

**PUBLIC**

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**15 January 2003**

**Further Information on EXTRA 66/02 (AMR 51/141/2002, 22 August 2002) and follow-up (AMR 51/156/2002, 3 October 2002) - Death penalty / Legal concern**

**USA (Louisiana)**

**Lawrence Jacobs (m), black, aged 22**

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Lawrence Jacobs's retrial in Jefferson Parish, Louisiana, which had been due to begin on 26 January 2003, has been postponed until 14 July. However, there is a pre-trial hearing scheduled for 23 January at which various defence motions will be considered. The prosecution is still intending to seek a death sentence against Lawrence Jacobs for a crime he is accused of committing when he was 16 years old. International law prohibits the use of the death penalty against people who were under 18 at the time of the crime.

Nelson Beaugh, aged 45, and his 75-year-old mother, Della Beaugh, were shot dead at Nelson Beaugh's home on 31 October 1996. Lawrence Jacobs was charged with their murders and sentenced to death at a trial in 1998. Roy Bridgewater, who was 17 at the time of the crime, was also sentenced to death. He remains on death row.

Lawrence Jacobs's conviction and death sentence were overturned by the Louisiana Supreme Court in 2001 on the grounds that he had been denied his right to an impartial jury by the inclusion of jurors who displayed a strong predisposition to imposing death sentences. The Court also noted that "the prosecutor's alleged racial discrimination in the selection of jurors... also appears to raise serious questions regarding the propriety of the jury selection process in the case". The prosecution had dismissed four of the five African-American jurors in the jury pool by using peremptory strikes (the right to reject jurors without giving a reason). The prosecution had also tried to dismiss the fifth African-American juror, but had been prevented from doing so by the trial judge. Lawrence Jacobs is black (as is Roy Bridgewater). Both the murder victims were white.

In a pre-trial hearing in the case in March 2002, one of the prosecutors wore a tie which bore the image of a hangman's noose. In a hearing in November in another case, at which the defendant was sentenced to death, another of the Jefferson Parish prosecutors wore a tie depicting the "Grim Reaper". Lawrence Jacobs's lawyer has filed a motion to bar the wearing of such clothing in the courtroom. The District Attorney has now warned his prosecutors that such attire is inappropriate, but said that their actions were "a joke, although a poor joke". The defence have filed various other motions, including to seek to prevent the prosecutors from using racially motivated peremptory strikes against black jurors. The United Nations Guidelines on the Role of Prosecutors require prosecutors to "at all times maintain the honour and dignity of their profession" and to "perform their duties fairly, consistently and expeditiously, and respect and protect human dignity and uphold human rights". Prosecutors "must carry out their functions impartially and avoid... all discrimination".

#### **BACKGROUND INFORMATION**

The use of the death penalty against child offenders, people who were under 18 at the time of the crime, is prohibited under international law. 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 execution.

Under the 1989 US Supreme Court decision, *Stanford v Kentucky*, defendants who were 16 or 17 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 it. The USA ratified the ICCPR in 1992, but filed a "reservation" purporting

to allow it to execute 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.

On 22 October 2002, the Inter-American Commission on Human Rights found that "a norm of international customary law has emerged prohibiting the execution of offenders under the age of 18 at the time of their crime." The Commission went on to state that "this rule has been recognized as being of a sufficiently indelible nature to now constitute a norm of *jus cogens*...The acceptance of this norm crosses political and ideological boundaries and efforts to detract from this standard have been vigorously condemned by members of the international community... As a *jus cogens* norm, this proscription binds the community of States, including the United States".

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, Iran, Nigeria, Pakistan, Saudi Arabia, and Yemen. Yemen and Pakistan have now abolished such use of the death penalty in law.

In September 2002, Amnesty International issued *USA: Indecent and internationally illegal: The death penalty against child offenders* (AMR 51/143/2002). The report argued that the US Supreme Court should reconsider its *Stanford v Kentucky* decision in light of its June 2002 ruling, *Atkins v Virginia*. In *Atkins*, the Court found the death penalty against people with mental retardation unconstitutional in the light of "evolving standards of decency". In October 2002, four of the nine Supreme Court Justices dissented from Court's refusal to revisit the question of child offenders: "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 dissenters stated 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."

**RECOMMENDED ACTION:** Please send appeals to arrive as quickly as possible, in English or your own language:

- acknowledging the seriousness of the crime and expressing sympathy for the family and friends of Nelson and Della Beaugh;
- expressing concern that the District Attorney's Office is still intending to seek a death sentence against Lawrence Jacobs, in violation of international law;
- noting the recent finding by the Inter-American Commission on Human Rights against the USA, and that four Justices on the US Supreme Court have described the use of the death penalty against defendants who were under 18 at the time of the crime as a "shameful practice";
- drawing attention to the United Nations Guidelines on the Role of Prosecutors;
- urging that Jefferson Parish take a principled lead and rule out the death penalty as an option in this case.

**APPEALS TO:**

District Attorney Paul Connick  
Jefferson Parish District Attorney  
200 Derbigny Street  
Gretna, Louisiana 70053, USA

**Fax:** +1 504 368 4562

**Salutation:** Dear District Attorney

**COPIES 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 26 February 2003.