

**USA (North Carolina)Dorthia Bynum (f), black, aged 18**

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The prosecution intends to seek a death sentence against Dorthia Bynum for a crime she is accused of committing when she was 17 years and three months old, at a forthcoming trial in Alamance County Superior Court, in Graham, North Carolina. International law forbids the use of the death penalty for crimes committed by under-18-year-olds.

Dorthia Bynum is charged with the kidnapping, sexual assault and murder of 10-year-old Tiffany Nicole Long, white, on 17 October 1998. Dorthia Bynum's boyfriend and his nephew, respectively aged 16 and 13 at the time, are facing the same charges. North Carolina law does not allow the death penalty for defendants who were under 17 at the time of the crime.

At a pre-trial hearing on 23 September, the judge rejected a motion by Dorthia Bynum's lawyers, which argued that international law barred the prosecution from seeking the death penalty against the teenager. No date has been set for the trial, but it is thought likely to begin before the end of the year.

**BACKGROUND INFORMATION**

Article 6(5) of the International Covenant on Civil and Political Rights (ICCPR) and Article 37(a) of the Convention on the Rights of the Child (CRC) ban the use of the death penalty against those under 18 at the time of the crime. This principle is so widely accepted, and adhered to, that it has become a principle of customary international law, binding on countries no matter which international instruments they have or have not ratified.

The USA attempts to justify its use of the death penalty against child offenders by arguing that it reserved the right to continue this practice when it ratified the ICCPR in 1992. However, Article 4 of the ICCPR states that there can be no derogation from Article 6, even in times of public emergency. The UN Human Rights Committee, the expert body set up to monitor countries' compliance with the ICCPR, has stated that the US reservation should be withdrawn as it contravenes the object and purpose of the treaty.

International standards ban the death penalty against children not to excuse their crimes, but in recognition of their immaturity and potential for change. The global consensus on this issue has been confirmed by ratifications of the CRC. The 191 countries (all but the USA and Somalia) which have ratified this treaty have done so without a specific reservation to Article 37(a). In 1997 China abolished the death penalty for child offenders, to bring its laws into compliance with its CRC obligations.

Since 1990, 19 people are known to have been executed worldwide for crimes committed when they were under 18. Ten were executed in the USA, while the other nine were put to death in Iran, Nigeria, Pakistan, Saudi Arabia and Yemen (Yemen has since abolished the death penalty for child offenders). Two-thirds (13) of these 19 executions occurred before August 1993. In the six years since then, there have been six known judicial executions of child offenders in three countries, one in Nigeria (1997), one in Pakistan (1997), and four in the USA. These four - three in 1998 and one in 1999 - are the only such executions known in the world in the past two years.

The US federal government is the authority ultimately responsible for ensuring nationwide adherence to the country's international obligations. It is currently formulating its view on these obligations in relation to the death penalty against child offenders, following a US Supreme Court order in June that it should do so (see UA 150/99, AMR 51/102/99, 29 June 1999).

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

- acknowledging the seriousness of the crime of which Dorthia Bynum is accused, and expressing sympathy for the family of Tiffany Long (you may add that you are not writing to express an opinion on Dorthia Bynum's guilt or innocence);
- expressing concern that Alamance County, North Carolina, is seeking the death penalty against Dorthia Bynum, in violation of the global ban on the death penalty against those who were under 18 at the time of the crime;
- explaining that this ban is now so widely recognized and adhered to worldwide that it has become a principle of customary international law, binding on all countries regardless of which international instruments they have or have not ratified;
- pointing out that neither individual US states, nor the US federal government, has the legal right under international law to allow such use of the death penalty;
- + **to District Attorney** (prosecuting this case): urging that the prosecution drop its pursuit of the death penalty against Dorthia Bynum;
- + **to federal addressees**: urging the federal authorities to intervene to stop this imminent violation of the USA's international obligations.

**APPEALS TO:**

The Honourable Robert Johnson  
 Alamance County District Attorney  
 212 West Elm Street  
 Suite 210, Graham, NC 27253, USA  
**Faxes:+ 1 336 570 6888**  
**Tel:+ 1 336 570 6876**  
**Salutation:Dear District Attorney**

The Honorable Harold Koh  
 Assistant Secretary for Democracy, Human Rights, and Labor  
 Department of State  
 2201 C Street, N.W.  
 Washington, DC 20520, USA  
**Faxes:+ 1 202 647 5283**  
**Salutation:Dear Assistant Secretary**

President Clinton  
 The White House  
 Office of the President  
 1600 Pennsylvania Avenue  
 Washington, DC 20500, USA  
**Faxes:+ 1 202 456 2461**  
**Salutation:Dear Mr President**

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

You may also write brief (about 250 words) letters to:

Letters to the Editor, *The News and Record*, PO Box 20848, Greensboro, NC 27420, USA. **Fax: +1 336 373 7067. E-mail(via website):**  
**[www.thedepot.com/news/opinions/letterstoeditor.shtml](http://www.thedepot.com/news/opinions/letterstoeditor.shtml)**

The People's Forum, *Raleigh News and Observer*, PO Box 191, Raleigh, NC 27602, USA. **Faxes: + 1 919 829 4872. E-mails: [forum@nando.com](mailto:forum@nando.com)**

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 1 December 1999.