

Governor Brad Henry
State Capitol Building
2300 N. Lincoln Blvd., Room 212
Oklahoma City, OK 73105

Washington DC April 15, 2010

Dear Governor,

The European Union, represented by the local Presidency in the United States, wishes to make an urgent humanitarian appeal on behalf of Mr. Richard Smith, who has been condemned to the death penalty and whose appeal is before you for consideration.

As a matter of principle the European Union is opposed to the use of capital punishment under all circumstances and accordingly aims at its universal abolition, seeking a global moratorium on the death penalty as a first step.

The European Union recalls that in November, 2008, the United Nations General Assembly adopted a resolution on the death penalty, which reaffirms its Resolution adopted in December 2007, expressly asking all nations that still use the death penalty to institute a moratorium on executions with a view to abolishing the practice.

In addition to this principled position the European Union wishes to make an appeal also on specific grounds of the circumstances surrounding Richard Smith's case.

The European Union takes note of the fact that on 25 March, 2010, the Oklahoma Pardon and Parole Board recommended clemency in the case of Mr. Smith. The EU is aware that shortly after Mr. Smith's conviction; the Oklahoma legislature passed a law adopting life without parole as a sentencing option. Further, the EU understands that three jurors from Mr. Smith's trial have since signed affidavits stating that if life without parole had been an option, they would have voted in favour. A fourth has stated that he believes life without parole is the "appropriate sentence" in this case and two others have said that they would not oppose commutation of his death sentence.

While we appreciate that the Board's recommendation is non-binding, we respectfully urge you, Governor, to take the above factors into account and to exercise all the power vested in your office to grant Mr. Richard Smith relief from the death penalty.

Sincerely yours,



Jorge Dezcallar

AMBASSADOR OF SPAIN



Angelos Pangratis

CHARGE D'AFFAIRES
EU DELEGATION