

PUBLIC

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15 November 1999

**Further information on UA 230/99 (AMR 51/144/99, 3 September 1999) and follow-up (AMR 51/164/99, 12 October 1999) - Death penalty / Legal concern**

**USA (North Carolina) Johnnie Lee McKnight, aged 19**

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At the hearing into Johnnie McKnight's competency to stand trial, now rescheduled for 7 December 1999, his lawyers will argue that he should not be tried because he has profound learning disabilities and does not understand the seriousness of the situation he is facing (see previous update). The prosecution is free to argue that he should face trial and the death penalty if convicted.

The hearing, originally scheduled for 11 October, was postponed to allow the prosecution to carry out its own assessment of Johnnie McKnight's competency. The results of this assessment, which was carried out at a local hospital, are confidential and remain in possession of the judge who will oversee the hearing and make the final decision about whether the trial should go ahead.

Local sources have told Amnesty International that the prosecutor has been flooded with appeals. Furthermore, on 17 October the *Fayetteville Observer-Times*, which had earlier published several letters from UA participants, ran a substantial article entitled "*Death Penalty Opposed: A human rights group says an international treaty shields a county teen from execution by the state*". The article, prompted by the "more than 100 letters from around the world" received by the paper, described how "people all over the world" agreed that Johnnie McKnight should not face the death penalty. The article went on to explain the international treaty ban on the use of the death penalty against children (Johnnie McKnight was 17 at the time of the crime of which he is accused). While the impact of such an article cannot be measured, its importance in terms of public education and bringing pressure to bear on local officials, cannot be underestimated.

Those who wish to do so may continue to send appeals up to the time of Johnnie McKnight's hearing. His attorneys have asked for their profound thanks to be passed to those who have taken action on this case. They believe that international appeals have had an important impact in terms of the publicity and pressure generated.

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

- expressing deep concern that Cumberland County has reportedly still not withdrawn its intention to seek the death penalty against Johnnie Lee McKnight in violation of the global ban on the death penalty against those under 18 at the time of the crime;
- noting that almost every country in the world adheres to this principle;
- noting with concern evidence that Johnnie McKnight has serious learning disabilities and pointing out that under international standards the death penalty should not be used against those suffering from mental retardation or very limited mental competence (you may also note that 12 US states prohibit such use);
- urging that the prosecution drop its pursuit of the death penalty at or before the 7 December competency hearing.

**APPEALS TO:**

The Honourable Margaret R. Russ (prosecuting this case)  
Assistant District Attorney  
117 Dick Street  
Fayetteville, NC 28301, USA  
**Faxes: + 1 910 678 2949**  
**Tel: + 1 910 678 2915**  
**Salutation: Dear Assistant District Attorney**

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

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

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 8 December 1999.