

# AMNESTY INTERNATIONAL

## Media Briefing

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## Execution of Child offenders: updated summary of cases

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### CHINA

#### **Zhao Lin -- executed in 2003**

In October 1997 a revision of the Chinese Criminal Law came into effect eliminating the use of the death penalty against people 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.

### IRAN

#### **Mohammad Mohammadzadeh -- executed in 2004**

Amnesty International has recorded eight executions of child offenders in Iran since 1990. The latest execution was reportedly carried out on 25 January 2004. Mohammad Mohammadzadeh, aged 21, was executed in Ilam, western Iran, for a crime committed four years earlier when he was 17 years old.

In December 2003 a bill to raise the minimum age for imposition of the death penalty to 18 was approved by the Iranian parliament. The bill still requires approval by the highest legislative body, the Guardian Council, in order to become law. Mohammad Mohammadzadeh's execution makes ratification and implementation of this bill an urgent necessity to prevent further executions of child offenders.

### 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**

### **Supreme Court to review use of death penalty against child offenders**

On 26 January the US Supreme Court agreed to revisit the decision it made in 1989 (*Stanford v Kentucky*) allowing the execution of people for crimes committed when they were 16 or 17 years old. The appeal stems from the case of Christopher Simmons, who is on death row in Missouri for a crime committed when he was 17 years old. Last year the Missouri Supreme Court overturned his death sentence, saying that it was unconstitutional to execute those who were under 18 at the time of the crime. The state of Missouri appealed, and that is the appeal that the US Supreme Court has agreed to hear. The case is expected to be heard later this year,

### **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. In February 2002 Napoleon Beazley's lawyers took his case to the Inter-American Commission on Human Rights (IACHR). In a decision published in January 2004, the IACHR 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 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**

In a document released in January, Amnesty International examined the case of Nanon Williams, currently under sentence of death in Texas 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.

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 the judge's 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.

In view of the false evidence that was presented to Nanon Williams' jury and the inadequacy of his defence representation, Amnesty International is calling for Nanon Williams to be granted a new trial.

#### **Executions of child offenders scheduled**

Executions of four child offenders have been scheduled to take place in the first half of this year in Texas. They are:

**Edward Capetillo**, scheduled to be executed on 30 March

**Anzel Jones**, scheduled to be executed on 29 April

**Efrain Perez**, scheduled to be executed on 23 June

**Raul Villarreal** , scheduled to be executed on 24 June

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566  
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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