

USA (North Carolina) Antwoun Kyrals Sims [m], black, aged 18

Antwoun Kyrals Sims is on trial in Onslow County, North Carolina. The prosecution is seeking the death penalty, in violation of international law which prohibits the use of the death penalty against those who were under 18 years old at the time of the crime. Antwoun Sims was 17 at the time of the murder of which he is accused.

Antwoun Sims is charged with the first-degree murder of 89-year-old Elleze Kennedy, white. She was reportedly beaten and kidnapped from her home on 3 January 2000. Her body was found the next day inside the boot of her burned car. She had reportedly died of carbon monoxide poisoning after the car was set on fire.

A second defendant, 20-year-old Bryan Christopher Bell, is also on trial for his life. He was 18 at the time of the crime. A third defendant, Chad Lamont Williams, also 18 at the time of the murder, is reported to have pleaded guilty to first-degree murder and to be due to testify against his co-defendants as part of a plea agreement.

The murder took place in the small community of Newton Grove, Sampson County. The trial, which began in Onslow County Superior Court in Jacksonville on 30 July, is being held in Onslow County because of the extensive news coverage of this high-profile case in Sampson County. Elleze Kennedy was the aunt of a member of the North Carolina legislature who was a candidate for state governor last year.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty in all cases. While the International Covenant on Civil and Political Rights (ICCPR) recognizes the possibility that some countries still retain the death penalty, it also places stringent legal safeguards on its use. One such restriction is the unequivocal prohibition on the use of the death penalty against those who were under 18 at the time of the crime. When the USA ratified the ICCPR in 1992 it attempted to reserve the right to execute juvenile offenders, but its reservation has been widely condemned as invalid, including by the UN Human Rights Committee, the expert body which monitors compliance with the ICCPR.

The use of the death penalty against under 18-year-olds is also prohibited by other human rights instruments, including the Convention on the Rights of the Child which has been ratified by 191 countries. Only the USA and Somalia have not ratified.

The prohibition on the death penalty against child offenders is so widely agreed to and respected that it has become a principle of customary international law, binding on all countries regardless of which treaties they have or have not ratified. The USA leads a tiny group of countries which have carried out such executions in the past decade. The only known such executions worldwide in the past four years were in Iran (3), Democratic Republic of Congo (1), and the USA (8). About 80 prisoners are on death row in the USA for crimes committed when they were 16 or 17. Napoleon Beazley is scheduled to be executed in Texas on 15 August 2001 for the 1994 murder of John Luttig, the father of

a federal appellate judge (see further information on UA 156/01, 31 July 2001, AMR 51/110/2001 and www.amnesty.org for further details).

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

- expressing sympathy for the family of Elleze Kennedy, and explaining that you are not seeking to condone the manner of her death or to express any view on the guilt or innocence of the defendants;
- pointing out that international law prohibits the use of the death penalty against those who were under 18 at the time of the crime;
- expressing concern that the USA is almost the only country in the world which violates this fundamental principle, and that this is causing great damage to the international reputation of the United States;
- urging the prosecution to drop its pursuit of the death penalty against Antwoun Kyril Sims;
- you may also voice your opposition to the use of the death penalty against Bryan Christopher Bell.

APPEALS TO:

The Honourable Dewey Hudson
District Attorney, 4th District
632 Court Street
Jacksonville
NC 28540, USA

Fax: +1 910 455 2324

Salutation: Dear District Attorney

(The 4th District covers Onslow, Jones, Duplin and Sampson Counties).

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

You may write brief letters of concern (not more than 250 words) to:

Letters to the Editor, *Jacksonville News*, PO Box 196, Jacksonville, NC 28541, USA. **Fax: +1 910 353 7316. E-mail: letters@jdnews.com**

Letters to the Editor, *Fayetteville Observer*. **Fax: +1 910 486 3545. E-mail: eletters@fayettevillenc.com**

PLEASE SEND APPEALS IMMEDIATELY.