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WEEKLY UPDATE SERVICE 76/93

****PLEASE NOTE****

The Weekly Update is being renamed as it is not a weekly service and the name is inappropriate (I know most of you have noticed this). We did a thorough evaluation of how useful sections find the weekly update and almost all sections supported the more frequent service that we have produced over the past year. This is the last Weekly Update as is. The new name is NEWS SERVICE. The format will be changed slightly, but the indexing will remain the same.

Contained in this weekly update is an external item on the USA.

UN WORLD CONFERENCE ON HUMAN RIGHTS

We are preparing a thorough evaluation of media coverage during the UN World Conference on Human Rights. We would appreciate it if you would send us details of any TV and radio coverage in your country as well as copies of newspaper clippings. Thanks.

NEWS INITIATIVES

INTERNATIONAL NEWS RELEASES

Annual Report - 0600 hrs gmt, 8 July

URGENT - CHANGE TO NEWS RELEASE An urgent note was sent to press officers, advising them of the urgent change to the annual report news release, in the light of developments at the World Conference. The new version of the news release has already been sent to you, as follows.

The second and third paragraphs of the original text should be deleted, and the following text inserted in their place:

"The World Conference has restated the human rights principles of the past, instead of dealing with the violations of today and the threats of the future," said Amnesty International.

"The real yardstick of the World Conference will be action, not words. What are governments now going to do to stop the torture, the "disappearances" and the killings?

"When we compare the fine speeches and final document with the damning evidence of political repression in this report it is clear that governments have yet to prove that the World Conference will make a difference to the lives of people around the world."

The rest of the news release remains unchanged.

FORTHCOMING NEWS INITIATIVES

Indonesia (Aceh) - 28 July

Document and news release to go with action on massive numbers of political killings.

TARGETED AND LIMITED NEWS RELEASES

****USA - 6 July****

(New Information)

The item on juvenile death penalty in the USA contained in this weekly update will be sent to selected international media by the IS press office, embargoed for 6 July.

2. AMR 51/WU 07/93

EMBARGOED FOR TUESDAY 6 JULY 1993

USA: MORE JUVENILE OFFENDERS FACE EXECUTION FOLLOWING SUPREME COURT RULING

Amnesty International has condemned the execution in Texas on 1 July of Curtis Harris, a black teenage offender who was sentenced to death for his role in a killing committed in 1978 when he was only 17 and still a minor.

"The USA stands almost alone in the world in still permitting the execution of juveniles aged under 18 at the time of the crime and is flouting international standards," said Amnesty International. Only five other countries are known to have executed juveniles in the last decade: Bangladesh, Iran, Iraq, Nigeria and Pakistan.

More and more juvenile offenders face execution in the USA as their appeals run out. The number is likely to increase following the US Supreme Court's ruling in the case of another Texas prisoner, Dorsie Johnson. Dorsie Johnson (who was 19 at the time of his crime) claimed that the Texas law in force from 1976 until 1991 was unconstitutional in not allowing a defendant's youth to be considered as a separate mitigating circumstance at the sentencing stage of a capital trial. The law - which has since been changed - required the jury to answer two key questions at sentencing: whether the killing was deliberate beyond doubt; and whether there was a "probability" that the defendant would pose a "continuing threat to society". If the jury answered yes to these questions, the death penalty was automatically imposed.

On 24 June, the Supreme Court denied Johnson's appeal by a narrow 5-4 majority. The Court ruled that the jury could adequately consider the mitigating effect of a defendant's youth in answering the second question regarding his or her likely future threat to society - although they conceded that youth could also be seen as an aggravating circumstance under this same issue. In a strong dissenting opinion, Justice O'Connor, joined by three other justices, said she would have allowed the appeal as the former Texas law ignored the most relevant mitigating aspect of youth: its relation to a defendant's "culpability for the crime he committed". The dissent also noted that most other US death penalty states either specifically listed the age of the defendant as a mitigating circumstance or barred the execution of those under 18.

Amnesty International has condemned the ruling which could lead to the imminent execution of other young offenders in Texas. "It was shocking that the Court did not hold that a defendant's youth should in itself be considered a mitigating factor in a capital trial, regardless of predictions about possible future behaviour," the organization said. "The decision appears to fly in the face of the Court's past rulings which have held that youth is a mitigating circumstance of great weight."

Those immediately affected by the Dorsie Johnson decision include juvenile offenders Ruben Cantu and Gary Graham, who was granted a stay of execution last month pending the Johnson decision. Ruben Cantu is of "Hispanic" (Latin American) origin and Gary Graham is black: as are the vast majority of juveniles sentenced to death in Texas.

Danny Harris, Curtis Harris' brother who was sentenced to death for his role in the same crime - the murder of Timothy Merka, a white truck driver - also faces imminent execution following the Johnson ruling. He was 18 at the time of the crime.

Curtis Harris' case was highlighted in an Amnesty International report, United States of America: The Death Penalty and Juvenile Offenders, published in October 1991. The report presented the organization's findings in the cases of 23 juveniles sentenced to death, and suggested that safeguards in US capital punishment law had not been met in many cases. The majority came from acutely deprived backgrounds. Many had been seriously physically or sexually abused and were of below average intelligence or suffered from mental illness or brain damage. Curtis Harris himself was one of nine children brought up in extreme poverty. No evidence was presented at either the trial or the sentencing hearing regarding his background or the fact that he had an IQ of only 77. Later psychiatric evaluations found evidence of brain damage resulting from severe head injuries he had sustained from beatings during childhood.

Amnesty International found it particularly disturbing that Curtis Harris and other offenders should face execution when the law under which they were sentenced to death has been radically changed. Texas has had a new capital sentencing statute since September 1991 which allows the jury to consider any mitigating factor in deciding whether to impose life imprisonment or the death sentence. However, this new law does not apply retroactively to offenders who were convicted before this date. There were many mitigating factors in Curtis Harris' case which the jury had no opportunity to consider under the old law and this alone should have been grounds for commuting the death sentence.

Although Texas has the most juvenile offenders under sentence of death (at least 12 as of April 1993), it is not alone. 24 other US states allow the execution of offenders under 18 at the time of their crime. Frederick Lashley, a black teenage offender convicted of murdering his foster mother when he was aged 17, is due to be executed in Missouri on 28 July. If it goes ahead this would be the first such execution in the state for over 60 years.

Amnesty International has called on the Clinton Administration to stop the state killing of juvenile offenders. It has urged the United States Government to withdraw its reservation to Article 3 of the International Covenant on Civil and Political Rights, one of a

series of international treaties and standards which bar the execution of people under 18 at the time of the crime. These standards were developed in recognition of the fact that the death penalty, which denies any possibility of rehabilitation or reform, is wholly inappropriate in the case of young offenders.