

Gerald Garrett, Chairperson
Texas Board of Pardons and Paroles
PO Box 13401
Austin, Texas 78711-3401

October 15, 2001

Dear Mr Chairperson,

The International Network on Juvenile Justice (INJJ) in Geneva wishes to express its grave concern relating to the case of Gerald Lee Mitchell, a man awaiting execution under your laws for a crime he committed while under the age of 18.

INJJ is a programmer of Defense for Children International (DCI), a non-government organization whose aims are to ensure international action directed at promoting and protecting the rights of the child. DCI is represented in more than 50 countries and has its secretariat in Geneva. INJJ has 220 partners worldwide who are all involved in juvenile justice issues. The Network allows for the exchange of information and expertise, monitors the implementation of international standards and works closely with United Nations bodies in Geneva.

It is understood that Mitchell was 17 at the time he committed the crime for which he awaits the death penalty. The use of the death penalty on juvenile offenders is clearly prohibited by the relevant international treaties, including the International Covenant on Civil and Political Rights and the United Nations Convention on the Rights of the Child. Articles 6 and 37 of the latter enunciate these rights and duties, namely the child's inherent right to life and the state's duty ensure a child's survival and development as well as the non-imposition of capital punishment and life imprisonment. Juveniles deprived of their liberty must be protected from violations of their personal rights and due process. I also draw your attention to five other international instruments aimed at protecting children in confinement: the United Nations Rules for the Protection of Juveniles, the Beijing Rules, the Riyadh Guidelines, the Standard Minimum Rules for the Treatment of Prisoners, and the Detention Principles.

While the United States of America is one of the few countries still allowing the sentencing of juvenile offenders to death, the practice is opposed strongly by the international consensus, including individuals, organizations and most states throughout the world. As has been affirmed by the United Nations Sub-commission on Protection and Promotion of Human Rights at its 52nd session, the obligation to abolish the death sentence for juveniles under the age of 18 is a rule of customary international law. This rule of customary international law is binding on all states in the world, including those who have not ratified the relevant human rights treaties.

INJJ appeals to you to take immediate action ensure that Mitchell's sentence is commuted to an alternative sentence that would be in conformity with international human rights law.

Yours faithfully,

Jennifer Taylor

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Defense for Children International

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