

PRESS RELEASE

UN Special Rapporteur Calls on the U.S. to Take Steps to Avoid Unlawful Killings

New York, June 30, 2008

The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, today called upon the United States to take immediate steps to improve its system of military justice and to ensure that the death penalty is applied fairly and justly in states such as Alabama and Texas.

Alston had just concluded an official visit to the United States during which he met with federal and state officials, judges, and civil society groups in Washington, DC, New York, Alabama, and Texas.

Alston noted that it was now widely acknowledged that innocent people are likely to have been executed in the past, and he was critical of how authorities in Alabama and Texas have responded to this fact. “When we are talking about a situation in which innocent people have probably been executed, you would expect a greater sense of urgency about reforming the criminal justice system,” Alston said.

In a preliminary statement that he delivered at UN headquarters in New York, Alston recommended that reconsideration be given to the system of electing judges in both states, that severe deficiencies in the right to counsel for capital defendants be addressed, and that each state undertake a systematic inquiry into the shortcomings of its existing criminal justice system. He also called on Congress to enact legislation that would permit federal courts to review all issues in state and federal death penalty cases on the merits.

Alston was especially critical of Texas for failing to review the cases of foreign nationals on its death row who had been deprived of the right to consular assistance from their home countries. He noted that the United States had already formally recognized that there was a legal obligation to review these cases but that Texas had done nothing.

“It would be very easy for Texas to follow the law in these cases, but it has so far refused to do so for no reason other than proving that it can defy the federal government and international law,” he said.

In relation to prisoners in Guantánamo Bay, Alston called on the Government to release the results of investigations and autopsies into the deaths of five prisoners who died in 2006 and 2007. He condemned the unremitting failure to provide fair trial guarantees in the proceedings against six “alien enemy combatants” and concluded that any death sentence imposed on the basis of such trials would clearly be in violation of international law.

Alston also called on the Government to publish information on civilian casualties in its operations in Afghanistan and Iraq and to make it possible for US citizens, as well as Afghans and Iraqis, to follow the workings of the military justice system. Normal court systems have centralized dockets and easily-accessible rulings and judgments, but the military justice system does not.

“As it stands, following a case through the military justice system is remarkably difficult, and outside observers have no basis upon which to conclude that the system is in fact operating fairly”, Alston said.

While some important steps have been taken to ensure the accountability for killings at the hands of private military contractors, more needs to be done. Alston said that the US Department of Justice has so far failed miserably in carrying out its obligations to prosecute private contractors and others.

“It’s the Department of Justice’s job to prosecute private security contractors who commit unlawful killings, but it has done next to nothing,” Alston said.