



AMNESTY INTERNATIONAL

ORANGE COUNTY

GROUP #141 ORANGE

GROUP #178 IRVINE

Newsletter

October 2002

USA: Execution of Child Offenders, Indecent and Internationally Illegal

This article is taken from an AIUSA press release issued September 25, 2002.

The USA continues to defy the United Nations and flout international law in its pursuit of the death penalty against children, Amnesty International said today, as it released two new reports on the execution of people who were under 18 at the time of the crime.

"Two thirds of the known executions of child offenders in the past decade were carried out in the USA," the organization said. "It is clear that the United States is the world's leading perpetrator of this universally condemned human rights violation."

In his recent speech on Iraq to the UN General Assembly, President George Bush spoke of "broken treaties," UN resolutions being "unilaterally subverted," and of the USA's wish for the UN to be "effective, and respected, and successful."

"The execution of child offenders leaves treaties just as broken, resolutions just as subverted, and respect for the UN and international law just as undermined," Amnesty International said.

One of the two Amnesty International reports focusses specifically on the USA. It was prompted by the recent US Supreme Court decision that the execution of people with mental retardation violates the constitutional ban on "cruel and unusual" punishment. In *Atkins v. Virginia*, the Court concluded that US "standards of decency" had evolved to the point that there was a "national consensus" against such executions.

"Applying the Supreme Court's reasoning in the *Atkins* case to the execution of child offenders leads to the conclusion that such use of the death penalty is unconstitutional too," Amnesty International continued. In its report the organization points out that, in some respects, the evidence of a "consensus" against the judicial killing of child offenders is stronger than that existing against the execution of the mentally impaired.

"The Supreme Court sees state legislation as the primary indicator of consensus," Amnesty International pointed out. "Yet for all but a tiny fraction of the past 25 years, the number of states prohibiting the execution of child offenders has been greater than in the case of people with mental retardation." The organization's report suggests that public hysteria in the 1990s about youth crime may explain the relative slowdown in legislative progress on the juvenile death penalty issue.

"What is more, states have executed about twice as many people with mental retardation as they have child offenders," Amnesty International continued, adding that while there are about 80 child offenders on death row, the figure in the case of the mentally retarded was estimated to be around 200 to 300 people at the time of the *Atkins* decision.

"This would suggest that the death penalty against child offenders has been the more 'unusual' of the two practices," Amnesty International said. "It is no less cruel."

"In the *Atkins* case, the Supreme Court found that the traits of people with mental retardation render the goals of deterrence and retribution unachievable," Amnesty International said. "Characteristics of children, such as impulsiveness, poor judgment, and susceptibility to peer pressure or adult influence, surely lead to the same conclusion. Indeed, scientific evidence indicates that brain development continues into a person's 20s."

The immaturity of teenagers is widely recognized in US laws. Under-18s cannot serve on a jury, yet can be condemned by those considered responsible enough to sit on one. In Louisiana, under-18s are prohibited from witnessing an execution, yet seven people currently await execution there for crimes committed when they were 16 or 17.

In the *Atkins* ruling, the Supreme Court acknowledged that "within the world community" the execution of the mentally retarded is "overwhelmingly disapproved". The disapproval is even clearer in the case of child offenders. Such executions are prohibited by several treaties and have been the subject of numerous resolutions at the UN Commission on Human Rights.

Since January 1993, Amnesty International has documented 24 executions of child offenders worldwide—one in Democratic Republic of Congo, one in Nigeria, one in Yemen, two in Pakistan, three in Iran, and 16 in the United States. Pakistan and Yemen have since legislated to abolish such use of the death penalty, as did the world's main executing country, China, in 1997.

The USA reserved the right to execute child offenders when it ratified the International Covenant on Civil and Political Rights, even though that treaty contains a non-derogable prohibition on such executions. The relevant expert UN body has found the US "reservation" to be invalid, but the US has ignored its finding. UN bodies have also affirmed that the prohibition has become a principle of customary international law, binding on all countries regardless of which treaties they have or have not ratified.

"Perhaps this issue provides the starkest example of how far the USA is from the progressive force for human rights it so often claims to be," Amnesty International concluded. Since 1990, 191 countries have ratified the Convention on the Rights of the Child, one of the treaties banning the use of the death penalty against children who were under 18 years old at the time of the crime. Only Somalia and the USA have failed to ratify.

September Meeting Minutes

Group #141 Orange

Attendees

Ravi Alexander, Rukshana Alexander, Dorothy Augustine, Jeannine Christensen, Kevin Gaffney, Leslie Hutchens, Deidre Jackson, Priscilla Rocco, and Ernie Solheid.

Letter-Writing

We sent a total of 86 letters and postcards this month. These included 58 letters on behalf of our adopted prisoner of conscience, the Venerable Thich Huyen Quang, in Viet Nam, calling for his release from house arrest. Thanks go to Priscilla for preparing our PoC letters this month.

Postcards were sent to Philippines legislators calling on them to vote for a bill that would provide safeguards against discrimination on the basis of sexual orientation and gender identity; to Ecuadorean officials expressing concern about the harassment and detention of lesbian, gay, bisexual, and transgendered people in that country; to Puerto Rican legislators asking for passage of a bill decriminalizing sexual relationships between consenting adults.

We sent letters on behalf of 'Aziza 'Abbas Muhammad, the wife of a political prisoner in Egypt, who has been held in incommunicado detention since July. Finally, we wrote letters to Nepal expressing concern about reports of human rights abuses by the security forces there.

Death Penalty Event

Deidre reported on a death penalty event that is scheduled for December 10 at the Sisters of St. Joseph in Orange. The program will feature an explanatory panel describing how someone ends up on death row and is expected to feature someone from a district attorney's office, a murder victim's family member, and a family member of someone who has been executed. The Catholic Worker will serve dinner. More details will follow in the next few months.

December Meeting/Holiday Party

The group decided to hold a holiday party in lieu of our December meeting at the United Nations Association store in Santa Ana. All the groups in the area are invited. This will be an opportunity to do some shopping as well as socializing. Dorothy Augustine is coordinating with the UNA.

Case Coordinator

The group discussed splitting the duties of the Case Coordinator up. Ernie Solheid will coordinate month-to-month letter-writing on behalf of our adopted prisoner of conscience and will be responsible for keeping in contact with the Viet Nam co-group and the other groups sharing our Action File. We are still looking for someone who would take on some of the outreach activities associated with the Action File, such as contacting outside groups and government officials to take action on behalf of our prisoner.

September Meeting Minutes

Group #178 Irvine

Attendees Kristine Elali, Kevin Gaffney, Ting Huang, Diedre Jackson, Stephanie Jones, Lynn Mikami, Gabriella Miotto, Laura Morlok, Julie Ralls, and Liza Vick.

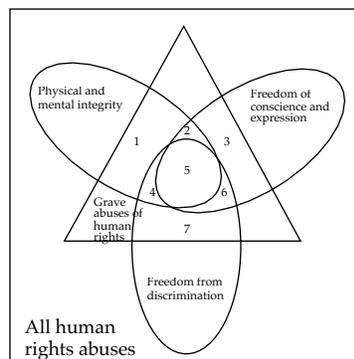
Announcements

The group will have an opportunity to host an evening at South Coast Repertoire theatre in the next two months during the run of *Major Barbara*. More information on this will be coming from the San Francisco AI office. On November 9, we will host a speaker and discussion on Ramadan at 5 PM. Participants can attempt a day long fast as an exercise in cultural awareness.

Speakers

Deidre Jackson and Kevin Gaffney spoke about the recent decision on the part of AI Internationally to expand our work from a fairly focused and potentially limiting Human Rights Mandate to a much broader Mission and Vision statement that allows for a greater variety of activities for individual AI members and the organization overall. The group completed surveys for AIUSA regarding the new Integrated Strategic Plan, giving opinions on these changes and where we would like the organization to direct its energies. It was clear that our scope of work will be much broader and fundraising will definitely be on the agenda.

The new mission refers to grave abuses of some human rights. The following diagram shows how the mission fits into the context of all human rights. The square represents all abuses of human rights, the triangle grave abuses of human rights, and the three ellipses abuses of one's physical and mental integrity, one's freedom of conscience and expression, and one's freedom from discrimination.



The mission excludes non-grave abuses of human rights as well as grave abuses that do not fall into one of the three ellipses. As the diagram shows, many of the abuses fall under more than one category. Some examples of abuses falling into each sector of the diagram are as follows. Note that 3, 6, and 7 are new areas of the mission.

1. Torture of common criminals
2. Torture of political prisoners of conscience.
3. Closure of an opposition party newspaper.
4. Female genital mutilation.
5. Rape in custody of a female political prisoner.
6. Closure of a gay or lesbian newspaper.
7. Not being given a job because of one's race, color, religion, or political beliefs.

Next Month's Meeting

Our next meeting will be October 29 at 7:40 PM at Full Spectrum Yoga. Our speaker will be Sadullah Khan from the Council on American Islamic Relations, discussing Islam and violence.

September Meeting Minutes

Group #175 Long Beach

Attendees

Mary Kay Dunn, Mike Ferris, Bobbi Kendig, Jim Roberts, and Linda Wright.

Letter-Writing

We wrote four letters on behalf of POC Nguyen Dinh Huy of Viet Nam.

Special Speakers

Mr. Hieu Van Ngo and Mr. Robert Le of the Viet Nam Human Rights Network along with two former associates of our Prisoner Nguyen Dinh Huy spoke to us about conditions in Viet Nam and situation of NDH. Importantly, they had good suggestions for some of our campaigning activities and expressed a desire to work closely with us in the future to secure the better treatment and, hopefully, the release of Nguyen Dinh Huy.

Iraq: Human Rights in the Balance

by Irene Khan, *Amnesty International Secretary General*.

The human rights situation in Iraq is being invoked with unusual frequency by some western political leaders to justify military action. This selective attention to human rights is nothing but a cold and calculated manipulation of the work of human rights activists. Let us not forget that these same governments turned a blind eye to Amnesty International's reports of widespread human rights violations in Iraq before the Gulf War. They remained silent when thousands unarmed Kurdish civilians were killed in Halabja in 1988.

Not only have the people of Iraq continued to suffer at their hands of their government—systematic torture, extrajudicial execution, “disappearances”, arbitrary detention and unfair trial—they have also borne the brunt of the UN sanctions regime since 1991. Sanctions have jeopardised the right to food, health, education and, in many cases, life of hundreds of thousands of individuals, many of them children. There are claims that the Iraqi regime is deliberately manipulating the sanctions regime for propaganda purposes—but that does not absolve the United Nations Security Council from its own share of the responsibility for failing to heed the calls to lift all sanctions provisions that result in grave violations of the rights of the Iraqi population.

As the Council deliberates on the use of military force, it must consider not only the security and political consequences of its action, but also the inevitable human rights and humanitarian toll of war: civilians who will be killed by bombing or internal fighting, children who will die because

sanctions will make access to basic necessities and humanitarian assistance even more difficult. Yet, concern for the life, safety and security of the Iraqi people is sorely missing from the debate, as is any discussion on what would be their fate in the aftermath of conflict—and even less, what will be the knock-on effect on the human rights of the people of neighbouring countries.

As the keeper of international peace and security, the UN Security Council has the responsibility under the UN Charter to seek a solution through peaceful means first. It must remind its most powerful member that force is the last resort and only to be carried out in full compliance with international law. It must ask if we have really reached that point of imminent danger which leaves no other choice. It must never forget that the United Nations was created to preserve peace and promote human rights, not encourage war.

Upcoming Events

Western Regional Conference

The Western Regional Conference of Amnesty International USA will be held October 25–27 at the Executive Tower Hotel in Denver, Colorado. The conference kicks off at 5:30 PM on Friday, October 25, with a rally at the 16th Street Mall (next to the hotel) in support of the Women's Convention (CEDAW), followed by a “Human Rights Summit” and reception.

This year's conference theme is Human Rights and the Arts, and there will be a number of exhibits, workshops, and other program activities focusing on this subject. Featured conference speakers include former Prisoner of Conscience General Jose Gallardo, torture survivor and author Sister Dianna Ortiz, and AIUSA Executive Director Bill Schulz!

Full conference details are available at www.aiusa.org/events/western/regionalconference.html.

Lecture and Ramadan Fast

The Irvine Amnesty International group is sponsoring a lecture and discussion by Anthony Manousos along with a fast to observe Ramadan, on November 9, 5:00–8:00 PM, at Full Spectrum Yoga, 2018 Quail Street, Newport Beach.

For those who can tolerate it, the traditional Muslim observance of Ramadan, which begins on November 6, involves fasting (including no water) from sunrise to sunset during the month of Ramadan. The group is inviting participants to join in a fast if able. The fast will end at sunset.

What to bring: Names A-L bring drinks, M-Z bring snacks or finger foods. Arrival and setup 4:30–5:00 PM. Call Julie Ralls at (949) 646-3316 if you would like more information.

If you would like to continue receiving this newsletter and supporting the work of Amnesty International Group #141 and Group #178, please return this coupon to the appropriate address with annual dues of \$10.00. Dues are used to cover the costs of this newsletter and of letters on behalf of prisoners. Your address label contains your membership expiration date.

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P.O. Box 864
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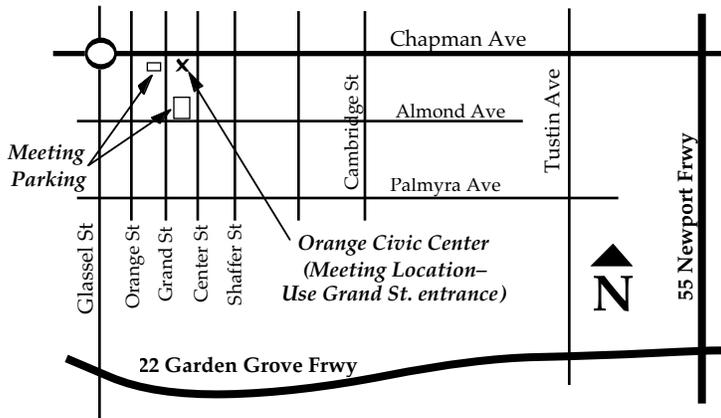
Calendar October

15 Tuesday 7:00 PM

Group #141 Orange Monthly Meeting at the Orange Civic Center, Conference Room C, at 300 E. Chapman Avenue, in Orange. For further information about the group, contact Deidre Jackson at (562) 430-7381.

22 Tuesday 7:00 PM

Group #175 Long Beach Monthly Meeting at the Unitarian Universalist Church, 5450 Atherton Street, Long Beach. Letter-writing from 7:00–7:30. Group #175 meets on the fourth Tuesday of each month. For further information about the group, contact Bobbi Kendig at (562) 420-1155.



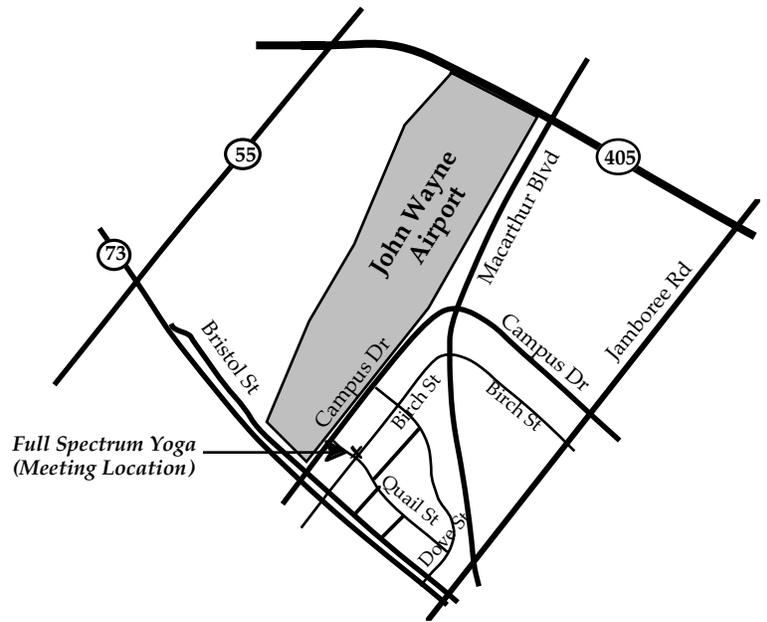
Group #141 Orange Meeting Location

28 Monday 7:00 PM

Huntington Beach Group Monthly Meeting at Saints Simon and Jude Church, Room 7B, 20111 Magnolia Street in Huntington Beach. For further information about the group, contact Darcie Guy at (714) 374-5786.

29 Tuesday 7:30 PM

Group #178 Irvine Monthly Meeting at Full Spectrum Yoga, 2018 Quail Street, Newport Beach (across from John Wayne Airport). Group #178 meets the last Tuesday of each month. For more information about the group, contact Jacques Kilchoer at (714) 557-8427.



Group #178 Irvine Meeting Location

Amnesty International Group #178
P.O. Box 16243
Irvine, CA 92623