

## **USA: One strike and you're out -- Texas set to execute another juvenile offender**

*By planning to execute Napoleon Beazley for a crime committed when he was still a child, the USA is showing its contempt for international law and common standards of decency, Amnesty International said today.*

*The organization today issued a new report on the case of Napoleon Beazley, scheduled to be put to death on 15 August for a carjacking murder committed when he was 17. This would be the 18th execution of a child offender in the United States -- and the 10th in Texas -- since judicial killing resumed in the USA.*

*"Texas accounts for almost a third of the world's known executions of child offenders in the past decade," Amnesty International said, noting that 31 of the 80 juvenile offenders awaiting execution in the USA are on death row in Texas.*

*"In Texas, under 18s are considered too young to vote, drink or serve on a jury -- yet the state shows no qualms in sentencing them to death", the organization added, reiterating that international law, recognized in all corners of the globe, prohibits the use of the death penalty against those who were under 18 at the time of the crime because of their immaturity, impulsiveness, vulnerability to peer pressure, and capacity for rehabilitation.*

*Napoleon Beazley's case also highlights other issues that are causing growing numbers of people in the USA to rethink their support for this outdated punishment.*

*"Racism has once again reared its ugly head as a possible factor in a US death sentence," Amnesty International said, noting that the prosecution labelled this black teenager as an "animal" in front of 12 white jurors, one of whom has since been shown to harbour profound prejudice against African Americans. "This should set alarm bells ringing with the clemency authorities, given the evidence that race continues to be a determinant in US capital justice."*

As in over 80 per cent of the 725 executions carried out in the USA since 1977, the original crime involved a white victim. Napoleon Beazley is due to be killed for the murder of John Luttig, the father of a federal appeal court judge, and a well-known citizen in the east Texas town where the trial was held.

"While we have the utmost sympathy for the suffering of the Luttig family, we are concerned by the role that the victim's son, a federal judge, played in the proceedings," Amnesty International said, pointing to evidence that his influence on the prosecution went beyond that of a "victim impact" witness.

Furthermore, in order to persuade the jury that Napoleon Beazley posed a future risk to society, a prerequisite for a death sentence in Texas, the state relied on his two older co-defendants to portray him as a remorseless and violent individual. Those same two co-defendants now claim that they lied for the state and painted as bad a picture of the defendant as possible in order to avoid execution. The existence of such a deal was denied at Beazley's trial.

"Napoleon Beazley is about to pay the ultimate price, not just for his crime, but for his government's belief that it is above international law, and the prosecution's willingness to twist evidence in order to obtain a death sentence," Amnesty International continued.

A stream of defence witnesses described a respectful, helpful teenager, whose involvement in the shooting of John Luttig appeared to have been aberrational behaviour. The prosecution told the jurors they should not treat this evidence of Beazley's rehabilitative potential as a reason for leniency.

"The state presented so-called experts who claimed that Napoleon Beazley would pose a risk of future violence even in prison," Amnesty International said. "It seems they were wrong. He has been a model prisoner, one of the few trusted to do jobs in prison."

The District Attorney of Napoleon Beazley's home county is among those calling for clemency. She has said that, knowing Beazley and the facts of the case, she would never have sought the death penalty, a punishment the USA claims to reserve for the "worst of the worst".

*"Napoleon Beazley had no prior criminal record or history of violence," Amnesty International reiterated. "This would appear to be a case of one strike and you're out."*

### **Background**

*Amnesty International is appealing to the Texas authorities to stop the execution. It is also calling on the federal government to intervene. Napoleon Beazley was sentenced to death a few weeks after George W. Bush took office as governor of Texas. In his current role as leader of his country, President Bush's administration must, under international law, ensure that all jurisdictions adhere to the USA's international obligations.*

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