

UA 231/99

Death pen**USA (South Carolina) Brett Blair Hollis, aged 19**

At a trial due to begin in Lexington, South Carolina, on 25 October 1999, the prosecution will seek a death sentence against Brett Hollis for crimes he is accused of committing when he was 17 years old. International law forbids the use of the death penalty for crimes committed by under-18-year-olds.

Brett Hollis is charged with shooting to death his ex-girlfriend's new boyfriend, Cory Lee Shcolnik, aged 18, and her mother, Mary Sturdevant, aged 51, on 16 November 1997. He is also accused of the rape of his former girlfriend.

BACKGROUND INFORMATION

Article 6(5) of the International Covenant on Civil and Political Rights (ICCPR) and Article 37(a) of the Convention on the Rights of the Child (CRC) bans the use of the death penalty against those under 18 at the time of the crime. This principle is so widely accepted, and adhered to, that it has become a principle of customary international law, binding on countries no matter which international instruments they have or have not ratified.

The USA attempts to justify its use of the death penalty against child offenders by arguing that it reserved the right to continue this practice when it ratified the ICCPR in 1992. Article 4 of the ICCPR states that there can be no derogation from Article 6, even in times of public emergency. The UN Human Rights Committee, the expert body set up to monitor countries' compliance with the ICCPR, has stated that the US reservation should be withdrawn as it contravenes the object and purpose of the treaty.

International standards ban the death penalty against children, not to excuse their crimes, but in recognition of their immaturity and potential for change. The global consensus on this issue has been confirmed by ratifications of the CRC. The USA is one of only two countries not to have ratified the CRC (the other being Somalia, a collapsed state with no recognized government). All 191 countries which have ratified this treaty have done so without a specific reservation to Article 37(a). In 1997 China abolished the death penalty for offenders under 18 at the time of the crime, in order that its law be in compliance with its CRC obligations.

Since 1990, 19 people are known to have been executed worldwide for crimes committed when they were under 18. Ten were executed in the USA, while the other nine were put to death in Iran, Nigeria, Pakistan, Saudi Arabia and Yemen (Yemen has since abolished the death penalty for child offenders). Two-thirds (13) of these took place before August 1993. In the six years since then, there have been six known judicial executions of child offenders in three countries, one in Nigeria (1997), one in Pakistan (1997) and four in the USA. These four - three in 1998 and one in 1999 - are the only such executions known in the world in the past two years.

Some 70 people are on US death rows for crimes committed when they were 16 or 17 years old (see *On the Wrong Side of History: Children and the Death Penalty in the USA*, AMR 51/58/98, October 1998). The US federal government is the authority ultimately responsible for ensuring nationwide adherence to the country's international obligations, and is currently deciding what these are in relation to the use of the death penalty against child offenders, following

a US Supreme Court order in June for it to do so (see UA 150/99, AMR 51/102/99, 29 June 1999).

RECOMMENDED ACTION: Please send faxes/express/airmail letters in English or your own language, using the following points as guidelines:

- acknowledging the seriousness of the crime of which Brett Hollis is accused, and expressing sympathy for the relatives of the victims (you may add that you are not writing to express an opinion on the guilt or innocence of Brett Hollis);
- expressing concern, however, that Lexington County, South Carolina, is seeking the death penalty against him, in violation of the global ban on the death penalty against those who were under 18 at the time of the crime;
- explaining that this ban is now so widely recognized and adhered to worldwide that it has become a principle of customary international law, binding on all countries regardless of which international instruments they have or have not ratified;
- pointing out that neither individual US states, nor the US federal government, has the legal right under international law to allow such use of the death penalty;
- + **to Solicitor** (prosecuting this case): urging that the prosecution drop its pursuit of the death penalty against Brett Hollis;
- + **to federal addressees**: urging the federal authorities to intervene to stop this imminent violation of the USA's international obligations.

APPEALS TO:

The Honourable Donald V. Myers
Solicitor
Office of the Solicitor for the 11th Judicial Circuit (Lexington County)
105 South Lake Drive
Lexington, SC 29072
Faxes:+ 1 803 359 8431
Tel:+ 1 803 359 8352
Salutation:Dear Solicitor

The Honorable Madeleine Albright,
Office of the Secretary of State,
2201 C Street N.W., Washington, DC 20520, USA.
Faxes:+ 1 202 647 1533.
Salutation:Dear Secretary of State

The Honorable Janet Reno,
Attorney General,
Department of Justice,
950 Pennsylvania Ave, N.W., Room 440,
Washington, DC 20530, USA.
Faxes:+ 1 202 514 4371.
Salutation: Dear Attorney General

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

You may also write brief (about 250 words) letters to:

Letters to the Editor, *The State*, P.O. Box 1333, Columbia, SC 29202, USA
Faxes: + 1 803 771 8639. Emails: stateeditor@thestate.com

Letters to the Editor, *The Post and Courier*, 134 Columbus Street, Charleston, SC 29403-4800, USA. **Fax: +1 843 937 5545**

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 November 1999.