

USA (Louisiana) Joseph Ward [m], white, aged 18

Joe Ward is facing a trial in Rapides Parish, Louisiana, at which the prosecution intends to seek a death sentence. He was 17 years old at the time of the murder of which he is accused. International law, respected by almost every government in the world, prohibits the use of the death penalty against those who were under 18 at the time of the crime.

Joe Ward is charged with the first-degree murder of 25-year-old school teacher Christina Smith, whose body was found on 2 October 2000. She had allegedly been abducted and her car stolen. Her brother, Robert Smith, who was 18 at the time of the shooting, is also charged with first-degree murder in the crime. He too may face the death penalty.

Joe Ward's trial is scheduled to begin in February 2002. Next month, pre-trial hearings are due to take place on defence motions challenging the prosecutor's plan to seek a death sentence. The motions highlight the international prohibition on the use of the death penalty against children, and the state's failure to protect Joe Ward from ill-treatment, or to provide him proper care, in the juvenile detention centre where he was held prior to the crime.

Robert Smith and Joe Ward are reported to have met in the privately-operated Tallulah Correctional Center for Youth (TCCY), one of four Louisiana juvenile facilities investigated in the late 1990s by the Civil Rights Division of the US Department of Justice. The investigation found "systemic life-threatening staff abuse and juvenile-on-juvenile violence" in each of the facilities. In September 1999, TCCY was taken back into state control following the revelations of routine physical, sexual and psychological abuse of inmates.

Joe Ward, who was held in TCCY for about a year for joyriding in his mother's car, was released about six months before the murder of Christina Smith. Robert Smith was released a few days before the crime. Both teenagers were among those allegedly subjected to serious ill-treatment in the facility. Both are reported to suffer from mental problems. The Civil Rights Division singled out TCCY as having "the most egregious deficiencies in mental health care" of the four facilities, and found that this "complete denial of necessary care" was "causing great harm". It also found that the education and rehabilitative services were inadequate or non-existent.

BACKGROUND INFORMATION

The International Covenant on Civil and Political Rights prohibits the use of the death penalty against defendants who were under 18 at the time of the crime. When the USA ratified this treaty it reserved the right to execute child offenders. This "reservation" has been widely condemned as invalid, by organizations and bodies including the Human Rights Committee, the expert body which monitors compliance with the Covenant. The Convention on the Rights of the Child makes the same prohibition. This treaty has been ratified by 191 countries, all but the USA and Somalia. The prohibition on the use of the death penalty against child offenders is so widely respected that it has become a principle of customary international law, binding on all countries regardless of which treaties they have or have not ratified.

The USA accounts for more executions of child offenders in the past decade than have been documented in the rest of the world combined. In the last four years, such executions have occurred in the Democratic Republic of Congo (1), Iran (3) and the USA (9). There are more than 80 prisoners on death row in the USA for crimes committed when they were 16 or 17. Two of them - Cedric Howard (16) and Adam Comeaux (17) - were prosecuted in Rapides Parish (population circa 130,000).

It is reported that as well as Joe Ward and Robert Smith, three other "graduates" of the Tallulah Correctional Center for Youth are facing charges of capital murder. A sixth, Ryan Matthews, was sentenced to death in Jefferson Parish in 1999 for a murder committed when he was 18.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- expressing sympathy for the family and friends of Christina Smith, and explaining that you do not seek to diminish the suffering her death will have caused or to comment on the guilt or innocence of the accused;
- expressing concern that Rapides Parish is intending to seek a death sentence against Joseph Ward, in violation of the international prohibition on the death penalty against those were under 18 at the time of the crime;
- pointing out the USA's virtual isolation on this issue internationally, and the consequent damage to its international reputation;
- explaining that the prohibition stems from the recognition of a young person's immaturity and capacity for rehabilitation, noting allegations that the State of Louisiana earlier failed to provide rehabilitative and protective care to Joseph Ward in Tallulah Correctional Center for Youth;
- urging the prosecutor to drop his pursuit of the death penalty against Joseph Ward in line with international standards of justice and decency. (Citing your opposition to the death penalty in general, you may also ask him not to pursue a death sentence against Robert Smith).

APPEALS TO:

Assistant District Attorney Mike Shannon
 PO Drawer 1472
 Alexandria, LA 71309, USA
Fax: + 1 318 449 5455
Salutation: Dear Assistant District Attorney

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

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

Letters to the Editor, *Alexandria Town Talk*, P.O. Box 7558, Alexandria, LA 71306, USA

Fax: + 1 318 487 6488
E-mail: readerswrite@thetowntalk.com

Letters to the Editor, *The Advocate*, 525 Lafayette Street, Baton Rouge, LA 70802, USA

Fax: + 1 225 388 0175
E-mail: bbankston@theadvocate.com

PLEASE SEND APPEALS IMMEDIATELY.