

**AMNESTY
INTERNATIONAL**



DEFENDING HUMAN RIGHTS

28 May 2021

Senator the Hon. Marise Payne
Minister for Foreign Affairs
PO Box 6100
Senate
Parliament House
Canberra ACT 2600

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Dear Minister Payne

RE: TEXAS MAN EXECUTED BASED ON FAULTY THEORY

Quintin Jones, a black man, was executed on 19 May 2021. He was on death row in Texas, USA in connection with a murder in 1999 when he was just 20 years old. **His execution is a reminder that we must all stand strong against the death penalty, an ultimate violation of human rights.**

Faults in Jones' trial

The sentencing jury in Jones' case was presented with a since discredited theory regarding his "future dangerousness", which proved to be a key factor leading to his death sentence. The State largely relied on the testimony of a psychologist who diagnosed Jones as a "psychopath" and equated "psychopathy" to a propensity for future dangerousness to the jury based on the Hare Psychopathy Checklist (PCL-R), a 20-item checklist/rating scale intended to be used by trained professionals to measure the personality disorder of psychopathy. It has since been discredited as unreliable, unscientific, and misleading in capital cases, because the PCL-R/Hare Checklist cannot reliably predict future behavior in prison.

Furthermore, his first post conviction attorney filed both the state habeas application and federal habeas petition late, which prevented meaningful review of his case. The victim's sister and great-nephew called for clemency for Jones. Unfortunately, Texas authorities denied that request.

The victim's sibling and grandson provided declarations for Quintin's appeal for clemency noting Quintin's transformation in prison and pleading not to re-victimise the family with his execution. Quintin Jones' lawyers filed a civil rights complaint against the Board, noting the similarity between Quintin Jones' case and Thomas Whitaker, a white man, who was granted clemency by the Board in 2015 and spared execution, however, US District Judge George C. Hanks Jr. dismissed the complaint.

The United States must abolish the death penalty

The faults in Jones' trial underlines the problems with the death penalty. It is irreversible and mistakes happen. Execution is the ultimate, irrevocable punishment: the risk of executing an

innocent person can never be eliminated. Since 1973, for example, more than 184 prisoners sent to death row in the USA have later been exonerated or released from death row on grounds of innocence. Others have been executed despite serious doubts about their guilt.

The death penalty is the ultimate cruel, inhuman and degrading punishment. Amnesty opposes the death penalty in all cases without exception - regardless of who is accused, the nature or circumstances of the crime, guilt or innocence or method of execution. The death penalty breaches human rights, in particular the right to life and the right to live free from torture or cruel, inhuman or degrading treatment or punishment. Both rights are protected under the Universal Declaration of Human Rights, adopted by the UN in 1948.

The USA has executed 1533 people since 1976, and the State of Texas has now accounted for 577 of those executions. This was the first state execution in the USA in 2021. About 2,500 men and women sit on death row in federal and state prisons across the country.

I note *Australia's Strategy for Abolition of the Death Penalty* and urge the Australian government to prioritise the end of the death penalty in the USA in its bilateral and multilateral engagements with the Biden Administration. Whilst President Biden has made commitments to end the death penalty, no obvious progress has been made.

For further information, or to discuss and organise a meeting, please contact Joel MacKay at joel.mackay@amnesty.org.au or 0424 242 112.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sam Klintworth', written in a cursive style.

Sam Klintworth
National Director
Amnesty International Australia

