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USA: UN confirms illegality of imminent execution of child offender

As the USA prepares to execute its fifth child offender in eight months, Amnesty International welcomes yesterday's resolution by the UN Sub-Commission on the Promotion and Protection of Human Rights in Geneva confirming that such executions violate customary international law.

The expert body affirmed that "the imposition of the death penalty on those aged under 18 at the time of the commission of the offence is contrary to customary international law," adding that it "condemns unequivocally" such use of the death penalty, and calling upon offending states to abolish it as soon as possible and "in the meantime, to remind their judges that the imposition of the death penalty against such offenders is in violation of international law."

"This leaves the USA with no more excuses," Amnesty International said. "It can no longer hide behind its pick and choose approach to international treaties to justify killing children who kill." The United States attempted to reserve the right to execute child offenders when it ratified one of the treaties banning such use of the death penalty (see background).

A principle of customary international law is one that is a general practice accepted as law and is binding on all countries, regardless of which treaties they have or have not ratified. The ban on the death penalty against people who were under 18 at the time of the crime commands such respect worldwide that it has become just such a principle, as Amnesty International has repeatedly pointed out to the US authorities.

This week, Amnesty International released a report on the imminent execution of Alexander Williams, scheduled to die in Georgia's electric chair on 24 August for a murder he committed when he was aged 17. The report charts how the ban on the death penalty against child offenders has become a norm of customary international law over the 14 years that Williams has been on death row.

"The USA must act now to stop this execution and uphold the rule of law," Amnesty International said. "To do otherwise would confirm its reputation as the world's chief rogue nation on this aspect of the death penalty".

An indication of the extent to which the USA leads the world in executing child offenders, is the fact that it accounts for 12 of the 17 child offenders put to death worldwide since 1993, the year that the current US President took office.

"Earlier this week President Clinton told a Los Angeles audience that the USA is the leading force for human rights in the world", Amnesty International continued. "If his words are to be seen as more than empty rhetoric, he and his administration must now act to publicly oppose the execution of Alex Williams."

The Georgia Board of Pardons and Paroles is due to consider Alexander Williams' application for clemency on 22 August.

"Alex Williams is one of about 80 child offenders awaiting execution in the United States", Amnesty International concluded. "Each of their death sentences is contrary to international law and must be overturned."

Background

Article 6 of the International Covenant on Civil and Political Rights (ICCPR) and Article 37 of the Convention on the Rights of the Child (CRC) ban the use of the death penalty against people who were under 18 at the time of their crimes. When the USA ratified the ICCPR in 1992, it included a "reservation" attempting to exempt itself from this prohibition. The Human Rights Committee, the expert body which monitors compliance with the treaty, has said that the reservation contravenes the object and purpose of the ICCPR and should be withdrawn.

The USA is one of only two countries -- the other being the collapsed state of Somalia -- that has not ratified the Convention on the Rights of the Child. Ratification by 191 countries is one of the main indicators that the principle that children should be exempted from the death penalty has achieved customary international law status.

Amnesty International's report "USA: Abandoning Justice: The imminent execution of Alexander Williams, mentally ill child offender" is available in PDF format at www.amnesty.org

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