

USA (Alabama) Jeffrey Franklin, aged 19

Nineteen-year-old Jeffrey Franklin is charged with murdering his parents, Gerald and Cynthia Franklin, and with attempting to murder three of his siblings. The Madison County District Attorney's Office is intending to seek the death penalty against him in violation of international law, which forbids the use of the death penalty against those who were under 18 years old at the time the crime was committed.

Jury selection began on 2 October in Huntsville, Alabama, and the trial, which is likely to take two to three weeks, is expected to begin this week.

Jeffrey Franklin was 17 years old when his family was attacked, reportedly with a hatchet, on 10 March 1998. In 1999, he was found mentally incompetent to stand trial. Following treatment, it has been determined that he is now able to stand trial. The defence have entered a plea of not guilty by reason of mental disease or mental defect.

BACKGROUND INFORMATION

Amnesty International opposes capital punishment under all circumstances. Some 108 countries are abolitionist in law or practice, but in contrast to these, the USA not only retains the death penalty, it also consistently violates international standards in its pursuit of judicial execution. One blatant example is its use of the death penalty against children, i.e. 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. The latter has been ratified by all 193 United Nations (UN) member states, 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UN expert body which oversees compliance with the treaty, has ruled that the US reservation is invalid and should be withdrawn.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:

- acknowledging the seriousness of the crime, and expressing sympathy for the surviving members of the Franklin family and their friends;
- explaining that you are writing neither to condone the crime nor to express any opinion on the guilt, innocence or mental condition of Jeffrey Franklin;
- pointing out that international law 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 Madison County not to seek a death sentence against Jeffrey Franklin.

APPEALS TO:

There are two prosecutors, James R. Accardi and Rob Broussard. You may write to either one, or both, addressing them as follows:

Assistant District Attorney
Madison County District Attorney's Office
100 North Side Square
Huntsville, Alabama 35801, USA
Fax: + 1 256 532 6974

Salutation: Dear Assistant District Attorney

You may appeal to Alabama's Governor and Attorney General, expressing concern that Alabama leads the USA in the death penalty against children. You may note that this breach of international law is seriously damaging 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 Madison County not to seek a death sentence against Jeffrey Franklin.

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, The Huntsville Times, P.O. Box 1487, Huntsville AL 35807, USA. **Fax +1 256 532 4420. E-mail: htimes@htimes.com**

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 3 November 2000.