

News Service 008/00

BY FAX

The Honourable James Gilmore
Governor of Virginia
State Capitol
Richmond
VA, 23219
USA

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13 January 2000

Dear Governor

Amnesty International very deeply regrets that you allowed the execution of Douglas Christopher Thomas to proceed on 10 January 2000 in violation of international law banning the use of the death penalty against child offenders -- those who commit crimes when under 18 years old.

The organization urges you to grant clemency to Steve Edward Roach, scheduled for execution tonight, also for a murder committed when he was 17. By appealing for clemency, we in no way seek to excuse that crime or belittle the suffering it has caused. We seek only Virginia's compliance with international law and global standards of justice.

Amnesty International notes that in your statement regarding the execution of Chris Thomas, you made reference to the international ban on the use of the death penalty against child offenders: *"...it has been asserted that the International Covenant on Civil and Political Rights prohibits the Commonwealth from executing Thomas because he was 17 years old at the time he murdered Mr. and Mrs. Wiseman. Although the United States Senate ratified this treaty on April 2, 1992, it expressly conditioned its ratification on the continued right of states to impose the death penalty on murderers under the age of 18 years. Both the Virginia Supreme Court and the United States Supreme Court have rejected Thomas' claim that the treaty bars his execution."*

Amnesty International would respectfully remind you of several specific points which you failed to mention. Firstly, the United Nations Human Rights Committee, the expert body which oversees countries compliance with the International Covenant on Civil and Political Rights (ICCPR), as well as many other international experts, have stated that this US reservation to the ICCPR should be withdrawn as it is incompatible with the treaty and therefore invalid. Secondly, 11 countries have expressly voiced their objections to the US reservation on the same grounds. Thirdly, the ban on the death penalty against child offenders is so widely agreed and adhered to that it is considered a principle of customary international law, binding on all countries regardless of which international treaties they have or have not ratified. As you may recall, prior to the previous scheduled execution of Chris Thomas on 16 June 1999, the UN High Commissioner for Human Rights appealed to you to stop the execution and *"reaffirm the customary international law ban on the use of the death penalty on juvenile offenders"*. At the

time, the High Commissioner was in Russia -- a country which had just announced a moratorium on the death penalty.

Only five countries outside the USA -- Iran, Nigeria, Pakistan, Saudi Arabia and Yemen -- are known to have executed child offenders in the past decade. One of them, Yemen, has since abolished this practice. In 1997 China, the country which accounts for the highest number of the world's executions each year, also outlawed the use of the death penalty against child offenders.

With the execution of Chris Thomas, Virginia has earned the ignominious distinction of joining the only three other jurisdictions in the world known to have executed more than one child offender in the past decade: Texas, Iran, and Pakistan. If you allow the execution of Steve Roach tonight, Virginia will have accounted for half of the world total of executions of child offenders carried out since October 1997. That fact would undoubtedly further shame the state of Virginia, and the USA as a whole, on the world stage.

In your State of the Commonwealth address yesterday you said *"I'm pleased to report to you that the state of the commonwealth is excellent, in fact, has never been better."* You went on to say that *"[t]he tourism initiatives that I have proposed will open the doors to our vast wealth of history, beauty and culture. And in doing so, we will reap tremendous economic benefits, and we will also tell our fellow citizens across America and people around the world the inspiring story of who we are and how we came to be Virginians."*

In recent days, in national newspapers, and on radio and TV broadcasts across the globe, a very different aspect of Virginia's culture at the start of the 21st century has been shown. It is safe to say that what is happening in your state's lethal injection chamber is shocking very many people across a world in which almost no other country would allow such executions to proceed.

Amnesty International once again urges you to show the type of leadership required to bring your state into compliance with international law and standards of human decency recognized and practiced across the world. We urge you to use your power of executive clemency to commute the death sentence of Steve Roach.

Yours sincerely

Pierre Sané
Secretary General