

Walter Ray
State Board of Pardons and Paroles
Floyd Veterans Memorial Building
Balcony Level, East Tower
2 Martin Luther King Junior Drive South East
Atlanta
Georgia
30334
USA

5 March 2002

Dear Mr Ray

We write to request that you either grant clemency to Tracey Housel or at least stay the execution of Mr Housel pending the resolution of proceedings before the Inter-American Commission on Human Rights.

The Bar Council is the professional body of Barristers in England and Wales. Its experience of the criminal justice system in England and Wales has resulted in it adopting a policy of opposing the death penalty. Its Human Rights Committee (BHRC) is actively against the use of capital punishment in any circumstance and it notes that the US capital justice system is has a strong tendency to be marked by discrimination, arbitrariness and error.

We have particular concerns about the proposed execution of Mr Housel. We understand that there is evidence that Mr Housel suffered from brain damage and severe psychological impairments at the time of his offence. That evidence was never presented at trial as a consequence of the inadequacies of Mr Housel's trial lawyer. Had the evidence been presented then this would have suggested that Mr Housel was less culpable of the offence charged. In the United Kingdom it is likely that this sort of evidence would mean that Mr Housel would have been found guilty of the lesser offence of manslaughter rather than murder. In those circumstances we believe that there are good reasons why Mr Housel's execution should not take place.

We also believe that it is essential that nation states comply with their obligations under international human rights law. That law promotes democracy and respect for the rule of law throughout the world. It ensures that there is an increased respect for the rights of the nationals of nation states when they travel to other countries. The Inter American Commission on Human Rights has requested that execution should not take place so that it can consider complaints that execution will violate international human rights law. The residents of the United Kingdom have the right to bring complaints to a similar body, the European Court of Human Rights. Were the European Court to make a similar request, it would be almost inconceivable that United Kingdom would not comply. We respectfully request that the staying of the execution of Mr Housel so that the Inter American Commission on Human Rights is allowed to consider whether the execution will violate international human rights law.

Yours sincerely

David Bean QC
Chairman, Council of the Bar of England and Wales

Stephen Solley QC
Chairman, Bar Human Rights Committee