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USA must halt life without parole sentences for children

Authorities in the USA must ban the imposition of life without parole sentences against children and review the cases of more than 2,500 prisoners currently serving such sentences to bring them into line with international law, Amnesty International said today in a new report.

“In the USA, people under 18 years old cannot vote, buy alcohol, lottery tickets or consent to most forms of medical treatment but they can be sentenced to die in prison for their actions. This needs to change,” said Natacha Mension, Campaigner on the USA at Amnesty International.

Children as young as 11 at the time of the crime have faced life imprisonment without parole in the USA – the only country in the world to impose this sentence on children.

Amnesty International’s report “This is where I’m going to be when I die”, illustrates the issue through the stories of three people - Jacqueline Montanez , David Young and Christi Cheramie.

In the USA, life without parole can be imposed on juvenile offenders as a mandatory punishment – without consideration of mitigating factors such as history of abuse or trauma, degree of involvement in the crime, mental health status or amenability to rehabilitation.

“We are not excusing crimes committed by children or minimizing their consequences but the simple reality is that these sentences ignore the special potential for rehabilitation and change that young offenders have,” said Natacha Mension.

In May 2010, the US Supreme Court said life without parole is “an especially harsh punishment for a juvenile”, as the young offender will serve, on average, more years and a greater percentage of his or her life in prison than an older offender. “A 16- year-old and a 75-year-old each sentenced to life without parole receive the same punishment in name only,” the Court said.

Eighteen months after prohibiting this sentence for non-homicide crimes committed by under-18-year-olds, on 8 November 2011 the Supreme Court agreed to consider this issue in relation to crimes involving murder. It will not issue a decision until the second quarter of 2012 at the earliest.

The UN Convention on the Rights of the Child, which entered into force more than two decades ago, expressly prohibits the imposition of life imprisonment without the possibility of release for offences -- however serious -- committed by people under 18 years old. All countries except the USA and Somalia have ratified the Convention.

“It is long past time for the USA to ratify the Convention without reservations or other limiting conditions and to fully implement its prohibition on the use of life imprisonment without release against children, including in relation to the cases of those already sentenced,” said Natacha Mension.

Christi Cheramie, who is serving life without parole in the state of Louisiana, will on 30 November

submit an application for executive clemency with the state Board of Pardons.

Christi was sentenced to life in prison without the possibility of release in 1994, when she was 16 years old. She is now 33.

She was convicted of second-degree murder in the killing of her 18-year-old fiancé's great aunt, which she maintains her fiancé carried out.

She pleaded guilty just before her trial in adult court began, fearing she could be sentenced to death if the trial went ahead. Her guilty plea prevents her from directly appealing her conviction or sentence.

A psychiatrist who saw Christi prior to her trial said that she was a "depressed, dependent, and insecure" 16-year-old who "seems to have been fearful of crossing" her fiancé.

Christi's childhood was marked by sexual abuse. At the age of 13, she was hospitalized in a psychiatric clinic after trying to commit suicide on at least two occasions.

Her case was transferred to adult court for trial before a hearing could be held, at which factors such as her history of mental health issues and her amenability to rehabilitation would have been considered.

In 2001, Christi sought to withdraw her guilty plea, saying that she had not understood the proceedings at the time or what pleading guilty to second-degree murder really meant. Her request was denied.

After spending half of her life in prison, Christi believes she has changed in many ways. She has obtained a high school equivalency diploma as well as a degree in agricultural studies. She is currently in charge of a number of classes on this subject at the prison where she is incarcerated. A warden has stated that she is "worthy of a second chance".