

USA (Alabama)Geramie Hart, aged 17

The Jefferson County District Attorney's Office in Alabama is likely to seek the death penalty against 17-year-old Geramie Hart at his forthcoming capital trial, scheduled to begin in Birmingham on 30 October 2000.

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). The prosecution does not have to formally announce its intention to seek the death penalty until jury selection begins. It is thought likely that it will do so at that time.

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. She has not yet been tried. Under US law, she cannot face the death penalty as she was under 16 at the time of the crime.

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 consistently violates international 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 1993, there have been 17 known executions of child offenders worldwide. The USA carried out 12 of these, including four this year. Some 80 child offenders await execution in 16 US states. See *USA: Crying out for Clemency: The case of Alexander Williams, mentally ill child offender facing execution* (AMR 51/139/00, September 2000).

The principle that children should never pay for their crimes with their lives stems from universal recognition of their immaturity and potential for rehabilitation. The use of the death penalty against child offenders violates numerous international agreements, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child. All 193 UN member states have ratified the Convention, except for the USA and Somalia. The USA ratified the ICCPR in 1992, while attempting to reserve the right to execute child offenders. The Human Rights Committee, the UN expert body which oversees compliance with the treaty, has ruled that the US reservation is invalid and should be withdrawn.

On 17 August 2000, the UN Sub-Commission on the Promotion and Protection of Human Rights adopted a resolution affirming that the use of the death penalty against child offenders violates customary international law. A principle of customary international law is one that is a general practice accepted as law and is binding on all countries, regardless of which treaties they have or have not ratified. The Sub-Commission stated its unequivocal condemnation of such use of the death penalty and called on all offending countries to abolish

it, and "in the meantime, to remind their judges that the imposition of the death penalty against such offenders is in violation of international law."

Sixteen 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 28, has more child offenders on its death row.

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 apart from the USA only Pakistan, Nigeria, Iran and the Democratic Republic of Congo have carried out such executions in the past seven years;
- urging the prosecutor not to seek a death sentence against Geramie Hart.

APPEALS TO:

Prosecutor

Douglas Davis
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 and Attorney General, expressing concern that their 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 them to use their 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

The Honourable William H. Pryor
Office of the Attorney General
Alabama State House
11 South Union Street, Third Floor
Montgomery, AL 36130, USA

Fax: +1 334 242 7458

E-mail: <http://www.ago.state.al.us/contactform.cfm>

Salutation: Dear Attorney General

COPIES TO: diplomatic representatives of 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**

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

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 November 2000.