

URGENT ACTION

FIRST EXECUTION IN NEBRASKA SINCE 1997 LOOMS

The State of Nebraska is set to carry out its first execution in 21 years on 14 August. The prisoner, who has been on death row for 38 years, has given up his appeals and is not seeking clemency. Amnesty International is urging the state not to resume executions.

On 3 April 2018, Nebraska's Attorney General asked the state Supreme Court to issue an execution warrant for a prisoner who waived his appeals. On 25 May, the Attorney General asked the court to expedite the matter and to set the execution in July, explaining that one of the four lethal injection drugs required under the state execution protocol would expire at the end of August. The Director of the Nebraska Department of Correctional Services (NDCS) told the court that they were "ready and able" to carry out the execution and had the drugs available for it (with the following expiration dates): diazepam (1 September 2019); fentanyl citrate (31 August 2019); cisatracurium besylate (31 October 2018); and potassium chloride (31 August 2018). On 5 July, the Nebraska Supreme Court set the execution for 14 August. This would be Nebraska's first execution by lethal injection, and the first in the USA to use fentanyl as part of the lethal injection protocol.

In May 2015, the Nebraska Senate passed a bill to abolish the death penalty, overriding a veto by Governor Pete Ricketts. However, abolition was placed on hold after the issue was put on the ballot for the elections on 8 November 2016. Voters were asked whether they wanted to repeal or keep the law that abolished the death penalty. The repeal of the abolitionist law won with 61% of the vote and the death penalty was therefore retained.

The last execution in Nebraska was carried out 2 December 1997. The death penalty landscape in the USA has substantially shifted since then. In 1997, there were 74 executions and 266 new death sentences nationwide. In 2007, there were 42 executions and 126 death sentences; and in 2017, there were 23 executions and 39 death sentences. Since 1997, seven states have abolished the death penalty (New York, New Jersey, New Mexico, Illinois, Connecticut, Maryland and Delaware). Governors in Oregon, Pennsylvania and Washington State have imposed moratoriums on executions.

More than 40 countries have abolished the death penalty for all or ordinary crimes since Nebraska last carried out an execution in 1997, and today 142 countries are abolitionist in law or practice. The UN General Assembly has adopted six resolutions calling for a moratorium on executions, with a view to abolishing the death penalty.

1) TAKE ACTION

Write a letter, send an email, call, fax or tweet:

- Expressing your opposition to the death penalty in all cases, and appealing for Nebraska not to resume executions after more than two decades without them;
- Noting that since Nebraska last carried out an execution, seven states in the USA have abolished the death penalty while others have imposed moratoriums on executions, recognizing its flaws, and more than 40 countries have abolished the death penalty for all or ordinary crimes, with 142 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.

Contact these two officials by 14 August, 2018:

Governor of Nebraska

Pete Ricketts

Office of the Governor, PO Box 94848

Lincoln, NE 68509-4848, USA

Fax: +1 402-471-6031

Contact Form: <https://governor.nebraska.gov/contact-form>

Salutation: **Dear Governor**

Attorney General of Nebraska

Doug Peterson

Nebraska Attorney General's Office

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Lincoln, NE 68509, USA

Email: ago.info.help@nebraska.gov

Fax: +1 402 471-3297

Salutation: **Dear Attorney General**

2) LET US KNOW YOU TOOK ACTION

[Click here](#) to let us know if you took action on this case! *This is Urgent Action 138.18*

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**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

On 22 May 2015, the Nebraska legislature voted to abolish the death penalty in the state, but Governor Ricketts vetoed the bill four days later. "Repealing the death penalty sends the wrong message to Nebraskans who overwhelmingly support capital punishment and look to government to strengthen public safety, not weaken it", he said. Attorney General Peterson added that "Heinous murderers such as the ten on Nebraska's death row have surrendered their lives by their own utter disregard for human life". The following day, 27 May, the legislature garnered enough votes to override the veto, voting 30-19, across party lines to repeal the death penalty. Governor Ricketts issued a statement: "My words cannot express how appalled I am that we have lost a critical tool to protect law enforcement and Nebraska families. While the Legislature has lost touch with the citizens of Nebraska, I will continue to stand with Nebraskans and law enforcement on this important issue."

Abolition was put on hold after the issue was put on the ballot for the 2016 elections. According to the American Civil Liberties Union, "Governor Ricketts and his parents provided 80% of the initial funding for a ballot campaign to bring the death penalty back. By November 2016, they had provided 30% of the campaign's total funding", forming Nebraskans for the Death Penalty for this referendum effort. The initiative was successful. In November 2016, Nebraskans voted to retain the death penalty.

On 27 January 2017, Governor Ricketts signed the state's new lethal injection protocol. On 9 November 2017, the NDCS Director provided notice to death row prisoner Jose Sandoval (not the prisoner who has waived his appeals) that at his execution he would be injected with the following drugs in the following order: 1) Diazepam; 2) Fentanyl Citrate; 3) Cisatracurium Besylate and 4) Potassium Chloride. The NDCS said that it had obtained the substances. However, at that point there was no death warrant in Jose Sandoval's case, and there still is not. On 19 January 2018, the NDCS provided the same notice to the prisoner who has given up his appeals and who is now scheduled for execution on 14 August. Twenty-one years old at the time of the crime, this prisoner is now 60.

About one in 10 of the prisoners put to death in the USA since 1976 had waived their appeals. Research into this phenomenon indicates that any number of factors or combination of them may contribute to a prisoner's decision not to pursue appeals against his or her death sentence, including mental disorder, physical illness, remorse, bravado, religious belief, a quest for notoriety, the severity of conditions of confinement, including prolonged isolation and lack of physical contact visits, the bleak alternative of life imprisonment without the possibility of parole, pessimism about appeal prospects, or being worn down by the cycle of hope and despair that is an integral part of life on death row.

On 6 July 2018, the Catholic Bishops serving in Nebraska issued a statement calling for the upcoming execution to be halted: "As the Catholic Bishops of Nebraska, we recognize that our society has a pervasive culture of violence and death which can only be transformed by a counter-culture of justice and mercy. Each time we consider applying capital punishment, Nebraska has an opportunity to respond to an act of violence with an act of mercy that does not endanger public safety or compromise the demands of justice."

Amnesty International opposes the death penalty unconditionally, regardless of the crime or the method of execution chosen by the state. There have been 1,479 executions in the USA since the US Supreme Court upheld new capital statutes in 1976. Nebraska's three executions since 1976 were by electrocution in the electric chair, a method which the Nebraska Supreme Court ruled unconstitutional in 2008. There have been 14 executions in the USA this year.

Name: n/a

Gender m/f: n/a

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