

URGENT ACTION

CALL FOR A MORATORIUM ON EXECUTIONS IN NEVADA

The State of Nevada is set to carry out its first execution in over 11 years. A prisoner who has waived his appeals is due to be executed at 8pm on 14 November. Amnesty International is calling for a moratorium on executions as a first step towards abolition.

The last execution in Nevada was carried out on 26 April 2006; the next would be the first to take place in its new death chamber at Ely State Prison; and the first in the USA using the three-drug combination chosen by the Nevada authorities. In early 2017, a bill to abolish the death penalty in Nevada failed to move out of committee.

Nevada has carried out 12 executions since the US Supreme Court upheld new capital laws in 1976 and Nevada passed its current capital law in 1977. Eleven of these executions were of so-called “volunteers”, prisoners who had waived their appeals. Today, the State of Nevada is once again receiving the “assistance” of the prisoner. He has been on death row since 2007 for a murder committed in 2002. He moved to waive his appeals in 2016, and in July 2017, the judge found him competent to do so, and later that month she signed the death warrant.

Since Nevada last conducted an execution, concerns about the costs, risks, inconsistencies and inequities of capital justice in the USA have deepened. In 2008, the then most senior Justice on the US Supreme Court argued that “the time for a dispassionate, impartial comparison of the enormous costs that death penalty litigation imposes on society with the benefits that it produces has surely arrived”. He said that his 30 years on the Court had led him to conclude “that the imposition of the death penalty represents the pointless and needless extinction of life”. In 2015, two more Justices argued that it was time for the Court to consider the constitutionality of the death penalty because of the evidence of errors and arbitrariness in its application and its declining use in the USA and beyond.

Twenty-one countries have abolished the death penalty for all or ordinary crimes since Nevada last conducted an execution. Today 141 countries are abolitionist in law or practice. Since Nevada’s last execution, six states in the USA have abolished the death penalty (New Jersey, New Mexico, Illinois, Connecticut, Maryland and Delaware). Governors in Oregon, Pennsylvania and Washington have imposed moratoriums on executions. Nevada should impose an immediate moratorium on executions as a first step towards passing abolitionist legislation. This would be consistent with international human rights principles as well as repeated resolutions at the UN General Assembly over the past decade calling for a moratorium on executions, pending abolition of the death penalty.

Please write immediately in English or your own language:

- Expressing your opposition to the death penalty in all cases, and calling for a moratorium on executions in Nevada and for the state administration to work with the legislature to abolish the death penalty;
- Noting that since Nevada last carried out an execution, six states in the USA have abolished the death penalty and a number of others have imposed moratoriums on executions, and another 21 countries have abolished the death penalty for all or ordinary crimes, with 141 countries now abolitionist in law or practice;
- Pointing to the repeated resolutions at the UN General Assembly calling for a moratorium on executions with a view to abolition of the death penalty.

PLEASE SEND APPEALS BEFORE 14 NOVEMBER 2017 TO:

Governor Brian Sandoval
State Capitol Building, 101 N. Carson
Street, Carson City, NV 89701, USA
Email: <http://gov.nv.gov/Contact/Email-the-Governor/>
Fax: +1 775 684-5683
Salutation: Dear Governor

Attorney General Adam Paul Laxalt
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701, USA
Fax: +1 775-684-1108
Email: aginfo@ag.nv.gov
Salutation: Dear Attorney General

Nevada Board of Pardons
Commissioners
1677 Old Hot Springs Road, Suite A,
Carson City, NV 89706,
USA
Email: info@parole.nv.gov
Salutation: Dear Commissioners

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY WOODY JOHNSON, Embassy of the United States of America, 24 Grosvenor Square W1A 6AE, tel: 020 7499 9000,
Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

In an increasingly abolitionist world, Nevada and other US states have had difficulties sourcing drugs for their lethal injection regimes. In September 2016 Nevada issued an “Invitation to Bid for Pharmaceutical Drugs Used for Lethal Injections” in an attempt to procure hydromorphone and midazolam for the state’s two-drug protocol. However, the state received no bids. On 17 August 2017, the Nevada Department of Corrections (NDOC) announced it would be using a combination of diazepam (a sedative), fentanyl (an opioid) and cisatracurium (a muscle relaxant) for the execution that is now scheduled for 14 November. None of these three drugs has previously been used in an execution in the USA; as such Nevada can be said to be engaging in what four US Supreme Court Justices described in 2015 as “in effect human experimentation” in the ongoing efforts of death penalty states to overcome their challenges in acquiring lethal injection drugs. The three-drug combination was chosen by the NDOC Director, after consultation with the Chief Medical Officer. On 30 October 2017, the Chief Medical Officer resigned with immediate effect after little more than a year in the job.

Twenty-two people were sentenced to death in Nevada between 2002 and 2016. From 1986 to 2000, there were exactly four times this many death sentences passed in Nevada – 88. This reflects a broader pattern of declining use of the death penalty in the USA in the past decade or so, a decline in use that all officials should seize upon to lead the USA away from this punishment altogether.

This would be the first execution under the governorship of Brian Sandoval. From 2002 to 2005, he was Nevada’s Attorney General. In March 2005, President George W. Bush nominated Brian Sandoval to become a judge on the US District Court for the District of Nevada and he was confirmed by the Senate in October 2005. He resigned this lifetime appointment in 2009, ran for governor, and became Nevada’s 30th governor in 2010. He was re-elected to this position in 2014.

The death penalty is the ultimate cruel, inhuman and degrading punishment. It has not been shown to have a special deterrent effect. It tends to be applied discriminatorily on grounds of race and class. It denies the possibility of rehabilitation. It can prolong the suffering of the murder victim’s family, and extend that suffering to the loved ones of the condemned prisoner. It diverts resources that could be better used to work against violent crime and assist those affected by it.

Almost three quarters of the 42 prisoners put to death in Nevada and 10 other US states since 1976 had given up their appeals – all seven in Connecticut, New Mexico, Oregon and Pennsylvania, and 24 of the 35 prisoners executed in Washington State, South Dakota, Utah, Montana, Idaho, Kentucky and Nevada. All in all, one in 10 of the prisoners put to death in the USA since 1976 had waived their appeals. Outside of eight of the main executing states – Texas, Virginia, Oklahoma, Florida, Missouri, Georgia, Alabama and Ohio (responsible for 78 per cent of the USA’s post-1976 executions) – the ratio rises to one in five for the remaining 27 jurisdictions that have executed since 1976.

Nevada and 14 other US states, and the federal government, resumed executions after 1976 with the execution of a prisoner who had waived his appeals. Two of the states that have executed only “volunteers” – Connecticut and New Mexico – have abolished the death penalty in the past decade. Oregon, Pennsylvania and Washington State – with nine executions between them, eight of which were of “volunteers” – currently have moratoriums on executions in place because of concerns about the capital justice system. For further background on Nevada’s death penalty and the phenomenon of “volunteers”, see USA: Intent to kill, intent to die, November 2017, at <https://www.amnesty.org/en/documents/amr51/7392/2017/en/>

Amnesty International opposes the death penalty unconditionally. There have been 1,463 executions in the USA since the US Supreme Court upheld new capital statutes in 1976. There have been 21 executions in the USA this year.