

EXTRA 81/02

Death penalty/Legal concern

29 October 2002

USA (Georgia)Curtis Malcolm Woodyard, black, aged 19

Curtis Woodyard is facing trial in Augusta, Georgia, at which the Richmond County prosecution intends to seek a death sentence. Curtis Woodyard was 17 at the time of the crime with which he has been charged. International law, respected in almost every country in the world apart from the USA, prohibits the use of the death penalty against people who were under 18 years old at the time of the crime.

Curtis Woodyard is accused of the capital murder of Gordon Edward Petty, a white male, committed on 27 November 2000 in Augusta. Jury selection for his trial is scheduled to begin on 12 November 2002.

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 (CRC), 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.

Under the 1989 US Supreme Court decision, *Stanford v Kentucky*, defendants who were 16 or 17 years old at the time of the crime can be subject to the death penalty in the USA. Since that decision, 191 countries have ratified the CRC. The USA has not ratified the CRC, but has signed it, thereby binding itself under international law not to do anything to undermine the treaty's provisions pending a decision on whether to ratify it. The USA ratified the ICCPR in 1992, but lodged a "reservation" purporting to exempt it from the prohibition on the use of death penalty against child offenders. The Human Rights Committee, the expert body established by the ICCPR to oversee the treaty's implementation, has said that the reservation is "incompatible with the object and purpose of the Covenant" and should be withdrawn. The Committee has "deplored" the USA's continuing execution of child offenders, and confirmed that the ICCPR's prohibition on such executions is a principle from which there can be no derogation. In 2000, the UN Sub-Commission on the Promotion and Protection of Human Rights 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.

Since 1990, the USA has executed 18 child offenders, compared to 14 such executions reported in the rest of the world combined. These 14 occurred in Democratic Republic of Congo (DRC), Iran, Nigeria, Pakistan, Saudi Arabia, and Yemen. Yemen and Pakistan have now abolished such use of the death penalty in law. In 2001, the DRC authorities commuted the death sentences of five child offenders, and there is currently a moratorium on executions there. As the other perpetrators drop out of this infamous club, the USA's record as its leading member stands in ever starker relief. The USA accounts for 70 per cent of the known executions of child offenders worldwide since 1998 (12 out of 17).

In September 2002, Amnesty International published *USA: Indecent and internationally illegal: The death penalty against child offenders* (AMR 51/143/2002, available on www.amnesty.org). In it, the organization argued that the US Supreme Court should reconsider its 1989 *Stanford v Kentucky* decision

in light of its June 2002 ruling, *Atkins v Virginia*. In the latter decision, it found the death penalty against people with mental retardation unconstitutional in the light of "evolving standards of decency". Among other things, the Court acknowledged the relevance of international standards. However, on 21 October 2002, the Court refused to take the appeal of Kevin Stanford, whose case was at the centre of the 1989 *Stanford v Kentucky* decision and who remains on death row. Four of the nine Supreme Court Justices dissented from the denial of the appeal: "There are no valid procedural objections to our reconsideration of the issue now, and, given our recent decision in *Atkins v Virginia*, we certainly should do so." The dissent continued that the execution of people for crimes committed when they were under 18 years old "is a relic of the past and is inconsistent with evolving standards of decency in a civilized society. We should put an end to this shameful practice." Several newspapers, including the *New York Times* and the *Washington Post*, have since editorialized that the Supreme Court should revisit the juvenile death penalty issue and outlaw the practice. The cases of at least two of the more than 80 child offenders on death row in the USA are currently pending before the Court.

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 family and friends of Gordon Edward Petty, and explaining that you are not seeking to condone the manner of his death or comment on the guilt or innocence of the accused;
- expressing concern that, in the event of his conviction, Richmond County is intending to seek a death sentence against Curtis Woodyard, in violation of international law which prohibits the imposition of the death penalty against people who were under 18 at the time of the crime;
- noting that this international prohibition is respected in almost every country of the world outside the USA;
- pointing out the damage that is being done to USA's reputation as a result of local prosecutors seeking internationally illegal death sentences;
- noting the recent dissent of four Supreme Court Justices supporting an end to this "shameful practice";
- calling on the District Attorney's Office to drop its pursuit of a death sentence in this case, in line with standards of decency recognized in many parts of the USA and around the world.

APPEALS TO:

Daniel J. Craig
District Attorney
Augusta Judicial Circuit
Fourth Floor, Hatcher 500 Building
501 Greene Street, Augusta, GA 30901, USA
Fax: + 1 706 821 1237

Salutation: Dear District Attorney

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

You may also copy your appeals or write a brief letter (not more than 250 words) to:

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

Please send appeals immediately.