

PUBLIC

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Further information on UA 255/00 (AMR 51/138/00, 25 August 2000) - Death penalty / Legal concern

**USA (Arizona) Christopher Huerstel, aged 18
Kajornsak Prasertphong, Thai national, aged 20**

Christopher Huerstel and Kajornsak Prasertphong have been found guilty of murder, and the prosecutor has confirmed that the death penalty will be pursued against both defendants.

At their trial in Prescott, Arizona, Christopher Huerstel and Kajornsak Prasertphong were found guilty of the murder of Robert Curry (44), Melissa Moniz (20) and James Bloxham (17), who were shot during a Pizza Hut robbery in Tucson on 17 January 1999. The verdicts were announced on 15 and 18 September. A date has not yet been set for the sentencing phase of the trial, which will take place in front of a judge only, most likely in several months' time.

Deputy County Attorney Rick Unklesbay of Pima County first announced his attention to seek the death penalty in this case immediately after the two teenagers were charged in 1999, but under Arizona law he had 10 days following the convictions to file notice of the aggravating factors in the case which make it eligible for the death penalty. He did so on 25 September.

In Christopher Huerstel's case, the death penalty would violate international law, which forbids the use of the death penalty against those who were under 18 years old at the time the crime was committed.

Kajornsak Prasertphong, who was 19 at the time of the killings, is a Thai national. To Amnesty International's knowledge, he was not informed upon arrest of his right to contact his consulate for assistance, as guaranteed by international law, notably in Article 36 of the Vienna Convention on Consular Relations (VCCR).

Amnesty International's action on this case has been reported in Tucson press targeted by UA activists. For example, on 6 September, the *Tucson Citizen* published an article entitled *Pizza Hut trial spurs anti-death campaign*, which quoted letters from Germany, the UK and Belgium. On 15 September, the paper published letters from US, UK, Italian, German and Swiss activists. The *Arizona Daily Star* has also reported on the AI action.

According to the *Arizona Daily Star* on 26 September, Deputy County Attorney Unklesbay said that he had received about 400 letters from members of Amnesty International urging him to drop his pursuit of the death penalty: "There are letters from all over the world - Asia, Europe, Africa. They basically ask that we not follow the law that exists in Arizona". His response is typical in a country where officials refuse to acknowledge that they are violating an international legal standard that should take precedence over domestic law.

No further action is requested at present. Many thanks to all who sent appeals. Once again your appeals have been crucial in bringing this issue of international law into the public eye at a local level in the USA.