

International Pressure Mounts Against U.S. Death Penalty

by Marianna Wertz

Intense international pressure is focussing on the United States, from its best allies abroad, to change the practice of capital punishment in this nation. With the horrible prospect that either America's chief executioner, George W. Bush, or Al Gore, who agrees with Bush's bloody stance, might be her next President, the leading nations of western Europe have launched a multi-pronged drive, aimed, at minimum, at forcing the United States to comply with international norms with respect to capital punishment, if not stopping capital punishment altogether, as the Europeans have done.

The leading initiative in this drive is a lawsuit which opened on Nov. 13 at the World Court, the top judicial branch of the United Nations, located in The Hague, the Netherlands. Germany is suing the United States, in an unprecedented action, demanding that America pay reparations for its "illegal acts" in the 1999 execution in Arizona of two German nationals, the brothers Karl and Walter LaGrand. The LaGrands were never accorded their right to receive consular representation when they were arrested for a 1982 murder, a right guaranteed by the Vienna Convention on Consular Relations. The German lawsuit is also demanding that the United States "provide Germany a guarantee of the non-repetition of the illegal acts."

The United States, represented at the World Court by State Department legal adviser James Thessin, responded arrogantly, saying that Germany was involved in a "deceptive attempt to undermine America's right to enforce the death penalty," and was trying to "litigate the death penalty under the guise of a violation" of the Vienna Convention. Thessin outrageously claimed that the United States conducts its capital punishment "in accordance with due process of the law and stringent procedural safeguards." No date has yet been set for the court's decision in this case.

Should the lawsuit succeed, it would pave the way for many other nations, including neighboring Canada and Mexico, to pursue similar actions against the United States at the World Court. Mexico, joined by the European Union, recently strongly protested the Nov. 9 execution, in Gov. George W. Bush's Texas, of Mexican-born Miguel Flores, who also was never accorded his consular consultation rights when he was arrested. Flores was the 35th person to be executed in Texas

this year, and Bush's 147th victim in his five-year incumbency as Governor of Texas.

Bush's Texas is also under intense pressure from the French Presidency of the European Union, for the execution on Nov. 16 of Johnny Paul Penry, a mentally retarded inmate with the IQ of a six-year-old, who has spent the last 20 years on death row. The French Consul-General in Houston paid a visit to Austin before the execution, where he met with the Texas Board of Pardons and Paroles, insisting that Penry's sentence be "commuted to any other sentence compatible with international law." The United States is one of only a handful of nations that continues to execute mentally handicapped individuals.

There is also a strong initiative under way in France, to bring about an end to the death penalty in the United States. The Association Against the Death Penalty (www.ecart-type.com) held a prominent event in late October in Paris, to announce an international petition drive for this purpose. The importance of this drive is indicated by the prominence of the speakers at the meeting, including former French Justice Minister Robert Badinter, who abolished the death penalty in France in the early 1980s; Raymond Forni, president of the French National Assembly; and Nicole Fontaine, president of the European Parliament. Lyndon LaRouche's co-thinker organization in France, Solidarity and Progress, distributed a leaflet at the event, with the title "To Fight the Death Penalty in America, It Is Necessary To Change American Society." The leaflet denounced the current drift of U.S. policy toward Confederate politics.

Two other international initiatives are also worth reporting here. Moratorium 2000, the international anti-death-penalty organization headed in the United States by Sister Helen Prejean, has announced that it will join representatives of the Sant'Egidio Community of Italy and Amnesty International, in a private meeting with UN Secretary General Kofi Annan on Dec. 18, to present more than 2.5 million signatures calling for a moratorium on the death penalty in the United States. Thousands are also expected to gather at the UN on Dec. 17 for a day of events in opposition to the death penalty.

In addition, Amnesty International released an Open Letter to President Clinton on Nov. 14, with a memorandum, urging, in the name of human rights, justice, and decency, that he intervene to stop the execution of Juan Raul Garza, scheduled for Dec. 12. Garza's execution would be the first Federal execution since 1963. The Open Letter states that "Juan Raul Garza's life is in your hands. But so too is the international human rights reputation of your country, a reputation that is rapidly eroding as U.S. executions accelerate. Your decision will determine whether the United States diverges yet further from the growing global consensus against the death penalty, or takes a historic step into line with the human rights aspirations of the international community of nations." Amnesty also urges Clinton to commute the sentences of all prisoners on Federal death row.