

URGENT ACTION

ILLINOIS INMATE CLEMENCY RECOMMENDATION DUE

The Illinois Prisoner Review Board is due to decide whether to grant Jacqueline Montanez clemency. The final decision will then be in the hands of the Illinois Governor. She is the only woman in the state serving a sentence of life imprisonment without the possibility of parole for a crime committed as a child. She has been in prison for over 20 years, more than half her life.

On 11 April **Jacqueline Montanez's** clemency hearing took place before the Illinois Prisoner Review Board. A confidential, non-binding recommendation for or against clemency will soon be submitted by the Board to the Governor of Illinois. Governor Pat Quinn will then make a final decision to grant or deny clemency.

Jacqueline Montanez's lawyers have highlighted the impact of appeals already sent by Amnesty International activists. In the lead up to the clemency hearing the Illinois Prisoner Review Board informed the lawyers that they would be extending the length of Jacqueline Montanez's clemency hearing from 12 minutes to 20 minutes "in light of the public's interest in this case". In fact, the hearing lasted for well over an hour and included consideration of the human rights issues presented by the practice of sentencing children to life imprisonment without the possibility of parole. Notice was also taken of Amnesty International's recent report about juvenile life without parole, *This is where I'm going to be when I die* (30 November 2011 <http://www.amnesty.org/en/library/info/AMR51/081/2011/en>).

According to her lawyers, Jacqueline Montanez herself has been moved and given strength by the letters that Amnesty members have submitted on her behalf. Copies of each letter have been forwarded to her in prison.

The Illinois Prisoner Review Board is expected to make its crucial recommendation to the Governor of Illinois by the end of May. Activists are also encouraged to support the "Clemency for Jacqueline Montanez" iPetition hosted by her legal team at <http://www.ipetitions.com/petition/jacquelinemontanez/>.

Please write immediately in English or your own language:

- Explain that you are not suggesting that children's crimes be excused, but that the question of accountability should be addressed in a manner that reflects their immaturity and capacity for development, and that aims at maximising their potential for successful reintegration into society;
- Emphasise that a sentence of life without the possibility of parole for anyone who was under 18 years old at the time of the crime violates a principle of international human rights law respected across the globe;
- Urging the authorities to reconsider Jacqueline Montanez's sentence, so that it is no longer incompatible with principles of juvenile justice.

PLEASE SEND APPEALS BEFORE 15 JUNE 2012 TO:

Illinois Prisoner Review Board
319 East Madison Street, Suite A
Springfield, IL 62701, United States
Fax: +1 217 524 0012
Email: clemency.prb@illinois.gov

Salutation: Dear Chairman

Governor Pat Quinn
c/o Era Lauder milk
Associate General Counsel
Office of the Governor,
James R. Thompson Center
100 W. Randolph, Suite 16-100
Chicago, IL 60601, United States
Fax: +1 312 814 3806

Salutation: Dear Associate General

And copies to:

Children and Family Justice Center
Ms. Alison R. Flaum
Bluhm Legal Clinic, Northwestern University
School of Law, 357 East Chicago Avenue
Chicago, IL 60611, United States
Email: a-flaum@law.northwestern.edu

Also send copies to diplomatic representatives accredited to your country

Please check with your section office if sending appeals after the above date. This is the first update of UA 96/12. Further information: <http://amnesty.org/en/library/info/AMR51/025/2012/en>

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ADDITIONAL INFORMATION

Jacqueline Montanez was convicted in 1993 of two murders committed the previous year, when she was 15 years old. She was sentenced to life imprisonment without the possibility of parole. The imposition of this sentence on anyone who was under 18 years old at the time of the crime violates international law. Charged with first degree murder, she was automatically tried in adult criminal court and received the sentence mandatory in Illinois, life without parole. Denial of a trial in juvenile court meant her youth, history of abuse and mental health issues, and her openness to rehabilitation were not considered.

At the time of the crime for which she is now serving life imprisonment without the possibility of parole, Jacqueline Montanez had run away from a foster home and had not attended school since the eighth grade (age 13-14). She had suffered a childhood of abuse and had joined a rival street gang to her stepfather's and had been abusing drugs and alcohol from the age of nine. She has said that she repeatedly ran away from home to escape abuse, which led to her being intermittently placed in the custody of social services from the age of 12.

On 12 May 1992, she drove to a park with two girls, also members of her street gang, and met with two men, Hector Reyes and James Cruz, both members of her stepfather's gang. She shot and killed Hector Reyes and gave the gun to one of the girls who then shot and killed James Cruz. She was arrested the following day, and confessed during questioning, with neither a youth officer nor her mother present. Jacqueline Montanez was granted a new trial which took place in 1999, at which she was again convicted and sentenced to life without parole, a mandatory sentence in the State of Illinois. She was transferred to adult jail on her 17th birthday and to adult prison four months later, where she was the youngest inmate in the prison system. On arrival she was placed in the mental health unit and remained there for almost three years. A mental health evaluation noted that she had flashbacks of the crimes and it recommended that she be kept in the unit to ensure her protection.

Jacqueline Montanez has said that during her years in prison she has reflected on her involvement in the murders and has accepted full responsibility. She has expressed great remorse for the loss experienced by the families of the two men who were killed. She believes she has grown into a very different person, has achieved a high school equivalency diploma and completed almost all available education and vocational programmes.

The International Covenant on Civil and Political Rights (ICCPR), which the USA ratified in 1992, specifically acknowledges the need for special treatment of children in the criminal justice system and emphasizes the importance of their rehabilitation. In 2006, the UN Human Rights Committee, the expert body established by the ICCPR to oversee implementation of the treaty, reminded the USA that sentencing children to life imprisonment without parole is incompatible with the ICCPR. It called on the USA to ensure that no children were subjected to this sentence. The 193 countries which have ratified the UN Convention on the Rights of the Child (CRC) have further agreed to be bound by the principle, enshrined in Article 37(a), that no person under the age of 18 at the time of the offence should be sentenced to "life imprisonment without the possibility of release". The USA is the only country apart from Somalia not to have ratified the CRC. However, the USA has signed the Convention and as a signatory, the USA is bound under international law to do nothing which would defeat the object and purpose of the treaty. Article 37(b) of the Convention also calls upon states to use imprisonment against a child "only as a measure of last resort and for the shortest appropriate period of time.

Name: Jacqueline Montanez

Gender m/f: F

Further information on UA: 96/12 Index: AMR 51/033/2012 Issue Date: 04 May 2012

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