

USA (Louisiana) Lawrence Jacobs (m), black, aged 22

At a retrial scheduled to begin on 16 September in Jefferson Parish, Louisiana, the prosecution is intending to seek a death sentence against Lawrence Jacobs for a crime he is accused of committing when he was 16 years old. International law, respected in almost every country in the world, prohibits the use of the death penalty against people who were under 18 at the time of the crime.

Nelson Beaugh, aged 45, and his 75-year-old mother, Della Beaugh, were shot dead at Nelson Beaugh's home on 31 October 1996. Lawrence Jacobs was charged with their murders and sentenced to death at a trial in 1998.

The conviction and death sentence were overturned by the Louisiana Supreme Court in 2001. This was on the grounds that Lawrence Jacobs had been denied his right to an impartial jury by the inclusion of jurors who displayed a strong predisposition to imposing death sentences. Having found this, the Court did not need to rule on the merits of the other claims raised in Lawrence Jacobs's appeal about the fairness of the jury selection. However, the Court noted that "the prosecutor's alleged racial discrimination in the selection of jurors... also appears to raise serious questions regarding the propriety of the jury selection process in the case". The prosecution had dismissed four of the five African-American jurors in the jury pool by using peremptory strikes (the right to reject jurors without giving a reason). The prosecution had also tried to dismiss the fifth African-American juror, but had been prevented from doing so by the trial judge. Lawrence Jacobs is black. Both the murder victims were white.

BACKGROUND INFORMATION

There is an unequivocal international legal prohibition on the use of the death penalty against people who were under 18 at the time of the crime. The Geneva Conventions, the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child, the American Convention on Human Rights and the United Nations Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, all have provisions exempting this age group from the death penalty. The prohibition stems from the recognition of the immaturity of young people and their capacity for rehabilitation.

When the USA ratified the ICCPR, it filed a "reservation" purporting to exempt it from the prohibition on the execution on child offenders. The UN Human Rights Committee, the body established by the ICCPR to monitor that treaty's implementation, has stated that the reservation is invalid and should be withdrawn. It has confirmed that the prohibition cannot be derogated from, even in times of emergency, and has "deplored" the USA's continuing execution of child offenders. The USA is the only country apart from Somalia not to have ratified the Convention on the Rights of the Child. In May 2002, Somalia signed the treaty and indicated its intention to become the 192nd country to ratify it.

In 2000, the UN Sub-Commission on the Promotion and Protection of Human Rights affirmed that the imposition of the death penalty against people who were under 18 at the time of the crime violates customary international law, binding on all countries regardless of which treaties they have or have not ratified.

Since January 1993, 15 child offenders have been executed in the United States. In the same period, Amnesty International has documented eight such executions in the rest of the world combined - three in Iran, two in Pakistan, one in Nigeria, one in Democratic Republic of Congo (DRC), and one in Yemen. Yemen and Pakistan have now legislated to abolish such use of the death penalty. In 2001, the death sentences of five child offenders in DRC were commuted and there is currently a moratorium on executions there. China, which accounts for most of the world's executions each year, nevertheless in 1997 abolished the use of the death penalty against defendants who were under 18 years old at the time of the crime.

The United Nations Guidelines on the Role of Prosecutors state that prosecutors "should be made aware of... human rights and fundamental freedoms recognized by national and international law". The Guidelines also require prosecutors to "perform their duties fairly, consistently and expeditiously, and respect and protect human dignity and uphold human rights". Prosecutors "must carry out their functions impartially and avoid... all discrimination", including racial discrimination.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- acknowledging the seriousness of the crime and the suffering it will have caused, and explaining that you are not seeking to excuse the manner in which Nelson and Della Beaugh died, or to comment on the guilt or innocence of the accused;
- expressing concern that the Jefferson Parish District Attorney's Office intends to seek another death sentence against Lawrence Jacobs in violation of international law respected in almost every country of the world which prohibits the use of the death penalty against people who were under 18 at the time of the crime;
- explaining that this prohibition stems from the recognition of a young person's immaturity and capacity for rehabilitation;
- pointing to the immense damage being done to the international reputation of the United States by its continuing resort to this use of the death penalty in the face of an overwhelming global consensus against such use;
- urging the prosecutor to rule out the death penalty as an option in this case.

If you wish, you may also express concern at allegations of racial discrimination during jury selection at the original trial, and cite the UN Guidelines on the Role of Prosecutors.

APPEALS TO:

District Attorney Paul Connick
 Jefferson Parish District Attorney's Office
 200 Derbigny Street
 Gretna, Louisiana 70053, USA
Fax: +1 504 368 4562
Salutation: Dear District Attorney

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

PLEASE SEND APPEALS IMMEDIATELY.