

**PUBLIC**

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**Further information on EXTRA 14/03 (AMR 51/027/2003, 18 February 2003) and follow-up (AMR 51/157/2003, 16 December 2003)– Legal concern**

**USA (Florida) Lionel Tate (m), black, aged 16**

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Lionel Tate is expected to be freed on bond on 26 January following a bond hearing.

Under a plea arrangement agreed by the defence and the state, submitted on 8 January, the teenager will plead guilty to second degree murder at a hearing on 29 January. According to the agreement, he will be sentenced to three years in juvenile custody (which he will already have served by 25 January) followed by one year of house arrest and 10 years' probation. He will also have to do 1,000 hours' community service and he will receive psychological counselling.

In 2001, Lionel Tate was sentenced to life imprisonment without the possibility of parole after being convicted as an adult of the first-degree murder of six-year-old Tiffany Eunick, committed when Lionel Tate was 12 years old. Article 37(a) of the United Nations Convention on the Rights of the Child states: "Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age". There are many people in the USA – possibly hundreds – serving life imprisonment without the possibility of parole for crimes committed when they were younger than 18. Amnesty International knows of none who was as young as Lionel Tate at the time of the offence.

On 10 December 2003, Human Rights Day, a Florida court overturned Lionel Tate's conviction and sentence. In its decision, the court noted that "the trial and sentence, in light of Tate's age, has been the focus of considerable public interest". Given the plea agreement, the state Attorney General's Office withdrew a request to the court to reconsider its decision.

While remaining fully mindful of the tragedy that befell Tiffany Eunick and her family, Amnesty International has campaigned on Lionel Tate's behalf since before his sentencing. His lawyer has asked for his thanks to be passed to all who took action on the teenager's behalf. In a message just received, the lawyer writes: "Thanks again. Your entire organization is to be commended for the help and assistance. Your organization "kept the spotlight" on this case and assisted us in favorably resolving this matter. Lionel shall be out of jail before his 17<sup>th</sup> birthday. Your support helped make the difference. Please let everyone know of our thanks. In light of the good work you all do, I trust we shall soon again join together to fight for children's lives."

One AI action which took place on this case in recent weeks was part of a greetings card campaign. The lawyer has expressed his deep thanks for the 3,000 cards and letters for Lionel Tate from children and others that have been received at the lawyer's office, and which in themselves generated media attention in Florida.

**No further action by the UA Network is requested.**