



18 June 2021

Senator the Hon. Marise Payne
Minister for Foreign Affairs
Parliament House
Canberra, ACT 2600

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Dear Minister Payne

RE: TWO MEN FACE EXECUTION IN SOUTH CAROLINA

It is expected that two men will be executed in the coming days in South Carolina, USA. The death penalty is abhorrent in all circumstances, and must be vehemently opposed as a violation of human rights.

If carried out, the executions will **end a ten-year hiatus in executions in South Carolina**, marking a disturbing return to a deeply flawed practice in the state.

These two men are scheduled to be the first victims of South Carolina's new law facilitating state executions. Governor Henry McMaster revised the state's death penalty laws on 14 May 2021, making sure executions can still be carried out despite an overwhelming shortage of lethal injection drugs. New legislation directs that, in the case of a drug shortage, the default method of execution will be shifted to the electric chair. In these cases, death row inmates can also elect for death by firing squad.

With a firing squad yet to be formed and the state remaining unable to make lethal injection drugs available, death by the 109-year-old electric chair is the only remaining means of execution.

The extinguishing of these two lives signals a tragic step backwards in the United States' growing momentum in abolishing the death penalty.

Since judicial killings resumed in 1977, the USA's use of the death penalty has been deeply flawed at both state and federal levels. The process of issuing death sentences has proved to be arbitrarily shaped by racial bias and controversial trial proceedings, all while frequently victimising people with serious mental and intellectual disabilities in violation of international law.

A growing awareness of these deep-seated flaws and the abhorrent nature of the practice more generally has promoted sweeping reforms in the US. As of June 2021, 23 US states have abolished the death penalty and 13 have not carried out executions in more than 10 years (including South Carolina). The number of death sentences issued in 2020 in the US represents the second-lowest in

49 years, however, about 2,500 men and women sit on death row in federal and state prisons across the country.

I note *Australia's Strategy for Abolition of the Death Penalty* and urge the Australian government to prioritise the end of the death penalty in the USA in its bilateral and multilateral engagements with the Biden Administration. Whilst President Biden has made commitments to end the death penalty, no obvious progress has been made.

More than two-thirds of all countries have abolished the death penalty in law or in practice. This global movement is of vital importance to the international protection of human rights, and Australia must take an active role in ensuring its continuation.

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 'Sam Klintworth', written in a cursive style.

Sam Klintworth
National Director
Amnesty International Australia