

Mandates of the Working Group on people of African descent; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and the Special Rapporteur on extrajudicial, summary or arbitrary executions

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on people of African descent; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 18/28, 25/32, and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the imminent execution of Mr. **Earl Ringo**, sentenced to death in 1999 for the murder of [REDACTED] and [REDACTED].

According to the information received:

In July 1998, Earl Ringo, then aged 24, and his friend [REDACTED] were arrested for the murder of [REDACTED] and [REDACTED], who were shot and killed during the course of an after-hours robbery of a restaurant in Columbia, Missouri. [REDACTED] turned himself in to the authorities, pleaded guilty to first degree murder and other charges and, in order to avoid the death penalty, agreed to testify against Ringo who was sentenced to death in 1999.

After the judge granted a defence motion for a change of trial venue, the lawyer agreed to have jurors brought in from the eastern jurisdiction of Cape Girardeau County, a county with an overwhelmingly white population. The eventual jury consisted of 12 white people; the judge, prosecutor and defence lawyer were also white. Earl Ringo is African American. The two murder victims were white.

Despite the call of Earl Ringo's lawyers to Governor Nixon to appoint a board of inquiry to review Earl Ringo's clemency petition and whether race was a factor in his case, or at least to issue a stay of execution to allow for the completion of a study being undertaken at St Louis University into Missouri's death penalty system, including on the issue of race, his execution is scheduled planned to take place on 10 September 2014.

It is reported that during his childhood, Earl Ringo was constantly beaten, missed his schooling and witnessed violence between adults, including the rape of his mother by her boyfriend. Despite these elements, the defence presented no expert witness on the possible effects of the defendant's childhood on his mental health and development. A specialist in child development had allegedly had concluded that Earl Ringo's emotional development was that of a 12-year-old child.

In 2012, the American Bar Association issued its findings on the ^{of} the death penalty in the State of Missouri, concluding that racial factors influence the decision of the jury as well as the course of prosecution decision-making in capital cases in the state.

Several reports concluded that that race, particularly race of the murder victim, continues to be a factor in the death penalty in the USA. Dozens of African American defendants who have been executed in the USA since 1977 were tried in front of all-white juries. Yet more were tried in front of jurors with only one African American juror on it. Many of these defendants were being tried for murders involving white victims. There have been 1,386 executions in the USA since 1976, 77 of them in Missouri. This year, there have been 27 executions in the USA, seven of them in the State of Missouri. Six of the seven Missouri executions were of inmates convicted of killing white victims. Three were African American prisoners, two of whom were executed for crimes involving white victims.

Without prejudging the accuracy of the information made available to us, we would like to express concern that the death penalty may have been imposed against Mr. Earl Ringo, after a trial that did not meet the most stringent fair trial and due process guarantees.

We also express serious concern about allegations that race may have been a factor in the imposition of death penalty against Mr. Earl Ringo, in particular the composition of the jury and the trial venue - the white eastern jurisdiction of Cape Girardeau County- which may have influenced the imposition of the death sentence.

We express further concern that several studies indicate that the race of the murder victim, continues to be a factor in the death penalty in the USA and that dozens of African American defendants who have been executed in the USA since 1977 were tried

in front of all-white juries and that many of these defendants were being tried for murders involving white victims. We wish to reiterate the concerns raised by the Committee on the elimination of racial discrimination in August 2014 that "members of racial and ethnic minorities, particularly African Americans, continue to be disproportionately arrested, incarcerated and subjected to harsher sentences, including life imprisonment without parole and the death penalty" (CERD/C/USA/CO/7-9, para. 20)."

In view of the irreversibility of the punishment of the death penalty, we urge your Excellency's Government to take all steps necessary to prevent the execution of Mr. Earl Ringo, which, if carried out, would be inconsistent with accepted standards of international human rights law, and to commute without delay the death sentence imposed against him.

We wish to draw your Excellency's Government's attention to article 3 of the Universal Declaration of Human Rights, stipulating that "Everyone has the right to life, liberty and security of person". Article 6 of the International Covenant on Civil and Political Rights (ICCPR), which the United States of America ratified on 8 June 1992, further recognizes that every human being has the right to life. Although international law does not prohibit the death penalty, it nonetheless provides that it must be regarded as an exception to the fundamental right to life, and must as such be applied in the most restrictive manner in the countries which have not yet abolished it.

Only full respect for stringent fair trial and due process guarantees distinguishes capital punishment as permissible under international law from a summary execution, which by definition violates international human rights law and standards. With regards to the information received, we wish to refer your Government to article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty which provides that, "Capital punishment may only be carried out pursuant to a final judgment rendered by a competent court after a legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the ICCPR, "including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings". The scrupulous respect of the due process guarantees includes adequate legal representation, which is especially important in death penalty cases where any mistake or failure can mean the difference between life and death.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response as soon as possible on the initial steps taken by your Excellency's Government to safeguard the rights of Earl Ringo in compliance with international instruments, and take effective steps to eliminate racial disparities at all stages of the criminal justice system.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the legal grounds for the death sentence imposed to Mr. Earl Ringo and explain how such measures are compatible with the international human rights law and standards.
3. Please provide the details, and where available the results, of any investigation, judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

In light of the foregoing, we urge your Excellency's Government and the authorities in Missouri to take all necessary measures to prevent the execution of Mr. Earl Ringo, which would, on the facts available to us, constitute a violation of applicable international human rights standards. We further appeal to the United States federal and state of Missouri authorities to commute the death sentence against the aforementioned individual.

We undertake to ensure that your Excellency's Government's response will be available in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Earl Ringo are respected. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

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