

UA 29/00

Death pen**USA (Arizona) James Edward DAVOLT, aged 17**

The prosecution intend to seek the death penalty against James Edward Davolt for a crime he is accused of committing when he was 16 years old. International law forbids the use of the death penalty against child offenders - those who commit crimes when under age 18.

James Edward Davolt, who has no prior criminal record, is charged with two counts of first degree murder in the deaths of Nicholas Zimmer, 84, and Eleanor Zimmer, 85. The couple were found dead in their home in Lake Havasu City, Mohave County, Arizona, on 26 November 1998.

His trial is scheduled to begin in Mohave County Superior Court on 21 March 2000.

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) ban 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, however, 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Committee, the expert body set up to monitor compliance with the ICCPR, has stated that the US reservation should be withdrawn as it contravenes the object and purpose of the treaty.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 done so (the other being Somalia, a collapsed state with no recognized government). China abolished the death penalty for offenders under 18 at the time of the crime in 1997, to comply with its CRC obligations.

Since 1990, 23 people are known to have been executed worldwide for crimes committed when they were under 18. Of these, 13 took place in the USA, while the rest took place in Iran, Nigeria, Pakistan, Saudi Arabia and Yemen. Yemen has since abolished the death penalty for child offenders.

Since October 1997 there have been eight known executions of child offenders worldwide - seven in the USA, the other in Iran. The USA has executed three child offenders in January 2000 alone.

There are some 70 child offenders on death row in the USA for crimes committed when they were aged 16 or 17.

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

- acknowledging the seriousness of the crime of which James Edward Davolt is accused, and expressing sympathy for the relatives of Nicholas and Eleanor Zimmer (you may add that you are not writing to express an opinion on the guilt or innocence of the defendant);
- expressing concern that Mohave County, Arizona, is seeking a death sentence against James Davolt despite the international ban on the death penalty against child offenders - those under 18 at the time of the crime;
- noting that global adherence to this ban has rendered it a principle of customary international law binding on all jurisdictions in all countries;
- pointing out that the USA has earned the shameful distinction of being world leader in such use of the death penalty, pointing out that only Iran (one) and the USA (seven) are known to have executed child offenders since October 1997;
- noting that the global ban is not an attempt to excuse violent crimes by children, but is a recognition of their immaturity and capacity for change;
- **to Deputy County Attorney:** urging that the prosecution drop its pursuit of the death penalty against James Edward Davolt;
- **to President Clinton:** urging that the federal authorities intervene to stop what would be a violation of the USA's international obligations. You may also express outrage at continuing executions of child offenders, pointing out that such use of the death penalty directly contradicts the USA's claims to be a world leader in human rights.

APPEALS TO:

Derek Carlisle (prosecutor in charge of this case)
 Deputy Mohave County Attorney
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 Kingman, AZ 86402-7000, USA
Fax: +1 520 753 2669
Tel: +1 520 753 0719
Salutation: Dear Deputy County Attorney

President Clinton
 The White House
 Office of the President
 1600 Pennsylvania Avenue
 Washington, DC 20500, USA
Fax: +1 202 456 2461
E-mail: president@whitehouse.gov
Salutation: Dear Mr President

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

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

- Letters to the Editor, *Kingman Daily Miner*, 3015 Stockton Hill Road, Kingman, AZ 86401, USA
Fax: +1 520 753 5661
E-mail: edit@ctaz.com
- Letters to the Editor, *Mohave Daily News*, 2435 Miracle Mile, Bullhead City, AZ 85442, USA
Fax: +1 520 763 7820
E-mail: mvdnedit@mohavedailynews.com

You may also write a letter of concern to the local radio station, marked for the attention of Dave Hawkins: *Kingman K99 Super Country*, 812 E. Beale Street, Kingman, AZ 86401, USA

Fax: +1 520 753 1978

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 April 2000.