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The USA to confirm its position as world leader in killing child offenders

In a further show of contempt for the rule of international law, US officials are set to kill another child offender, Amnesty International warned today. Just after midnight on 4 February 1999, government officials in Oklahoma intend to execute Sean Sellers for crimes he committed in 1986, when he was just 16 years old.

"Sean Sellers has spent the whole of his adult life under a death threat. It is time for that threat to be lifted," Amnesty International said.

"The fact that it is not actually a child who will be taken from his cell, strapped down and injected with lethal chemicals should not make this premeditated killing easier for society to tolerate."

The ban on the use of the death penalty for those under 18 at the time of the crime is so widely accepted, and adhered to, throughout the international community, that it has become a principle of customary international law. No country can exempt itself from this global ban, no matter what human rights agreements it has or has not signed up to.

"The US authorities know that by executing child offenders they are breaking international law," Amnesty International said.

"Yet, in a continuing display of contempt for international human rights standards, which negates its claims to the high moral ground on human rights, the USA believes that it is above the law on this issue."

Since it resumed judicial killing in 1977, the USA has executed 12 people for crimes committed when they were 17. Sean Sellers would be the first person put to death for a crime committed at 16.

Sean Sellers' execution would bring the number of child offenders put to death in the USA since 1990 to ten -- more than in the rest of the world combined. Five other countries -- Iran, Nigeria, Pakistan, Saudi Arabia and Yemen -- are known to have executed child offenders since 1990, killing nine between them. Yemen has since changed its law to exempt under 18-year-olds from the death penalty.

"The killing of Sean Sellers would confirm the USA as the single leading perpetrator of this calculated human rights violation," Amnesty International said, pointing out that the three known executions of child offenders in 1998 all took place in the USA.

"There is no excuse for the most powerful economy in the world not to be able to find a better response to the violent crimes of these children than to kill them. The international community must demand an end to this outrage," the organization added.

Background

The world has agreed that children should be exempted from execution, not to excuse their crimes or to belittle the suffering of their victims and their relatives, but in recognition of young people's immaturity and the greater scope for change in them. Sean Sellers' self-development, despite spending most of his adult life in one of the harshest prison regimes in the USA, is testament to this.

The Convention on the Rights of the Child has confirmed the global consensus that killing child offenders is wrong. All countries apart from the USA and Somalia have agreed to be bound by the Convention's ban on the death penalty against those who commit crimes when under 18.

The International Covenant on Civil and Political Rights (ICCPR), which came into force in 1977, bans the use of the death penalty against child offenders. The USA reserved the right to ignore this ban when it ratified the Covenant in 1992. However, UN experts have repeatedly ruled that the reservation is invalid and should be withdrawn and eleven countries have lodged formal objections to it.

Sean Sellers was sentenced to death in 1986 for the murder of his mother and stepfather, Vonda and Paul Bellofatto, and of Robert Bower, an Oklahoma shopkeeper.

In 1998, a US federal court acknowledged undisputed expert testimony of serious mental illness that may have led him to commit his crimes, but stated that it was unable to prevent his execution.

The US federal authorities continue to maintain that the application of the death penalty to child offenders is an issue for individual US states and the US Supreme Court to determine. However, under international law, the federal system of government cannot be used to justify a breach of a country's international obligations.

Some 70 other prisoners remain on death row in the USA for crimes committed when they were 16 or 17.

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For further information on the case of Sean Sellers, see: *Killing Hope: The imminent execution of Sean Sellers* (AMR 51/108/98, December 1998). Also, *On the Wrong Side of History: Children and the Death Penalty in the USA* (AMR 51/58/98, October 1998).