

British citizen executed in US despite international protests

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Despite pleas for clemency from Britain and the European Union, British citizen Tracy Housel was executed Tuesday night at the Georgia Diagnostics and Classification Prison in Jackson, Georgia. He was the twenty-ninth prisoner put to death in Georgia since the US Supreme Court reinstated the death penalty in 1976, and the second to be executed in the state this year.

Housel, 43, was born in Bermuda, a British territory, and had dual US-British citizenship. UK Consul-General Michael Bates and four European Union counterparts delivered an official protest to Georgia authorities signed by the 15 EU member states opposing the execution. Housel was denied access to a British consul after his arrest, a right guaranteed to foreign nationals by the Vienna Convention on Consular Relations, which the US has ratified but routinely violates.

On March 7, Amnesty International held a demonstration outside 10 Downing Street calling on British Prime Minister Tony Blair to make a special appeal to halt the execution. The prime minister stopped short of intervening personally, and a Blair spokesman commented Tuesday, "We have been in regular contact at the consular level with the relevant authorities in the US. But there are limits to what we can do ultimately." Last week, Foreign Secretary Jack Straw telephoned Georgia Governor Roy Barnes asking him to commute the sentence.

On Monday, the Georgia Board of Pardons and Paroles in Atlanta rejected all petitions for clemency, and announced it had "denied a request to commute inmate Tracy Housel's death sentence to life in prison." On Tuesday, the Georgia Supreme Court rejected an appeal by Housel's defense team that his execution be stayed because he had been denied access to a British consul after his arrest. Last month the US Supreme Court rejected a defense plea that Housel should not have received the death sentence because he was mentally ill.

With all appeals exhausted, the way was cleared for Housel's execution to proceed. At 7 p.m. EST, two prison staff workers began the lethal injection. First, sodium pentothal, a sedative, was administered. This was followed by pavulon, which paralyzes the lungs, and finally potassium chloride, which stops the heart. As the drugs began to take effect, Tracy Housel gasped for breath, then snorted. His chest stopped moving after several minutes. He was pronounced dead at 7:28 p.m.

Foreign journalists—the majority from Britain, where capital punishment was abolished 40 years ago—far outnumbered American reporters outside the prison's death chamber. Walter Schimmer, Council of Europe general secretary, commented on the execution, "Once again, the USA has decided to go ahead with the death penalty, despite my own plea and those made by the United Kingdom, which, as a member of the Council of Europe, has already banned the death penalty."

Tracy Housel was convicted of the 1985 murder of 46-year-old Jean Drew. He confessed to raping the woman at a truck stop, strangling her and then beating her to death. His lawyers did not dispute that he committed the crime, but argued he received inadequate counsel at his original trial.

His court-appointed attorney, Walt Britt, was fresh out of law school and had never tried a capital case. Housel pleaded guilty, under Britt's advice. Housel's new defense attorneys said this deprived him of an insanity defense. Housel was afflicted with hypoglycemia, a medical condition which can bring on psychosis, and his new defense team contended he committed the murder while experiencing a psychotic episode. He also suffered an abusive upbringing.

None of these mitigating circumstances were introduced at trial, and the sentencing phase lasted less than half an hour. Walt Britt said had he known of these conditions he would not have advised Housel to plead guilty. Britt

appeared on Monday before the Georgia Board of Pardons and Paroles to plea for his former client's life. "I just wasn't experienced," he said. "It's something I've thought about for the last 16 years."

Provisions of the Vienna Convention on Consular Relations, which was ratified by the United States in 1969, clearly protects the right of a foreign national to an adequate defense. Because he did not receive consular assistance when he was arrested, Tracy Housel was denied access to legal representation that might have resulted in another outcome at trial.

Among other rights guaranteed by the Convention is a defendant's right to understand the nature of the charges, the right to an interpreter and the right not to be compelled to confess or testify against oneself. The Death Penalty Information Center (DPIC) reports as of February 6 there were 118 foreign nationals on death row in 16 US states and in federal penitentiaries. According to DPIC, these include six with mental illness, mental retardation or brain damage and two convicted for crimes committed when the defendant was a juvenile.

While there are no exact figures on how many of these condemned inmates were advised of their consular rights, violations of these rights have been raised on appeal or otherwise directly reported in 38 of the 118 cases. DPIC reports that "there is overwhelming evidence that prompt notification of these rights across the United States remains the exception rather than the rule."

Since 1976, 17 foreign nationals have been executed in the US, including four from Mexico, two from Germany, and one each from Guyana, the Dominican Republic, Cuba, Paraguay, Honduras, Vietnam, Thailand, the Philippines, Canada, South Africa and Iraq. The US has consistently rebuffed pleas from foreign governments and human rights organizations to stay these executions. Recent cases involving violations of consular rights include the following:

* Mexican national Miguel Angel Flores died by lethal injection on November 9, 2000 after George W. Bush—who was Texas governor at the time and conspiring to steal the Florida vote as the Republican presidential candidate—refused to stop the execution despite international protests from Mexico and human rights organizations. The Mexican government contended that Flores was sentenced to death in violation of the Vienna Convention on Consular Relations.

* In another Texas case under Governor Bush, Stanley Faulder, a 61-year-old Canadian, was executed on June 17, 1999. Plans to execute Faulder provoked international

protest because Texas authorities failed at the time of his arrest to inform him of his right to seek assistance from the Canadian consulate. Faulder was the first Canadian executed in the US since 1952.

* Karl and Walter LaGrand, German citizens, were put to death in Arizona on February 24 and March 3, 1999 respectively. Germany is suing the US in the International Court of Justice at The Hague for denying the brothers consular access when they were arrested in 1982. They claim the US did not inform German authorities of the arrests until 1992, when all legal avenues had been exhausted.

* Angel Breard, a Paraguayan citizen, was executed in Virginia on April 14, 1998. He was denied his rights to consult with Paraguayan officials. Despite protests from the International Court of Justice, the Paraguayan government and the US State Department, both the US Supreme Court and the governor of Virginia refused to halt the execution.

Tracy Housel was the 764th person executed in the US since 1976, and the 15th so far this year. Last year, 66 prisoners were put to death, down slightly from 85 in 2000 and 98 in 1999, the highest number of executions since capital punishment was reinstated. This slight decrease reflects growing unease in the US population over both the continued use of the barbaric practice as well as revelations of wrongful convictions in capital cases.

Two years ago, Illinois Governor George Ryan imposed a moratorium on executions after 13 people were released from the state's death row after they were shown to be not guilty. Governor Ryan has indicated he will review the cases of all 159 death row inmates in Illinois before he leaves office in January, and possibly commute some or all of the sentences to life in prison.



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