

PUBLIC

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EXTRA 51/01

Death pen

USA (Georgia) Marcus Rolondo Moore, black, aged 18

Marcus Moore is on trial for murder in Augusta, Georgia. The prosecution is seeking the death penalty, in violation of international law which prohibits the use of the death penalty against those who were under 18 years old at the time of the crime. Marcus Moore was 17 at the time of the crime of which he is accused.

Marcus Moore is charged with killing Niteka Nicole Wesbey and Corey Andre McMillan, who were both 18 when they died. A third teenager, Larry Donnell Sanders, 19, was injured in the shooting, which took place on 24 November 2000 in Augusta.

Jury selection for the trial began on 6 August in Richmond County Superior Court.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty in all cases. While the International Covenant on Civil and Political Rights (ICCPR) recognizes that some countries may still retain the death penalty, it also places stringent legal safeguards on its use. One such restriction is the unequivocal prohibition on the use of the death penalty against those who were under 18 at the time of the crime. When the USA ratified the ICCPR in 1992 it attempted to reserve the right to execute juvenile offenders, but its reservation has been widely condemned as invalid, by bodies including the UN Human Rights Committee, the expert body which monitors compliance with the ICCPR.

The use of the death penalty against under-18-year-olds is also prohibited by other human rights instruments, including the Convention on the Rights of the Child which has been ratified by 191 countries. Only the USA and Somalia have not ratified it.

The prohibition on the death penalty against child offenders is so widely agreed to and respected that it has become a principle of customary international law, binding on all countries regardless of which treaties they have or have not ratified. The USA leads a tiny group of countries which have carried out such executions in the past decade. In the past four years, child offenders have been executed in Iran (3), Democratic Republic of Congo (1), and the USA (8). About 80 prisoners are on death row in the USA for crimes committed when they were 16 or 17. Napoleon Beazley is scheduled to be executed in Texas on 15 August 2001 for a 1994 murder (see further information on UA 156/01, 31 July 2001, AMR 51/110/2001 and www.amnesty.org for further details).

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- expressing sympathy for the families of Niteka Wesbey and Corey McMillan, and explaining that you are not seeking to condone the manner of their death or to express any view on the guilt or innocence of the defendant;
- pointing out that international law prohibits the use of the death penalty against those who were under 18 at the time of the crime;
- expressing concern that the USA is among the small number of countries in the world which violate this fundamental principle, and that this is causing great damage to the international reputation of the United States;

- urging the prosecution to drop its pursuit of the death penalty against Marcus Moore.

APPEALS TO:

The Honourable Danny Craig
District Attorney
551 Green Street
Augusta, GA 30901, USA

Fax: +1 706 821 1237

Salutation: Dear District Attorney

COPIES TO: diplomatic representatives of the USA accredited to your country.

You may write brief letters of concern (not more than 250 words) to:

Letters to the Editor, *Augusta Chronicle*, 725 Broad St., Augusta, GA 30901, USA. **Fax: +1 706 823 3345. E-mail: letters@augustachronicle.com**

PLEASE SEND APPEALS IMMEDIATELY.