

**AMNESTY
INTERNATIONAL**



DEFENDING HUMAN RIGHTS

7 January 2021

Senator the Hon. Marise Payne
Minister for Foreign Affairs
PO Box 6100
Senate
Parliament House
Canberra ACT 2600

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Dear Minister Payne

RE: FEDERAL EXECUTIONS IN THE UNITED STATES OF AMERICA

I am writing to you on behalf of Amnesty International's 10 million global supporters to ask you to pressure US President Donald Trump and US Acting Attorney-General Jeffrey Rosen to **call off all set federal executions and withdraw authorisation to seek the death penalty as sentencing options in ongoing trials.**

Since resuming USA federal executions after 17 years last July 2019, the Trump administration has put to death a total of ten men and is pursuing a further three executions in its last weeks in office, including that of the only woman on federal death row. Lisa Montgomery is due to be executed on 12 January; Corey Johnson on 14 January; and Dustin Higgs on 15 January.

Their legal representatives have highlighted that flaws and arbitrariness that have long affected the use of the death penalty in the USA also affect their cases. Widespread calls to halt the executions have been put forward to former-USA Attorney General William Barr, including recently by nearly 100 current and former elected prosecutors, deputy and state Attorneys General, and law enforcement leaders, and former USA attorneys and Department of Justice officials.

The resort to executions as shown in recent months has not only put the spotlight on the unjust flaws and arbitrariness that have long affected the USA death penalty system, but also failures on the part of the Trump administration to uphold safeguards and restrictions established under international law and standards to guarantee protection of the rights of those facing the death penalty. Racial bias, sentencing of people with severe mental and intellectual disabilities, and flawed legal representation are some of the common factors that have contributed to unreliable judicial decisions on life or death.

If all planned executions are carried out, the Trump administration will have put to death 13 people in seven months. This staggering figure is unprecedented, not only as three federal executions in total were recorded in the more than 40 years since executions restarted in the USA in 1977 up until June 2020; but also as it represents more than half of the total number of executions recorded for

the USA in recent years (22 in 2019; 25 in 2018). Furthermore, for the first time in more than 130 years, USA federal executions have been authorized during the presidential transition period.

Under *Australia's Strategy for Abolition of the Death Penalty*, Australia formally 'opposes the death penalty in all circumstances for all people' and actively advocates for the abolition of the death penalty worldwide, including preventing 'the reintroduction of the death penalty where it has been abolished' or 'the resumption of executions where a moratorium has been in place'.

It is important to uphold the principles of this strategy. Please urge the Trump administration to call off all set federal executions and withdraw authorisation to seek the death penalty as sentencing options in ongoing trials. It is possible to make these calls whilst respecting the important relationship that exists between the US and Australia.

Moving forward, given that US President-elect Joe Biden has committed to eliminating the death penalty. It will be important that he is held to account on this commitment; Australia has an important role to play in ensuring Biden meets this commitment as soon as possible.

For further information, or to discuss and organise a meeting, please contact Joel MacKay at joel.mackay@amnesty.org.au or 0424 242 112.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Klintworth', written in a cursive style.

Sam Klintworth
National Director
Amnesty International Australia