

PUBLIC

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EXTRA 35/01 Death penalty / Legal concern

6 June 2001

USA (Alabama) Geramie Hart, aged 17

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Jury selection began on 4 June in the trial of 17-year-old Geramie Hart in Alabama. If the Jefferson County District Attorney's Office obtains a conviction, it is intending to seek a death sentence. The trial may end as early as next week.

Geramie Hart is charged with two counts of capital murder in the deaths of Deroy Nalls (78) and Millie Nalls (30), and two counts of attempted murder in the case of Mary Elizabeth Jones (10) and Elizabeth Nalls (73).

Geramie Hart had just turned 16 years old at the time of the crime, which took place at his neighbour's home on 29 August 1999. International law forbids the use of the death penalty against those who were under 18 years old at the time the crime was committed.

A 14-year-old member of the attacked family was also charged, as an adult, with capital murder for her alleged role in the crime. Too young to face the death penalty under US law, she is reported to have been convicted in March and sentenced to life imprisonment without the possibility of parole, itself a violation of international law when used against children (see UA 133/2001, AMR 51/077/2001, 1 June).

#### **BACKGROUND INFORMATION**

Amnesty International opposes capital punishment under all circumstances. In contrast to the 108 countries which are abolitionist in law or practice, the USA not only retains the death penalty, but also frequently violates international law or standards in its pursuit of judicial execution. One blatant example is its use of the death penalty against children, those under 18 at the time of the crime. Since 1990, there have been 27 known executions of child offenders worldwide, in the Democratic Republic of Congo (1), Iran (7), Nigeria (1), Pakistan (2), Saudi Arabia (1), Yemen (1) and the USA (14). Yemen and Pakistan have since legislated to abolish such use of the death penalty. More than 80 child offenders await execution in 16 US states. Only Iran, the Democratic Republic of Congo and the USA are known to have carried out such executions since October 1997.

The use of the death penalty against child offenders violates the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and other international instruments. The principle that children should never pay for their crimes with their lives stems from universal recognition of their immaturity and potential for rehabilitation.

Fifteen of Alabama's death row inmates are believed to have been under 18 at the time of the crimes of which they were convicted. Only Texas, with 31, has more child offenders on its death row.

This case was previously the subject of UA 300/00 (AMR 51/149/00, 28 September 2000) and update (AMR 51/160/00, 6 November). At that time the trial was postponed.

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

- expressing sympathy for the families and friends of the victims of the crime, and explaining that you are writing neither to condone the crime nor to express any opinion on the guilt or innocence of Geramie Hart;
- pointing out that international law, binding on all countries, and all jurisdictions within countries, prohibits the use of the death penalty against those who were under 18 at the time of the crime;
- noting that this principle is respected by almost every country, including China, which is responsible for a large percentage of the world's executions;
- noting the serious damage being done to the USA's international reputation by such violations of international law;
- urging the prosecutor not to seek a death sentence against Geramie Hart in the event that he is convicted.

**APPEALS TO:**

Prosecutor

Laura Poston  
Deputy District Attorney, Jefferson County  
801 North Richard Arrington Jr Boulevard  
Birmingham, Alabama 35203, USA  
**Fax: + 1 205 325 5266**

**Salutation: Dear Deputy District Attorney**

You may appeal to Alabama's Governor expressing concern that his state is one that leads the USA in the death penalty against children. You may note that this international law-breaking is causing serious damage to the USA's image abroad. Urge him to use his power and influence to lead Alabama towards ending this internationally illegal practice and to urge Jefferson County not to seek a death sentence against Geramie Hart.

Governor Don Siegelman  
State Capitol, Room N-104  
600 Dexter Avenue, Montgomery, AL 36130, USA  
**Fax: + 1 334-242-0937**  
**E-mail: <http://www.governor.state.al.us/office/email/email.html>**  
**Salutation: Dear Governor**

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

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

Letters to the Editor, *Birmingham News*  
2200 4th Avenue North, Birmingham, AL 35203, USA  
**Fax: + 1 205 325 3345**  
**E-mail: [Epage@bhamnews.com](mailto:Epage@bhamnews.com)**

Morning Mail, *Birmingham Post-Herald*  
P.O. Box 2553, Birmingham, Alabama 35202, USA  
**Fax: + 1 205 325 2410**  
**E-mail: [mailbox@postherald.com](mailto:mailbox@postherald.com)**

**PLEASE SEND APPEALS IMMEDIATELY.**