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Execution of Child offenders: summary of cases

CHINA

Zhao Lin -- executed in January 2003

In October 1997 a revision of the Chinese Criminal Law came into effect eliminating the practice of imposing death sentences on prisoners convicted of crimes committed when they were 16 or 17 years old. However, reports since 1997 suggest that people under 18 at the time of the offence have continued to be executed because the courts do not take sufficient care to determine their age.

In March 2003 the Hebei Legal Daily reported that Zhao Lin, aged 18 years and three months, had been executed in January for a murder committed in May 2000, when he was 16 years old. The murder had taken place in Funing County, Jiangsu Province. China

DEMOCRATIC REPUBLIC OF CONGO

Kasongo - executed in 2000

Kasongo, a 14-year-old child soldier, was executed in January 2000 within half an hour of his trial by a special military court. The special military courts were abolished in April 2003.

DRC representatives told the UN Committee on the Rights of the Child in May 2001 that other child soldiers sentenced to death had been pardoned; they did not mention the execution of Kasongo.

IRAN

Mehrdad Yousefi -- executed in 2001

Amnesty International has recorded seven executions of child offenders in Iran since 1990. Most of these reports have been based on reports in the Iranian news media.

Most recently, the official news agency IRNA reported from the city of Ilam on 29 May 2001 that Mehrdad Yousefi, aged 18, had been hanged for a crime committed two years earlier.

A bill to raise the minimum age to 18 has been approved by the judiciary and was reportedly due to be introduced in parliament in late 2003.

PAKISTAN

Sher Ali -- executed in 2001

The Juvenile Justice System Ordinance 2000, abolishing the death penalty for people under 18 at the time of the offence in most parts of the country, entered into force on 1 July 2000. However, the Ordinance was not extended to the Provincially and Federally Administered Tribal Areas in the north and west.

One young man, Sher Ali, was executed in the Provincially Administered Tribal Area in November 2001 for a murder committed in 1993 when he was 13 years old.

Although most of the outstanding death sentences imposed on child offenders before July 2000 have now been commuted, an unknown number of sentences are still outstanding while the courts determine the age

of the convicted prisoners. Child offenders continue to be sentenced to death, mainly because their age has not been determined

SUDAN

Child offenders have been among several groups of people sentenced to death by a special court in the western province of Dafur since 2002. The special court's procedures fall far short of international norms for a fair trial

THE PHILIPPINES

Larina Perpnan -- sentenced to death in 1998

Philippine law precludes the use of the death penalty against people under 18 at the time of the crime, yet at least seven child offenders are currently under sentence of death.

Larina Perpnan was 17 years old when she was arrested with 10 others for the kidnap and ransom of an elderly woman, who was later released unharmed. Upon her arrest.

Larina Perpnan lied about her age and name to "avoid trouble at home". She received poor legal counsel during her trial and was sentenced to death in October 1998. Although she later produced a birth certificate proving her age to be 17 at the time of arrest, the judge has reportedly refused to reverse the death sentence. Her case is reportedly still under re-consideration by the lower court.

USA

Napoleon Beazley -- executed in 2002

Napoleon Beazley was executed in Texas on 28 May 2002 for a crime committed eight years earlier -- when he was just 17 years old. Napoleon Beazley had no criminal record and no record of violent behaviour. At his trial, the white prosecutor described him as an "animal" in front of the all-white jury. Witnesses at the trial cited his potential for rehabilitation. He was a model prisoner.

In February 2002, Napoleon Beazley's lawyers had taken his case to the Inter-American Commission on Human Rights (IACHR). They argued that the USA was violating its international obligations because of his age at the time of the crime. The Commission asked the authorities not to carry out the execution while it considered the claim. The request was ignored and the execution went ahead. The IACHR examined the claim anyway, and concluded that the USA had violated an international norm of *jus cogens* prohibiting the execution of anyone under 18 at the time of the crime. Its decision, made public in January 2004, explained that a *jus cogens* norm is one that is binding on all countries, including the United States, and one from which there can be no derogation. The Commission concluded that Napoleon Beazley's family should be provided with "an effective remedy, which includes compensation".

Nanon Williams -- awaiting execution

Nanon Williams awaits execution in the United States of America for a crime committed when he was 17 years old. There are serious doubts about his guilt in the murder for which he was sentenced to die. False ballistics evidence presented by the state -- a possible sign of systemic problems at the Houston Police Department's crime laboratory -- went unchallenged by an unprepared defence lawyer.

Two of the original trial jurors have suggested that the outcome of the case would have been different if the jury had been provided with the evidence as it known now. The UN Safeguards require that capital defendants receive adequate assistance "at all stages of the proceedings", a standard not met in this case. After hearing the post-conviction evidence, a state judge found that it had been the state's prime witness, not Nanon Williams, who had first shot the victim. The judge decided that Nanon Williams should receive a new trial because he had been denied his right to effective assistance of counsel. In 2002, however, the Texas Court of Criminal Appeals rejected her recommendation with minimal explanation.

A mental health expert has said that Nanon Williams suffered from post-traumatic stress disorder as a result of his violent upbringing. The jury were presented with no such expert evidence, and received a limited account of his abusive past and its impact on him. At the same time, the prosecutor made arguments for execution that were not only potentially inflammatory, but also flouted a central principle underlying the

international ban on the execution of child offenders, namely a young person's potential for rehabilitation and change.

Edward Capetillo -- Awaiting execution on 30 March

Efrain Perez -- Awaiting execution on 23 June

Raul Villarreal -- Awaiting execution on 24 June

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