court overturned the ruling of the trial judge who had declared Alabama's death penalty sentencing structure unconstitutional. The judges have now said Alabama's mechanism is constitutional because juries must find at least one aggravating circumstance to exist before the defendant can be eligible for the death penalty, in which it differs from Florida.
- 23.6.16 – The US Supreme Court are currently considering whether to take up the case for Doyle Lee Hamm, an intellectually disabled and possibly brain-damaged man sentenced to death for murder in 1987. Hamm had been denied a further sentence hearing for the presentation of mitigation evidence in respect of his life history. Note: a group of former Alabama Judges are reported to have told justices in Washington that it is routine practice for prosecutors to write proposed sentencing orders for judges in capital cases. A study in 2003 showed that in 17/20 recent capital cases the judge had denied relief from the death penalty in orders written entirely by prosecutors.
- 4.7.16 – *Morgan County* - Judge Steven Haddock denied a motion to rule the Death Penalty unconstitutional.

○ *California –*

- 17.6.16 – Residents are to vote in November on whether to repeal the State's long unused death penalty law 4 years after a similar measure was defeated by 4 percentage points. The initiative to eliminate capital punishment and replace it with a sentence of life in prison without parole had received more than the 365,880 valid signatures needed to qualify for the ballot. The measure is, however, likely to have to compete with an initiative sponsored by prosecutors requiring defence lawyers to accept capital cases, and the State Supreme Court to decide all death penalty appeals within 5 years. 600,000 signatures are reported to have been received in support of the measure. *If both measures pass, the one with the larger majority would become law.*
- 6.7.16 – *Orange County* - Congresswoman and US Senate Candidate Loretta Sanchez announced her support for the state-wide ballot measure to repeal the death penalty in California as 'it remains an ineffective deterrent and does not meet the constitutional standards of the process'.

- *Arizona* – 26.6.16 – As supplies of its controversial lethal injection drug midazolam ran out on 31st May, Arizona has suspended its use of the death penalty. In the meantime, prisoners on death row have launched appeals against the use of the drug (Note: Joseph Wood, injected with midazolam in 2014 took almost 2 hours to die).
- *Nebraska* – 9.7.16 – Following an enquiry which proved the innocence of the 6 suspects found guilty of the ‘Beatrice Six’ murder in 1985, ex-prosecutor Randall Ritnour has said, albeit with reluctance, that he now opposes the death penalty. He has referred in particular to the practice of sparing suspects the threat of execution if they are prepared to plead guilty.
- *Democrats* – 1.7.16 – *The Draft Programme of the Democrats for their National Convention later this month indicates that they will call for the end of the Death Penalty. This represents a win for Senator Bernie Saunders, who has called for the abolition of capital punishment. According to CNN, Hillary Clinton approves of ‘very limited use of the Death Penalty’, particularly for ‘horrific’ terrorist crimes.*
- **Philippines** –
 - 11.6.16 – The proposal of incoming President Rodrigo R Duterte to re-introduce the death penalty is gaining increasing support from Senators. Prison Superintendent Verancio Tesoro has called for death sentences to be carried out by hanging rather than lethal injection since this would ‘have more drama’ and ‘tell the world we are not joking.’ He considers lethal injection a ‘humane way of execution’. President Elect Duterte believes the death penalty would help his administration to ‘curb illegal drugs and criminality, and restore law and order’.
 - 6.7.16 – The first bill tabled under the new Duterte administration called for the reinstatement of the death penalty for ‘heinous crimes’, to be administered by lethal injection.
- **Indonesia** – 14.6.16 – President Joko Widodo has stated he will honour his country’s international agreement with Australia and – should Australian resident Jessica Wongso be convicted of murder and sentenced to death, he will intervene. (Note: He revealed assistance from the Australian Federal Police may have contributed to the decision that she should face trial).
- **Japan** – 16.6.16 – The Supreme Court upheld the lower Court rulings that Yutaro Chiba, convicted of the murder of 2 women in 2010, should be hanged. The case has excited considerable controversy, not because the condemned man was 18 and a minor at the time of the crime, but because his name was made public. Chiba is the seventh minor to be given the death penalty since the policy was introduced in 1983.
- **Egypt** – 18.6.16 – Six people, including two Al Jazeera journalists, have been given the death penalty for ‘leaking details about the army’s deployments as well as dossiers prepared by Egypt’s intelligence agencies’ to Qatari officials.

- **Malawi** – 20.6.16 – Following calls from a member of the opposition Congress Party to bring in the death penalty for those who kill albinos, the Government has ruled this out. The Information Minister has said such legislation would go against Human Rights agreements ratified by the Country, and they would not like to have defend such an action at the International Criminal Court.
- **Malaysia** – 22.6.16 – The Attorney General's Chambers have completed a comprehensive study on the death penalty for the Government's consideration. The Consultant in the preparation of this report was Dr Roger Hood, Professor of Criminology at All Souls, Oxford. Minister Nancy Shukri has said, 'There are positive signs in Malaysia and a steady momentum towards possible change in the death penalty legislation'. The death penalty currently is mandatory for 12 offences, including murder, drug trafficking and security-related issues, with 20 others punishable with a discretionary death penalty.
- **Iran** – 29.6.16 – A report in the Guardian has indicated that Iran is under pressure to abolish the death penalty for drug trafficking as it faces an increasing shortfall in the funding of the counter narcotics campaign funded through the UN Office on Drugs and Crime's five-year international partnership with the country. The UK has confirmed its decision to cease contributing, and Italy, Germany, Austria, Denmark, Ireland and Norway have indicated they will follow suit. Mya Foe, Director of Reprieve's DP team, has said, 'It is increasingly untenable for abolitionist states to contribute to the funding of law enforcement-led counter narcotics programmes in Iran due to sky-rocketing drug related executions'.
- **Nigeria** – 30.6.16 – The Assembly of Delta State has approved the sentence of life imprisonment for kidnapping. The offence will no longer carry the death penalty, which was previously prescribed for any such offence within the State.
- **China** – 3.7.16 – A man found guilty of setting fire to a bus in Yinchuan, killing 18 and injuring 32, has been sentenced to death. He issued an appeal.
- **Manilla** – 5.7.16 – Senator Elect Emmanuel Pacquiao has filed bills calling for the revival of the death penalty for drug-related crimes, kidnapping and aggravated rape.
- **Maldives** – The Country's Foreign Minister has resigned as a result of the Government's decision to implement the death penalty. This follows last month's confirmation of the death penalty imposed on a man convicted of killing a 'lawmaker' in 2012. Days before this ruling, the Government had amended the rules to allow execution by lethal injection or hanging, an indication that the Country's decades-long moratorium on executions will soon end.
- **Catherine Dunmore** – a blogpost has been received from Catherine in connection with her interview on 20.6.16 with BBC Wiltshire concerning her experiences as a volunteer with Amicus in Florida, where she is supporting

the work of defence lawyers for prisoners on death row (see Salisbury AI website for details).

Urgent Actions

- UA 162/16 – **Georgia**. John Conner, whose abusive childhood and possible learning difficulties were not made known to the Jury at the time of his trial in 1982, is due to be executed on 14th July. Neither his young and inexperienced lawyer, nor the judge, explained the importance to him of such mitigating evidence being presented. He has a history of depression and has tried to kill himself. In the course of his 34 years on death row he has become a positive role model and is said to make ‘prison safer for everyone’. *(Circulated to DPLWG 9.7.16; this month’s Group DP UA circulated and put on line in advance of the meeting)*. **Note: 13.7.16 – the Parole Board denied the appeal for clemency.** *Please see our Website for updated information.*
- **The Maldives** – an email UA from AI Australia on behalf of Hussain Humaam Ahmed, the first death row prisoner to face execution for more than 60 years (following the reintroduction of the death penalty – see International Update and Campaigning). *(Circulated to DPLWG 11.7.16)*.

Campaigning

- A letter was sent on 7.7.16 to Salisbury MP John Glen on behalf of the local Group, asking him for information regarding our Government’s response to the implementation of the death penalty in the **Maldives**. As a member of the Parliamentary Group concerned with Human Rights issues in the country, he has been asked to use any influence he has to support the reversal of this policy and the commutation to a term of imprisonment for the prisoner now under a death sentence.
- An email has been sent to Farshid Talaghani asking for early notification of AI London’s national action for World Day Against the Death Penalty to enable the Group to plan an event which would tie in with this.
- Farshid Talaghani has been reminded of the Group’s request for a nationally coordinated action to campaign against the sentencing to death of juveniles in Iran.

Prepared for the Salisbury Group of Amnesty International