



**Embassy of Italy      EU Presidency**  
**3000 Whitehaven Street**  
**Washington, DC 20008**

December 4, 2003

Mr. Patrick Morgan  
Chair  
Oklahoma Board of Pardons and Parole  
4040 North Lincoln Boulevard, Suite 219  
Oklahoma City, OK 73105

Dear Mr. Morgan,

On behalf of the European Union, Italy, as current [President](#) , together with Ireland, its subsequent President, and the European Commission would like to convey to you an urgent humanitarian appeal to spare the life of Hung Thanh Le, who has been sentenced to death and is scheduled to be executed on January 6, 2004.

As stated in the EU Memorandum on the Death Penalty, ( <http://www.eurunion.org/legislat/Deat>

[hPenalty/eumemorandum.htm](http://hPenalty/eumemorandum.htm)

)  
which has been shared with you on previous occasions, the European Union is opposed to the death penalty in all cases and accordingly aims at its universal abolition, seeking a global moratorium on the death penalty as a first step. Therefore, the EU respectfully urges you to exercise all powers vested in your office to commute the death sentence of Mr. Le to life imprisonment.

Furthermore, it has come to the attention of the EU that the Oklahoma authorities failed to notify Mr. Le as regards his right to contact a Vietnamese Consulate for assistance at the time of his arrest, as required by the [Vienna Convention on Consular Relations](#). The right to consular notification and assistance, according to article 36 of the Convention, is intended to redress the inherent disadvantages facing detained foreign nationals in any country. Like the United States, all EU member states are parties to this international treaty. On June 27, 2001, the International Court of Justice reaffirmed the significance of article 36 in the realm of consular relations. The Court held, inter alia in Para 125 that “an apology would not suffice in cases where the individuals concerned have been subjected to prolonged detention or convicted and sentenced to severe penalties.” In the case of such a conviction and sentence, the EU considers that the review and reconsideration of the conviction and sentence be permitted by taking account of the violation of the rights set forth in the Convention.

Taking these factors and concerns into account, the European Union respectfully requests that you recommend the required review and reconsideration of the conviction and sentence in the case of Mr. Le.

We thank you in advance for your consideration.

Sincerely,

Sergio Vento  
Ambassador of Italy

Noel Fahey  
Ambassador of Ireland

Guenter Burghardt Ambassador, Head of the European Commission Delegation

[Letter to Oklahoma Governor](#) .

The Oklahoma Board of Pardons and Parole voted unanimously to commute Mr. Le's death sentence to life in prison (implying a possibility of parole, but not guaranteeing it), based primarily on the Vienna Convention on Consular Relations violations and using the EU letter as an element in the decision, December 9, 2003.

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