

Washington, August 28, 2007

Rissie Owens, Chairperson
Texas Board of Pardons and Paroles
P.O.Box 13401
Austin, TX 78711-3401

Dear Chairperson,

The European Union takes note of the fact that Mr. Kenneth Foster is scheduled to be executed in the State of Texas on 30 August, 2007. Representing the European Union, Portugal, as the current President, together with Slovenia, the subsequent President, and the European Commission, would like to make an urgent humanitarian appeal on behalf of Mr. Foster.

As stated in the EU Guidelines on the Death Penalty, 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 the first step.

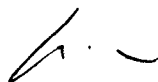
The European Union considers that in nations which still employ capital punishment, its use should be restricted to the "most serious crimes". The death penalty must be limited to cases where it can be shown that there was an intention to kill which resulted in the loss of life.

The EU strongly believes that the execution of a person for a crime in which the intention to kill is in question, or indeed absent, is contrary to widely accepted human rights norms and is in contradiction of the minimum standards of human rights set forth in several international human rights instruments. Among them is the International Covenant on Civil and Political Rights (ICCPR). Article 6(2) specifies that, "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes..."

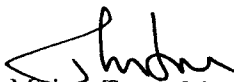
Further, the United Nations Economic and Social Council (ECOSOC) Resolution 1996/15 on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, as well as Resolution 2005/59, adopted by the United Nations Commission on Human Rights, reiterate this norm. Resolution 2005/59 states that "The Commission on Human Rights... Urges all states that still maintain the death penalty... d.) not to impose the death penalty for any but the most serious crimes... f.) to ensure also that the notion of "most serious crimes" does not go beyond intentional crimes with lethal or extremely grave consequences..."

We therefore respectfully urge you, Governor, to take these factors into account and to exercise all the powers vested in your office to grant Mr. Kenneth Foster relief from the death penalty.

Sincerely,



João de Vallera
Ambassador of Portugal



Miriam Teresa Mozgan
Chargé d'Affairs a. i.
Embassy of Slovenia



Angelos Pangratis
Chargé d' Affairs of the Delegation
of the European Commission