



EU Presidency Voorzitterschap Vorsitz Présidence UE

Washington, October 3, 2001

Gerald Garrett, Chairman
TEXAS BOARD OF PARDONS AND PAROLES
P.O. Box 13401
Austin, Texas 78711-3401

Dear Chairman Garrett :

On behalf of the European Union, Belgium, as current president, together with Spain, the subsequent president, and the European Commission, would like to convey to you a humanitarian appeal to spare the life of Mr. Gerald Mitchell, who has been condemned to capital punishment for a crime he committed when he was 17 years old.

As stated in the EU Memorandum on the Death Penalty, which was shared with you in July 2000, the European Union is opposed to the death penalty in all cases and accordingly aims at its universal abolition.

The European Union considers that, in those countries which have not yet abolished the death penalty, the death penalty should not be imposed on persons under 18 years of age at the time of the crime. This approach to juvenile justice is consistent with the spirit and the letter of several international human rights instruments, which expressly prohibit the execution of juveniles, specifically the International Covenant on Civil and Political Rights and the American Convention on Human Rights. Article 6 of the International Covenant on Civil and Political Rights (ICCPR) - to which the United States is a party - expressly forbids the execution of people whose crimes were committed when they were under 18 years of age. The EU considers that this would be contrary to generally accepted human rights norms.

We therefore respectfully urge you, Mr. Chairman, and the members of the Board of Pardons and Paroles of Texas, to take all the aforementioned factors into account and to exercise all powers vested in your office to commute Mr. Mitchell's sentence to any penalty other than capital punishment as is compatible with international law.

I thank you in advance for your consideration of this extremely urgent matter.

Sincerely,

/s/
Alex Reyn
Ambassador of Belgium

/s/
Javier Ruperez
Ambassador of Spain

/s/
Günter Burghardt
Ambassador of the European Commission