

Amnesty International Group 22 Pasadena/Caltech News

Volume XV Number 5, May 2008

UPCOMING EVENTS

Thursday, May 22, 7:30 PM. *Monthly Meeting*
Caltech Y is located off San Pasqual between Hill and Holliston, south side. You will see two curving walls forming a gate to a path-- our building is just beyond. Help us plan future actions on Sudan, the 'War on Terror', death penalty and more.

Tuesday, June 10, 7:30 PM. *Letter writing meeting* at Caltech Athenaeum, corner of Hill and California in Pasadena. This informal gathering is a great way for newcomers to get acquainted with Amnesty!

Sunday, June 15, 6:30 PM. *Rights Readers Human Rights Book Discussion Group.* Vroman's Book Bookstore, 695 E. Colorado Blvd., Pasadena. This month we read "Lost City Radio" by Daniel Alarcon.

COORDINATOR'S CORNER

Hi everyone,

It seems like the world is coming to an end, what with the double catastrophes in Burma with the cyclone and the earthquake in China. Human suffering on a massive scale, almost impossible to comprehend. At least China is trying to help its people, whereas Myanmar (AKA Burma) has refused outside aid. We sent a check to a relief organization, but the supplies are sitting in planes waiting for permission to enter. There is an action regarding Myanmar in this newsletter. The LA Times has recommendations regarding which relief organizations are reputable. See <http://www.latimes.com/news/opinion/la-ed-give9-2008may09,0,6862832.story>.

Group 22 members Stevi, Paula, Joyce, Robert and Kathy staffed our table in April at the Pasadena City Earth Day event. Thanks to Veronica for supplying the great sea creature and fish stamps, pens and markers that the kids used to make stickers. Many people signed our petition to Chevron regarding oil cleanup in Ecuador and took our literature.

Representative Adam Schiff spoke before Congress in recognition of World Press Freedom Day May 8, 2008. He mostly spoke regarding the situation in China but he did mention Eritrea briefly. See the Eritrea section in this newsletter for more information.

A few weeks ago Stevi wrote a letter regarding the death penalty that was published in the Pasadena Star News. You can read it yourself at: http://www.pasadenastarnews.com/letters/ci_9162929 (scroll down to the last of the letters). It was also published in the San Gabriel Valley Tribune and the Sacramento Bee, so Stevi should be congratulated not just once but three times!

Con cariño,

Kathy aigp22@caltech.edu

MYANMAR CYCLONE ACTION

Embassy of the Union of Myanmar,
Washington, D.C.
2300 S Street, N.W., Washington, D.C. 20008

Dear Ambassador Linn Myaing,

I stand in solidarity with the victims and the Union of Myanmar in the aftermath of Cyclone Nargis. I am relieved to see that the international community has effectively responded through their willingness to assist the victims by providing the most essential life-saving supplies. However, I am growing concerned that not all of this aid will be able to be delivered, due to government-restricted access and aid being distributed through discrimination, and not need.

The relief, aid, rehabilitation, and subsequent development of the Union of Myanmar will depend heavily on how it responds to the needs of its citizens in all parts of the country. Ensuring access to all impacted regions of the country will help ensure that aid is adequately delivered. I hope that you will ease visa restrictions and customs procedures that have already hampered access by international relief workers over the course of the past few days, and has slowed the delivery of desperately needed aid, especially to the hardest hit areas, and to the over one million people that have been displaced.

I am also concerned that international relief funds might be misused to forcibly relocate populations. Any relocation of internally displaced persons from camps or disaster areas must be voluntary, unless the safety and health of those affected requires evacuation. They should not be coerced in any way, including through the suspension of assistance to those persons. The right of internally

displaced persons to return voluntarily to their former homes or lands in safety and with dignity should be respected and the authorities should assist them in either returning or resettling in another part of the country.

I ask that you fully cooperate with the international relief and rehabilitation efforts underway, and that there be transparent mechanisms for the delivery of international aid. Human rights violations in disaster settings greatly impair the effectiveness of humanitarian workers and add unnecessary complexity to the reconstruction of the country. I hope that as a sovereign power, you will exercise your most fundamental duty – the responsibility to protect your population. My thoughts will continue to be with the victims during this difficult time.

Sincerely,
(Your name and address)

Tel. nos: (202) 332-9044, 332-9049, 332-9045
Facsimile no. : (202) 332-9046

ERITREA POC

This month we have quite a bit to report concerning our Eritrea casework. (Group 22 works on behalf of our adopted Prisoner of Conscience, former Eritrea government official Estifanos Seyoum, who has been held incommunicado since he was arrested in 2001 for peacefully expressing his political opinions.) Rep. Adam Schiff responded to a Group 22 suggestion and mentioned an imprisoned Eritrea journalist in his House speech. At AIUSA's Annual General Meeting, the status of the Eritrea individual case files under the new AI strategic plan was revealed amid great concern. Last but not least, Group 22 plans to cooperate with other AI local groups in a joint action connected with Eritrea Independence Day on May 24. Read on!

Rep. Schiff's House floor speech.

On the evening of May 8, Rep. Adam Schiff delivered a speech in the House of Representatives in observance of World Press Freedom Day. His main focus was China, but in response to urging from Group 22, he mentioned imprisoned Eritrea journalist Seyoum Tsehaye. Just like our adopted POC, Seyoum was arrested in the 2001 crackdown and was designated an AI Prisoner of Conscience. Here is a quote from Schiff's speech:

"... I would like to take a brief moment to discuss one particular case in Eritrea that was brought to my attention by a constituent of mine who works with Amnesty International Group 22 in Pasadena.

Eritrea is a country of only 4.6 million people; yet it imprisons the third-most journalists of any country: 14. What's worse, the Government of Eritrea will not even confirm whether the journalists in its custody are alive or dead, and it also holds the most journalists in secret locations.

One such journalist being held in a secret location in Eritrea is Seyoum Tsehaye, a freelance reporter. His arrest and jailing was believed to be part of the government's crackdown to eliminate political dissent ahead of elections scheduled for December of 2001, which were later cancelled. He was arrested on the street in September of that year, the first day of a major round-up and imprisonment of reformers in Eritrea. There are concerns about his health, but the government has refused to provide details about his well-being. He has never been allowed a family visit or a lawyer. He has never been charged or appeared before any court. Last year Reporters Without Borders honored him as their 2007 Journalist of the Year. And tonight we take a moment to think about Seyoum Tsehaye, freelance reporter in Eritrea, held in custody in a secret location since September of 2001."

Rep. Schiff spoke for an hour, going into detail about the cases of Chinese journalists Shi Tao and Hu Jia, who have been the subjects of recent AI Urgent Actions. We couldn't be more pleased! The full text of his speech is now in the Congressional Record, pages H3331-H3337 (www.gpoaccess.gov/crecord/retrieve.html), and will probably soon appear on his website. Many Group 22 members signed a thank-you note to Schiff at our May letter-writing (thanks for doing this, Paula!). Go to schiff.house.gov for contact info if you want to express your own appreciation to Rep. Schiff.

Eritrea individual case files.

Eritrea country specialist Trish Hepner reported on the recent AIUSA Annual General Meeting in Washington DC. She said that the AI International Secretariat (IS) did indeed decide to close nearly all the individual Eritrea action files. This includes the G-15 cases and the journalists arrested in 2001. Aster Fessehazion was the only

Eritrea POC who was added to the new database of Individuals at Risk. The decision to close the files provoked strong disagreement and passionate responses about the necessity of keeping the files open. Trish and others are trying to clarify whether it's possible to appeal the decision and whether local groups could continue to work on their cases even if the files are officially closed.

Many Eritrea POC action file coordinators sent responses declaring that their groups had no intention of abandoning their prisoners and would continue to work on their cases unless expressly forbidden from doing so. One stated that he understood the reasons for the decision but that he certainly didn't like it, and that Amnesty itself may be forgetting its long dedication to the "forgotten prisoner". This is an issue for Group 22 discussion – does that candle still mean something?

Cooperative action by AI local groups.

Samson Tu of Group 19 proposed the following cooperative action by AI local groups with Eritrea POCs. Let's do it!

In Samson's excellent writing guide and sample letter I've taken the liberty of substituting Group 22's POC for that of Group 19.

May 24 is Eritrea's Independence Day. On this occasion, let's send letters and faxes to Ambassador Ghirmai Ghebremariam, congratulating Eritrean people and asking the Afewerki government to respect human rights and release all political prisoners. To make our point emphatically, please fax your letter on Friday May 23. A number of AI groups working on behalf of Eritrean POCs have agreed to make this a day of joint actions.

In your letter, make some of the following points:

- Congratulate the people of Eritrea on the achievement of independence in 1991 after 30 years of liberation struggle
- Recognize that Eritrea has experienced many difficulties and hardships in the post-independence years
- Remind Eritrean government of Eritrea's accession to the International Covenant on Civil and Political Rights (ICCPR) and other international human rights treaties
- Remind Eritrean government that its Constitution guarantees "no person shall be deprived of liberty without due process of law"

(Article 15-2) and that "no person may be arrested or detained save pursuant to due process of law" (Article 17-1)

- Call for release men and women who are prisoners of conscience detained without charge, trial or any legal status, because of their political opinions or religious beliefs, or because they or their children have evaded military service
- Mention Estifanos Seyoum, a former brigadier general and senior government official who has been imprisoned without charge or trial at a secret location since 2001. Ask that the whereabouts of the prisoners be made known immediately.
- Ask Eritrea's President Issayas Afewerki to make the coming 18th year of Eritrea's formal independence a year for the implementation of the human rights improvements urgently awaited by the international community, as well as many Eritreans in the country and abroad

Sample letter:

Ambassador Ghirmai Ghebremariam
Embassy of the State of Eritrea
1708 New Hampshire Ave NW
Washington DC 20009
Fax: 1 202 319 1304

Dear Ambassador Ghebremariam,

On the occasion of Eritrea's Independence Day, I wish to congratulate the Eritrean people on the achievement of independence after 30 years of liberation struggle. Over the years, the Eritrean people has experienced and overcome many hardships and difficulties. However, the dream of freedom and justice for all has yet to be realized.

Eritrea is a party to international treaties and covenants, such as the African Charter on Human and Peoples' Rights (The African Charter) and the International Covenant on Civil and Political Rights (ICCPR), that guarantee freedoms of speech, political assembly, and fair and speedy trials. Eritrea's own constitution guarantees "no person shall be deprived of liberty without due process of law" (Article 15-2) and that "no person may be arrested or detained save pursuant to due process of law" (Article 17-1). I respectfully call your government to release men and women who are prisoners of conscience detained without charge, trial or any legal status, because of their political opinions or religious beliefs, or because

they or their children have evaded military service.

As an example of a prisoner of conscience in Eritrea, I would like to bring your attention to the case of Estifanos Seyoum, who has been imprisoned without charge or trial at a secret location since 2001. His whereabouts should be made public immediately.

President Issayas Afewerki should make the coming 18th year of Eritrea's formal independence a year for the implementation of the human rights improvements urgently awaited by the international community, as well as many Eritreans in the country and abroad.

Yours sincerely,
(your name and address)

RIGHTS READERS Human Rights Book Discussion Group

Keep up with Rights Readers at
<http://rightsreaders.blogspot.com>

Next Rights Readers meeting:

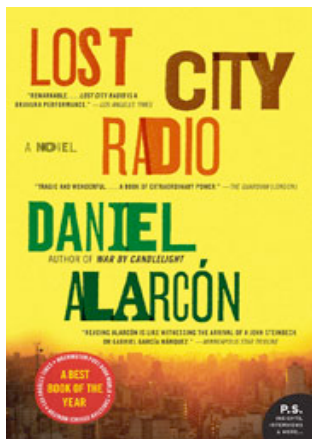
Sunday, June 15, 6:30 PM

Vroman's Bookstore

**695 E. Colorado Boulevard
in Pasadena**

"Lost City Radio"

By Daniel Alarcón



Publisher Comments:

A powerful and searing novel of three lives fractured by a civil war.

For ten years, Norma has been the voice of consolation for a people broken by violence. She hosts Lost City Radio, the most popular program in their nameless South American country, gripped in the aftermath of war. Every week, the Indians in the mountains and the poor from the barrios listen as she reads the names of those who have gone missing, those whom the furiously expanding city has swallowed. Loved ones are reunited and the lost are found. Each week, she returns to the airwaves while hiding her own personal loss: her husband disappeared at the end of the war.

But the life she has become accustomed to is forever changed when a young boy arrives from the jungle and provides a clue to the fate of her long-missing husband.

Stunning, timely, and absolutely mesmerizing, Lost City Radio probes the deepest questions of war and its meaning: from its devastating impact on a society transformed by violence to the emotional scarring each participant, observer, and survivor carries for years after. This tender debut marks Alarcón's emergence as a major new voice in American fiction.

About the Author:



Daniel Alarcón was born in Peru, but raised in Birmingham, Alabama

He is Associate Editor of *Etiqueta Negra*, an award-winning monthly magazine based in his native Lima, Peru.

His fiction and nonfiction have been published in *The New Yorker*, *Harper's*, *Virginia Quarterly Review*, *Salon*, *Eyeshot* and elsewhere, and anthologized in *Best American Non-Required Reading* 2004 and 2005.

His story collection, *War by Candlelight*, was a finalist for the 2006 PEN/Hemingway Foundation Award. He returned to Peru on a Fulbright Scholar to Peru prior to publishing *War by Candlelight*. He is also the recipient of a Whiting Award for 2004.

He lives in Oakland, California, where he is the Distinguished Visiting Writer at Mills College.

DEATH PENALTY ACTION

09 May 2008

UA 123 /08 - Death penalty / Legal concern
USA (Virginia)

Percy Levar Walton (m), black, aged 29

Levar Walton, who suffers from serious mental illness, is scheduled to be executed in Virginia on 10 June. He was sentenced to death in 1997 for the murders of an elderly white couple, Elizabeth and Jesse Hendrick, aged 81 and 80, and a 33-year-old black man, Archie Moore, in the town of Danville in November 1996.

In 1999, three mental health experts concluded that Levar Walton suffers from severe schizophrenia and was probably suffering from this mental illness at the time of the crime. Walton, who was 18 years and one month old at the time of the murders, had displayed signs of emerging mental illness since the age of 16. He manifested bizarre beliefs and inappropriate behavior after his arrest, in pre-trial custody, and during the trial. In telephone calls from the jail to his family, he insisted that his mother was his sister, and referred to his father as his brother, his grandfather as his father and his grandmother as his mother. He said that he had discovered that he had two brothers, when he had none. He told his mother that he was the Queen Bee, and his grandmother that he was Superman. He told relatives that he was Jesus Christ, and that he was a millionaire. He insisted that he would come back to life as soon as he was executed, and that he would retrieve and bring back alive his grandfather who had recently died. In a 1999 affidavit, his lawyer recalled how Levar Walton "did not meaningfully assist us in preparing a defense... Often times it was extremely difficult to communicate with Mr Walton, and there were occasions where we could not tell whether he understood what we were saying to him. Other times it was clear from Mr Walton's questions and responses to my questions that Mr Walton understood little of what I was telling him". The lawyer recalled that "we were unable to convince Mr Walton that he would not come back to life" if he was executed.

The defense asked for a mental health expert, and the trial judge appointed a psychologist. After a series of meetings with Levar Walton, the psychologist developed serious doubts about his

competence to stand trial, finding that Walton's articulation of his thoughts was incomprehensible. He was particularly troubled by Levar Walton's notion that execution did not result in permanent death. The psychologist recommended that Walton be placed in a secure psychiatric hospital. This was rejected by the trial judge.

At first Levar Walton said that he wanted to plead guilty. Then in September 1997 he told his lawyer that he wanted to plead not guilty and have a jury trial because he was innocent. Days later, he reverted to admitting guilt. At end of that month, asked whether he would plead guilty or not guilty, he refused to speak, but responded by writing the word "chair" on a piece of paper. He told his lawyer that he wanted to be executed in order "to come back to life so he could be with his honeys". In court in October 1997, he pleaded guilty to the murders, the judge accepted the plea and, after a sentencing phase at which no mental health evidence was presented, sentenced him to death. At the sentencing trial, Walton's conduct was extremely prejudicial. He repeatedly burst out laughing and smiled inappropriately. The prosecutor argued that Walton's outbursts indicated a "sadistic, ruthless, cold-blooded murderer who has no conscience, no remorse and no right to live in a civilized society".

Levar Walton's mental illness has worsened on death row –prison records have described an inmate who is "floridly psychotic". In a March 2006 ruling on his case, six judges on the US Court of Appeals for the Fourth Circuit noted the "substantial evidence that Percy Levar Walton does not understand that his execution will mean his death, defined as the end of his physical life". They further noted that "there is no dispute that since his sentencing, Walton has fallen deeper and deeper into mental illness". According to Levar Walton's current lawyer, who has visited him regularly, Walton is unable to care for himself, such as in matters of basic personal hygiene. She has no doubt that he is severely mentally impaired.

There is evidence that in addition to his mental illness, Levar Walton functions, at best, at borderline mental retardation level and has the mental age of a young child. If the crimes for which he was sentenced to death had been committed five weeks earlier, Levar Walton would have been 17 years old and his execution would be illegal under US and international law. By all accounts, Levar Walton is less developed intellectually than most 18-year-olds.

In 2002, in *Atkins v. Virginia*, the Supreme Court prohibited the death penalty for people with mental retardation, finding that “standards of decency” had evolved in the USA to the extent that such use of the death penalty now violated the Constitution. The Court further reasoned that the impairments of defendants with mental retardation diminish their personal culpability and their ability to understand consequences, rendering the death penalty unjustifiable on grounds of retribution or deterrence. Amnesty International believes that there is a profound inconsistency in exempting people with mental retardation from the death penalty while those with serious mental illness remain exposed to it. The same rationale of diminished culpability, greater vulnerability and limited capacity applies to defendants afflicted with severe mental illness.

For further information, see USA: The execution of mentally ill offenders, January 2006, <http://www.amnesty.org/en/library/info/AMR51/003/2006/en> (including information on Levar Walton’s case).

Virginia accounts for 98 of the 1,100 executions in the USA since judicial killing resumed in 1977. In 1999, Virginia’s then Governor, James Gilmore, commuted the death sentence of Calvin Swann on grounds of his schizophrenia from which he had suffered since his late teens. Swann was tried in front of the same judge, by the same prosecutor, and with the same defense lawyer, as Percy Levar Walton.

Amnesty International opposes the death penalty in all cases, unconditionally. There is no such thing as a humane, fair, reliable or useful death penalty system (see ‘The pointless and needless extinction of life’: USA should now look beyond lethal injection issue to wider death penalty questions, <http://www.amnesty.org/en/library/info/AMR51/031/2008/en>)

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible:

- expressing sympathy for the relatives of Elizabeth and Jesse Hendrick and of Archie Moore, and explaining that you are not seeking to minimize the suffering their deaths will have caused;
- opposing the execution of Percy Levar Walton, noting compelling evidence that he had begun suffering from serious mental illness more than a year before the crime, that his illness has deepened on death row, and also that he

functions, at best, at the level of borderline mental retardation and has the mental age of a child;

- noting that six judges on the Fourth Circuit Court of Appeals said in 2006 that “there is no dispute that since his sentencing, Walton has fallen deeper and deeper into mental illness”, and that this deterioration has reportedly continued;
- recalling Governor James Gilmore’s 1999 decision to commute the death sentence of Calvin Swann because of the prisoner’s schizophrenia, and calling for clemency for Percy Levar Walton.

APPEALS TO:
 Governor Tim Kaine
 Office of the Governor
 Patrick Henry Building, 3rd Floor
 1111 East Broad Street
 Richmond, VA 23219
 Fax: 1 804 371 6351
 Email via website:

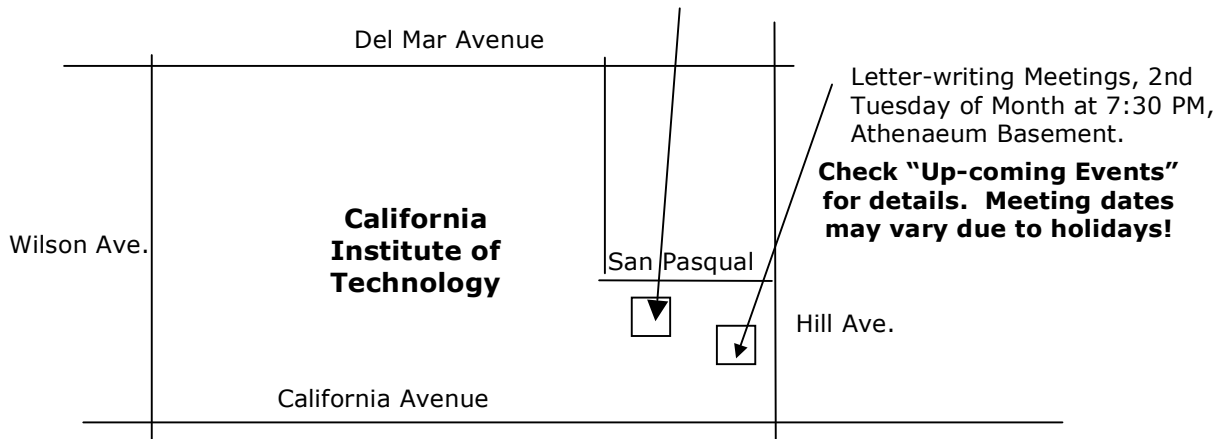
<http://www.governor.virginia.gov/AboutTheGovernor/contactGovernor.cfm>
 Salutation: Dear Governor

PLEASE SEND APPEALS IMMEDIATELY.
 Check with the AIUSA Urgent Action office if sending appeals after 10 June 2008.

MONTHLY LETTER COUNT

| | |
|---|----|
| Death Penalty | 10 |
| Other UAs | 15 |
| Rep. Schiff | 1 |
| Shi Tao | 18 |
| Total: | 44 |
| To add your letters to the total contact lwkamp@gmail.com | |

Monthly Meetings, 4th Thursday of Month, 7:30 PM,
Caltech Y Lounge.



From the 210 exit on Lake Avenue, head south, turn left on Del Mar
From the 110 continue on Arroyo Parkway north, turn right on California
Street parking is generally available.

Amnesty International Group 22
The Caltech Y
Mail Code 5-62
Pasadena, CA 91125
www.its.caltech.edu/~aigp22/
<http://rightsreaders.blogspot.com>



Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.