

USA: Juvenile offender facing execution in Virginia – a step backwards

The imminent execution of Dwayne Allen Wright, scheduled for 14 October in the State of Virginia, shows yet again the USA's disregard for international standards of justice and humane treatment, Amnesty International said.

Dwayne Wright was sentenced to death for a crime committed when he had just turned 17. International human rights standards ban the use of the death penalty for crimes committed when under 18.

"If the State of Virginia carries out this execution, it will be retreating deep into its past, having not executed a juvenile offender since 1932," said Pierre Sané, Secretary General of Amnesty International, during a nationwide tour to launch a year-long campaign on human rights violations in the USA.

"Surely, at the end of the 20th century, the state should have transferred the death penalty for juveniles from its statute books to its history books. Instead it continues to add to the violence in US society."

"It is ironic that the country which repeatedly proclaims itself to be the most progressive force for human rights in the world, holds international human rights standards in such low regard," added Mr Sané.

Like many of the 70 juvenile offenders currently on death row in the USA, Dwayne Allen Wright, who is African American, grew up in poverty, was exposed to violence from an early age and has suffered from serious mental problems. "His situation is further evidence that the death penalty in the USA is used disproportionately against the poor, minorities, those abused or deprived as children, and the mentally ill," Mr Sané said.

Since 1990, only six countries are known to have executed people for crimes committed when under 18. Five of them - Iran, Nigeria, Pakistan, Saudi Arabia and Yemen - have executed a total of nine such prisoners between them. The sixth country - the USA - has executed eight juvenile offenders in the same period, including two this year. The USA is the only country in the world known to have executed juvenile offenders in 1998.

"The US federal authorities – Mr Sané said – must not be allowed to make their usual excuse for this human rights violation by stating that it is up to each US state to deal with its violent juvenile offenders as it sees fit. Neither the Virginia state authorities nor the federal authorities can claim ignorance of the international standards forbidding the execution of juvenile offenders."

Under international law, the federal system of government cannot be used to justify a breach of a country's international obligations. If the authorities in Virginia refuse to abide by international law, then the federal authorities must intervene as a matter of urgency and stop this execution, Mr Sané argued.

Activists have been flooding government offices with appeals for adherence to global standards and for the commutation of Dwayne Wright's death sentence to a more humane alternative.

The world has agreed that juvenile offenders should be protected from the death penalty, not in an attempt to excuse violent juvenile crime, but in recognition of the fact that children are not yet fully responsible for their actions and that the scope for their rehabilitation is greater than for adults. It has long been held that the would-be death penalty goals of deterrence and retribution cannot be met in the case of juvenile offenders.

Background information

Dwayne Wright grew up in a deprived neighbourhood of Washington DC, where he witnessed habitual gun violence and murder. From the age of four he lost his father to incarceration. His mother, who suffered from mental illness, was often unemployed for long periods. When he was 10, his older half-brother to whom he was very close, was murdered. After this Dwayne Wright developed serious emotional problems. Between the ages of 12 and 17, he spent periods in hospital and juvenile detention facilities. During this time he was treated for "major depression with psychotic episodes," his mental capacity was evaluated as borderline retarded, his verbal ability as retarded, and doctors found signs of organic brain damage. At the age of 17, Dwayne Wright went on a two-day violent crime spree, which culminated in a brutal murder. He was caught the next day, confessed to the police and was tried in 1991. He is now 26.

The International Covenant on Civil and Political Rights (ICCPR) forbids the sentencing to death and executing of people for crimes committed when they were under 18. When the USA ratified the ICCPR in 1992 it explicitly reserved the right to ignore this ban. UN experts have repeatedly stated that the reservation is invalid and should be withdrawn and that the USA's continuing use of the death penalty against juvenile offenders violates international human rights law. The governments of 11 European countries have also protested against the US reservation.

The UN Convention on the Rights of the Child also bans the execution of those under 18 at the time of the crime. The USA is one of only two countries in the world that have not ratified the Convention. The other is Somalia, a collapsed state with no recognized government.

In the space of 27 days in mid-1998, Texas executed two men for crimes they committed when they were 17. Amnesty International has described their executions as amounting to acts of simple vengeance.

Amnesty International launched a worldwide campaign on human rights violations in the USA on 6 October 1998 with its report *Rights for All*. As a part of the campaign, AI members will be calling on the USA to halt the executions of juvenile offenders as a first step towards total abolition of the death penalty. ENDS.../

For further information on death penalty for juvenile offenders, please see Amnesty International's new report *On the wrong side of history: Children and the death penalty in the USA*, October 1998 (AI Index: AMR 51/58/98). This is currently available in electronic form from the International Secretariat. Contact: Rob Freer, +44 171 413 5741, e-mail: rfreer@amnesty.org

