

EXTERNAL (for general distribution)

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Further information on EXTRA 55/93, AMR 51/51/93, 7 June 1993

Death Penalty

30 June 1993

USA: (Texas)

Curtis HARRIS

Amnesty International is deeply concerned that the execution of Curtis Harris will go ahead as scheduled on 1 July 1993 (tomorrow), following the US Supreme Court ruling last week in the case of Dorsie Lee Johnson. The appeal in Johnson (a 19-year old offender under sentence of death) had claimed that the pre-1991 Texas capital statute was unconstitutional in not allowing consideration of a defendant's youth as a separate mitigating circumstance at the sentencing stage of a capital trial. The Supreme court rejected this appeal by a narrow majority of 5-4 votes on 24 June 1993. The ruling will effectively pave the way for the execution of at least a dozen young offenders in Texas (including other juveniles aged under 18 at the time of the crime) whose cases had been stayed pending the outcome of the Dorsie Lee Johnson appeal.

The last juvenile offender to be executed in the USA was Johnny Garrett in February 1992 - also in Texas. Under Texas clemency rules, the governor may commute a death sentence only if she receives a favourable recommendation from a majority of the Board. The Texas Board of Pardons and Paroles has never granted clemency in any case since the death penalty was reinstated in the 1970s.

Treaties and standards exempting people under 18 from the death penalty were developed in recognition of the fact that the death penalty is wholly inappropriate for individuals who have not attained full maturity. However serious the crime, the imposition on a young person of a sentence of such finality, denying any possibility of rehabilitation or reform, is contrary to contemporary standards of justice and humane treatment. The International Covenant on Civil and Political Rights (ICCPR), signed by the US in 1977 and ratified the ICCPR in April 1992 (but with the US government reserving its right "subject to its Constitutional constraints" to impose capital punishment on juvenile offenders), the American Convention on Human Rights (ACHR), the United Nations (UN) Convention on the Rights of the Child, and Safeguards guaranteeing protection of the rights of those facing the death penalty adopted by the UN Economic and Social Council in 1984 exempt people under 18 from the death penalty.

The execution of juvenile offenders is extremely rare worldwide. The USA is one of only six countries known to have executed juvenile offenders in the last decade (the other countries are: Iran, Iraq, Nigeria, Pakistan and Bangladesh).

Amnesty International opposes the death penalty in all cases as a violation of the right to life, and the right not to be subjected to cruel, inhuman and degrading treatment or punishment, as enshrined in the Universal Declaration of Human Rights.

FURTHER RECOMMENDED ACTION: Faxes/telephone calls/telegrams and telexes either in English or in your own language:

Appeals to members of the Board of Pardons and Paroles:

- urging that Board Members recommend to Governor Richards that she grant clemency to Curtis Harris and commute his sentence of death;

Appeals to Governor Richards:

- urging Governor Richards to grant clemency to Curtis Harris by commuting his sentence of death;
- urging that at the very least Governor Richards does everything within her power to prevent the execution of Curtis Harris on 1 July 1993.

Appeals to both:

- expressing regret at the decision of the US Supreme Court in the case of Dorsie Johnson;
- citing international standards which prohibit the imposition of the death penalty on people who were under 18 at the time of the crime.

APPEALS TO:

Offices of the Texas Board of Pardons and Paroles: **Salutation: Dear Board Member**

Huntsville office:

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The Governor of Texas:
 The Honorable Ann Richards

Salutation: Dear Governor

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PLEASE SEND APPEALS IMMEDIATELY TO ARRIVE IN TEXAS BY MIDNIGHT 30 JUNE 1993.