

**PUBLIC**

**AI Index: AMR 51/15/00**

**26 January 2000**

**Further information on UA 231/99 (AMR 51/145/99, 3 September 1999) and follow-up (AMR 51/180/99, 5 November 1999) - Death penalty / Legal concern**

**USA (South Carolina) Brett Blair Hollis, aged 19**

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The trial of Brett Hollis in Lexington, South Carolina, has been rescheduled to begin on 21 February 2000. The prosecution still intend to seek a death sentence against the defendant for crimes he is accused of committing when he was 17 years old. International law forbids the use of the death penalty for crimes committed by under-18-year-olds.

Brett Hollis is charged with shooting to death his ex-girlfriend's new boyfriend, Cory Lee Shcolnik, aged 18, and her mother, Mary Sturdevant, aged 51, on 16 November 1997. He is also accused of the rape of his former girlfriend.

#### **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) bans 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. Article 4 of the ICCPR states, however, 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Committee, the expert body set up to monitor compliance with the ICCPR, has stated that the US reservation should be withdrawn as it contravenes the object and purpose of the treaty.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 USA is one of only two countries not to have done so (the other being Somalia, a collapsed state with no recognized government). In 1997 China abolished the death penalty for offenders under 18 at the time of the crime to comply with its CRC obligations.

Since 1990, 23 people are known to have been executed worldwide for crimes committed when they were under 18. Of these, 13 took place in the USA, while the rest took place in Iran, Nigeria, Pakistan, Saudi Arabia and Yemen (Yemen has since abolished the death penalty for child offenders).

Since October 1997 there have been eight known executions of child offenders worldwide - seven in the USA, the other in Iran. The USA has executed three child offenders in January 2000 alone.

There are some 70 child offenders on death row in the USA for crimes committed when they were 16 or 17.

**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 Brett Hollis is accused, and expressing sympathy for the relatives of the victims (you may add that you are not writing to express an opinion on the guilt or innocence of Brett Hollis);
- expressing concern that Lexington County, South Carolina, is seeking the death penalty against him 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 Solicitor** (prosecuting this case): urging that the prosecution drop its pursuit of the death penalty against Brett Hollis;
- + **to Secretary of State**: urging that the federal authorities intervene to stop what would be a violation of the USA's international obligations. You may also want to express outrage at the continuing execution of child offenders in the USA.

#### **APPEALS TO:**

The Honourable Donald V. Myers  
 Solicitor  
 Office of the Solicitor for the 11<sup>th</sup> Judicial Circuit (Lexington County)  
 105 South Lake Drive  
 Lexington, SC 29072  
**Faxes: + 1 803 359 8431**  
**Tel: + 1 803 359 8352**  
**Salutation: Dear Solicitor**

The Honorable Madeleine Albright,  
 Office of the Secretary of State,  
 2201 C Street N.W., Washington, DC 20520, USA.  
**Faxes: + 1 202 647 1533**  
**Salutation: Dear Secretary of State**

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

You may also write brief (not more than 250 words) letters to:

- Letters to the Editor, *The State*, P.O. Box 1333, Columbia, SC 29202, USA

**Faxes: + 1 803 771 8639. E-mails: stateeditor@thestate.com**

- Letters to the Editor, *The Post and Courier*, 134 Columbus Street, Charleston, SC 29403-4800, USA. **Fax: +1 843 937 5545**

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 6 March 2000.