

30 May 2002

**Further information on EXTRA 36/02 (AMR 51/069/2002, 3 May 2002) - Death penalty / Legal concern****USA (Texas)Napoleon Beazley (m), black, aged 25**

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Napoleon Beazley was executed in Texas on 28 May 2002 for a murder committed when he was 17 years old. International law prohibits the execution of those who were under 18 at the time of the crime.

In a final written statement, Napoleon Beazley wrote: "The act I committed to put me here was not just heinous, it was senseless. But the person that committed that act is no longer here - I am. I'm sorry that John Luttig died. And I'm sorry that it was something in me that caused all of this to happen to begin with. Tonight we tell the world that there are no second chances in the eyes of justice. Tonight, we tell our children that in some instances, in some cases, killing is right... No one wins tonight. No one gets closure. No one walks away victorious".

A few hours before the execution, the Texas Board of Pardons and Paroles (BPP) announced that they had voted 10-7 against clemency. Governor Rick Perry refused to intervene, stating: "To delay his punishment would be to delay justice".

It is believed that tens of thousands of people in the USA and around the world appealed to the Texas authorities to spare Napoleon Beazley's life. A single website in a Swedish national newspaper, for example, raised more than 13,000 appeals for commutation in an online petition, which Amnesty International Sweden then arranged to be handed over to the BPP. Among the individuals who have appealed for clemency in this case are the District Attorney from Napoleon Beazley's home county, a former warden of Texas death row, and the judge who oversaw Napoleon Beazley's trial.

US organizations which appealed for clemency included the American Bar Association, the American Civil Liberties Union, the American Society for Adolescent Psychiatry, the Center on Juvenile and Criminal Justice, the Child Welfare League of America, the Children's Defense Fund, The Constitution Project, the Juvenile Law Center, the National Association for the Advancement of Colored People, the National Urban League, and the Youth Law Center.

Internationally, the Inter-American Commission on Human Rights, the European Union, the Council of Europe, the Swiss and Mexican governments, the Law Society of England and Wales, and the Canadian Bar Association are among those to have called for the execution to be halted.

Six Nobel Peace Prize winners, including Archbishop Desmond Tutu of South Africa called for clemency. In a six-page letter to the BPP, Archbishop Tutu wrote: "I am astounded that Texas and a few other states in the United States take children from their families and execute them...The State forces the innocent family to atone for the death of the victim by causing it unbearable grief...As a pastor, I ask this Board to join in the world unity protecting the rights of children... Spare the child. Spare the family. Spare the community. Spare us all the degradation of the death of another child offender, when by opening the hope of a future for him and his family, you give hope to us all... I humbly

plead with you to spare the life of Napoleon Beazley, the integrity of his family, and the hope of his community for a more just society".

One of the seven Board members who voted for clemency, when told of the execution, said: "I'm really apprehensive that this is a day we're going to be sorry about for a long time. I just feel like something really wrong has happened."

Napoleon Beazley becomes the 10th child offender to be executed in the USA since 1995. Six of them were killed in Texas. In the same period, seven child offenders were reported to have been executed in the rest of the world combined, three in Iran, two in Pakistan, one in Democratic Republic of Congo, and one in Nigeria. Last year, President Musharraf of Pakistan announced that he would commute the death sentences of all child offenders in Pakistan.

Napoleon Beazley was the 30<sup>th</sup> person to be executed in the USA this year, and the 779<sup>th</sup> since judicial killing resumed there in 1977. Texas accounts for 270 of these executions.

Napoleon Beazley's lawyer had appealed for a stay of execution -- in the courts and to the Governor of Texas -- pending an imminent ruling by the US Supreme Court on whether "standards of decency" in the USA have evolved to the extent that executing people with mental retardation is now unconstitutional. If the Court rules that such a national consensus has emerged, it could undermine its 1989 decision allowing child offenders to be put to death and lead to a ruling that a national consensus also exists against the execution of child offenders.

Shortly before Napoleon Beazley was killed, the Missouri Supreme Court stayed the execution of Christopher Simmons, which had been set for next week. Simmons, like Beazley, was sentenced to death for a crime committed when he was 17. The Missouri court issued the stay pending the Supreme Court decision on the mental retardation issue, on the same argument raised by Napoleon Beazley's lawyer. The Missouri Supreme Court evidently believes there is merit to the argument, whereas the Texas courts and governor refused to countenance a delay in Napoleon Beazley's execution. It was a brutally stark reminder of the arbitrariness of the death penalty.

Those who wish may send a letter protesting Governor Perry's failure to intervene to stop this internationally illegal execution.

Governor Rick Perry  
c/o Bill Jones, General Counsel  
PO Box 12428, Austin, Texas 78711  
**Fax + 1 512 463 1932** (General Counsel's Fax), **or 463 1849** (Governor's fax)  
**Salutation: Dear Governor**

For more information, see *Too young to vote, old enough to be executed*, AMR 51/105/2001, July 2001; *Hypocrisy or human rights? Time to choose*, AMR 51/075/2002, 15 May 2002; and *Killing hope, confirming hypocrisy - Texas executes another child offender*, AMR 51/082/2002, 29 May 2002.

**Many thanks to all who have sent appeals on behalf of Napoleon Beazley.**