

USA (Texas) William Hodges, (m), white, aged 17

The Smith County District Attorney in eastern Texas is intending to seek a death sentence against William Hodges at his forthcoming murder trial. William Hodges was 17 years old at the time of the crime of which he is accused. International law prohibits the imposition of the death penalty against defendants who were under 18 at the time of the crime.

William Hodges has been charged with the rape and murder of 22-year-old Tonya Boaz committed near Lindale, Smith County, on 11 January 2002. Jury selection for his trial was due to begin on 23 May, but was postponed to allow more time for the state laboratory to complete DNA testing. The trial has not yet been rescheduled, but it could begin as early as July.

BACKGROUND INFORMATION

There is an unequivocal international prohibition on the use of the death penalty against child offenders, people who were under 18 at the time of the crime. The Geneva Conventions, the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child, the American Convention on Human Rights and the United Nations Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty all have provisions exempting this age group from the death penalty. The UN Sub-Commission on the Promotion and Protection of Human Rights has affirmed that such use of the death penalty violates customary international law, binding on all countries regardless of which treaties they have or have not ratified. The UN Human Rights Committee, the body established by the ICCPR to monitor that treaty's implementation, has "deplored" the USA's continuing execution of child offenders, and confirmed that the ICCPR's prohibition on such executions is non-derogable.

Since 1995, 10 child offenders have been executed in the USA, six of them in Texas. In the same period, Amnesty International has documented only seven such executions in the rest of the world combined - three in Iran, two in Pakistan, one in Nigeria, and one in Democratic Republic of Congo. In December 2001, the President of Pakistan announced that he would commute the death sentences of all child offenders on death row in his country. There are some 80 child offenders on death row in the USA, 30 of them in Texas.

The Smith County District Attorney is well aware of this international prohibition. Last year, he was the recipient of Urgent Action appeals in the case of Napoleon Beazley, who was also tried in Smith County (the current District Attorney was one of his prosecutors - see UA 156/01, AMR 51/095/01, 22 June 2001). Napoleon Beazley was executed on 28 May 2002.

Seven Nobel Peace Prize winners were among the thousands of people and organizations who appealed for clemency for Napoleon Beazley. One of the Nobel laureates was Archbishop Desmond Tutu of South Africa. In his six-page letter of 16 May 2002, the Archbishop alluded to the William Hodges case: "The obstinacy of the Smith County District Attorney, who within the last week, has set about getting the death penalty against a new child offender, is something with which I lament that I am all too familiar. During the Truth and Reconciliation Commission hearings in my country, there were members of the apartheid regime who refused to see that the human rights abuses they had committed were wrong or unlawful. The execution of a child offender clearly is such a human rights

abuse. I stand assured that the Smith County authorities have been educated on that fact. The Commission was founded on the idea that people have an innate ability to repent and change, and I was astounded by the heartfelt accounts offered by perpetrators of the worst offences of human rights who were seeking amnesty. I hold out hope for the Smith County District Attorney..."

The United Nations Guidelines on the Role of Prosecutors states that not only should prosecutors be made aware of "human rights and fundamental freedoms recognized by national and international law", but they must also "respect and protect human dignity and uphold human rights".

There have been 780 executions in the USA since it resumed judicial killing in 1977. Texas accounts for 271 of these executions.

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

- expressing sympathy for the family and friends of Tonya Boaz, and explaining that you are neither seeking to excuse the manner of her death nor comment on the innocence or guilt of the accused, William Hodges;
- noting that William Hodges was 17 years old at the time of the crime, and expressing deep concern that the District Attorney is seeking a death sentence in the full knowledge that he is violating international law;
- note that he is also breaching the United Nations Guidelines on the Role of Prosecutors by failing to uphold international human rights law;
- noting Archbishop Desmond Tutu's concern about the District Attorney's actions and his hope for change away from this human rights violation;
- urging the District Attorney to drop his pursuit of the death penalty and abide by international law and global standards of justice.

APPEALS TO:

Jack Skeen
Smith County District Attorney
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Tyler, Texas 75702, USA
Fax: + 1 903 535 0410
Salutation: Dear District Attorney

COPIES TO:

Tyler Morning Telegraph
PO Box 2030, Tyler, Texas 75710, USA
Fax: + 1 903 595 0335

(You may also write letters (max. 250 words) to the editor of the Tyler Telegraph.)

Governor Perry
c/o Bill Jones, General Counsel,
PO Box 12428, Austin, TX 78711, USA
Fax: +1 512 463 1932 (General Counsel's fax), or 463 1849 (Governor's fax).

and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 12 July 2002.