

## Of interest

- As this issue is published, the trial of Australian aid workers Diana Thomas and Peter Bunch is said to have started in Kabul.
- The pair have been charged with preaching Christianity, an offence that can result in the death penalty in Afghanistan.
- The two aid workers have had only limited access to Australian officials and have been appointed a 26 year old Pakistani attorney.
- As more reliable information comes to hand we will try to provide some more analysis of the situation.

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## President's Column

Reprive's intern program is already well underway. Following a flood of initial interest from around the country, 8 Australian interns of varying ages and experience are on the short list to take up volunteer positions in Louisiana from November. While Reprive is not yet able to financially assist people who engage in this program, we have been able to co-ordinate the selection and placement process and help with the sometimes thorny questions of visas – although final decisions about placements are made by the participating law office in the US. We look forward to hearing about the early experiences of some of the interns in these pages in the next issue.

Many others have asked us how they can contribute in a practical way to the organisation in Australia. We are examining the need for a pen-pal program, and one thing you might like to consider is sending a book to a prisoner. Prisons will only allow this if the materials are sent to the prisoners direct from the shop – so for Australians, this means purchasing over the internet, and having the US store ship direct to the prisoner (eg from Amazon.com or the like). Recommendations from our lawyer contacts

in Louisiana regarding the mentally retarded prisoners are for any children's books (suitable for around 8 year-olds). For instance, we've been told by his attorney that Howard Neal, the man with an IQ of only 54 who has been on Mississippi's Death Row for almost 20 years, loves colouring-in and how-to-draw books. Contact us if you would like the details of particular prisoners.

Members will recall the monologue piece "This is a True Story", based on the writings of Howard Neal. Following its premiere in Melbourne in May, the piece has been invited to London by Reprive UK, our sister organisation. It will open at *The Man in the Moon* theatre in Chelsea on 16 October. That passionate, committed import, Clive Stafford Smith OBE, whose participation in the Melbourne season was so inspiring for the many who participated in Q & A sessions after some shows or who heard him speak in other forums, will also travel to London from Louisiana for the season. *Amnesty International*, *Amicus*, and other local human rights organisations will also host Q & A sessions after some of the London performances. This will help highlight such issues as the death penalty and the mentally retarded, the sentencing of juveniles to death, and the role of the medical profession.

At a time when the world community is facing such uncertainty and instability following the recent horrendous events in New York and Washington, we hope that this piece of theatre will contribute a sense of the true humanity and power of the many personal tragedies that make up the bigger political picture. We will report back to you on the London season in the next edition of this newsletter.

**Nicholas Harrington**  
President



A drawing by Howard Neal, the intellectually disabled death row prisoner whose life is presented in the monologue "This is a True Story"

## US Supreme Court Justice questions the operation of the death penalty

Justice Sandra Day O'Connor, who has been a swinging voter on several death penalty cases, has recently questioned whether the death penalty is being fairly administered in the US.

While Justice O'Connor has previously weighed in to the debate surrounding the execution of the mentally retarded, her recent qualms focus on the even more pressing concern of the execution of the innocent.

Speaking to a Minnesota Women's Lawyers group recently, Justice O'Connor noted that six death row inmates were exonerated and released last year, and that "if statistics are any indication, the system may well be

allowing some innocent defendants to be executed".

While the increasing use of DNA testing could go some way to alleviate concerns, most states with capital punishment have not yet passed laws to allow post-conviction DNA testing.

Justice O'Connor has also noted it might be time to consider setting minimum standards requirements for state-appointed counsel in capital cases, together with a system for providing adequate payments for appointed counsel.

**Pia Di Mattina**



Justice Sandra Day O'Connor was the first woman appointed to the bench of the US Supreme Court.

## Ronald Ryan: The last legal execution in Australia

Ronald Ryan was the last person to be executed legally in Australia. The basic facts of the case are well known: on 19 December 1965 Ronald Ryan and an accomplice broke out of Pentridge Prison. During the escape warder George Hodson was shot dead, and Ryan was subsequently sentenced to death for his murder.

However, the exact circumstances of the case remain, in many ways, unclear. Lingering doubts exist as to whether Ryan actually fired the bullet that killed Hodson and more importantly it seems likely that the killing was unintentional. The sense of injustice in the case is heightened by the fact that Ryan's accomplice, Peter Walker, was convicted only of manslaughter for the killing of a truck driver during their escape, yet Ryan was charged with murder. Legal issues concerning Ryan's culpability in the crime were overridden by the political climate (highly influenced by the Premier Henry Bolte) that demanded a scapegoat and found it in Ryan.

Support for capital punishment at the time of Ryan's execution was waning and capital punishment was thought by many to have been abolished in practice. Public opinion supporting capital punishment was at an all time low and there was huge opposition from the legal community, churches, student groups and even the widow of the murdered warden. Nonetheless, the execution went ahead on the 3<sup>rd</sup> February 1967.

Many issues arise regarding the execution of Ronald Ryan. The presiding judge, Justice John Starke, was an avowed abolitionist but was bound by law to the effect that a death caused in the course of a crime of this sort was murder and the punishment was death. Ryan's appeal to the Privy Council was refused even though many of the original jurors said they had given their verdict thinking that the sentence of death would not actually be carried out. Finally, even though the State had commuted 35 death sentences in the previous ten years, Ryan was executed. It is widely believed that his fate was sealed by the personal wishes of Henry Bolte and a desire among the Liberal Party to gain political mileage out of his execution.

The sentence for murder in Victoria was amended to life imprisonment in 1975. The political manoeuvring that occurred in order to execute Ryan and the injustice of his situation have left scars on many of those around him: his solicitor, Ralph Freadman, still finds the case too difficult to discuss. Ryan's culpability for his alleged crime will always be shrouded in doubt but his execution serves as a strong reminder of the shortcomings of a legal system influenced by politics and he will be remembered as the last victim of capital punishment in Australia.

**Dominic Keller**

Dominic is a member of ReprieveAustralia and is studying law at Monash University.



Victorian premier Henry Bolte refused to commute Ryan's death sentence

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Lingering doubts exist as to whether Ryan actually fired the bullet that killed Hodson

## The Ryan execution: An eyewitness account

A man was killed

I stood and watched as they deliberately put a man to death.

I did nothing to stop it because quite simply, there was nothing I could do.

It was the most callous and brutal act I have ever witnessed. The details are etched indelibly in my memory. I ask myself time and again what it achieved. And there is only one answer to that: nothing.

The man they put to death as I watched was Ronald Ryan.

It was the 3rd of February 1967. It was 8 o'clock in the morning. It was a clear, warm morning with the certain promise of a hot day to follow.

Ronald Ryan was the last man executed under the law in Australia. Hopefully he will ever be remembered for that.

I was one of the 14 official witnesses at the hanging, chosen as we were, as journalists from various media, to represent 'the people' which was a requirement of the law. I was news editor at Melbourne radio station 3AW and represented also its many interstate affiliates through the Macquarie Broadcasting Network, plus overseas networks in the UK, USA and NZ.

The news report I wrote and broadcast after the event read in part as follows:

*"Ronald Ryan today went to his death without flinching.*

*He walked firmly to the gallows .. and stood calmly to attention as the execution was carried out.*

*He looked to me as prepared for death as any man could be ...*

*... at eight o'clock precisely -- Ryan was escorted from the (condemned) cell.*

*His hands were tied behind his back and he had a white cap pulled low over his head.*

*He walked four or five paces to the gallows and turned to face us below.*

*There was no movement or sound from him as the final preparations were made -- and*

*it was all over 25 seconds later."*

So much for the news report -- the reporting of facts to those who wanted to listen.

Such reports can mask the emotions and personal feelings of the reporter.

Let me tell you that witnessing the execution of Ronald Ryan has affected me profoundly.

I went to cover that big news story - because that's what it was - without any clear personal feelings about capital punishment. On that day, it was a job to be done.

I came away firmly opposed to capital punishment.

What changed my view was witnessing the act of execution and seeing the sheer brutality of it - and then understanding with absolute certainty that this is one of the supreme examples of man's inhumanity to man.

Arguments over crime and punishment are irrelevant in this context.

What is relevant is what we, the people, did to a person in the name of the law.

We deliberately killed a man. We did it in one of the most brutal ways imaginable. We, the people, believed we were administering justice - or should that be revenge?

Yet only months later we pressured our lawmakers into striking capital punishment from our statute books.

So much for the Ronald Ryans of this world!

I believe every one of the witnesses on that day in 1967 was affected as badly as I was by the execution - I believe we all felt the same although we have shown it differently or may express it in different ways.

I know that I will always speak out against capital punishment and will try to help in whatever way I can to prevent it ever being reintroduced where it has been abolished.

To me it is a very simple message: it is just wrong.

**Brian Morley**

*Brian is a member of RepriveAustralia and now works in public relations.*

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I ask myself time and again what it achieved. And there is only one answer to that: nothing.



Ronald Joseph Ryan

Born 21 February 1925

Executed 3 February 1967

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*"We deliberately killed a man. We did it in one of the most brutal ways imaginable. We, the people, believed we were administering justice - or should that be revenge?"*

## Executing the “mentally retarded” & the US Constitution

In our first newsletter, we reported on the then upcoming challenge in the US Supreme Court to the validity under the US Constitution of executing the mentally impaired or “retarded”. That test case was being brought by Ernest McCarver, who reportedly has an IQ of just 67, and has been on North Carolina’s Death Row since 1987.

However, in line with a growing consensus within the US, the North Carolina Senate passed legislation in August that bars the execution of the mentally retarded. The statute has since been signed into law by Governor Michael Easley. Unlike similar laws in other states, the legislation operates retrospectively, meaning that the constitutional aspects of McCarver’s case need not go ahead.

Under the new North Carolina law, to be classed as “mentally retarded”, defendants must score 70 or below on an IQ test, and must prove they had intellectual and adaptive disabilities before they were aged 18. While prosecutors are still challenging McCarver’s claim of mental retardation, he now has the opportunity to prove his point and so, escape death.

North Carolina follows Arizona, Connecticut, Florida and Missouri, who have all enacted similar laws this year. And while the Texas legislature passed such a law in May, Republican Governor Rick Perry, then vetoed it. The development in North Carolina brings to 18 the number of states that bar execution of the mentally retarded (of the 38 which still have the death penalty on their books). The District of Columbia and the federal government have similar bans.

## Born in the USA: Too young to drink or vote, old enough to be executed

With the stay recently granted to Napoleon Beazley less than four hours before his execution in August, Amnesty International has called on the United States to step back and reflect upon the massive national and international condemnation of the planned killing of this juvenile offender.

“The USA must no longer ignore the fact that it is clinging to a shameful practice that beyond its borders has almost been eradicated throughout the world,” the organization has commented, noting that it is

Despite the fact that the McCarver case is now moot and will not proceed before the Supreme Court, the constitutionality of the execution of the mentally retarded will be considered by the Court in another case.

The Supreme Court has already selected the case of Daryl “James” Atkins, a Virginia man convicted of the 1996 murder of an airman. Atkins was just 18 at the time of the killing and the unchallenged evidence is that he has an IQ of 59.

In 1989 the Supreme Court ruled that the execution of the mentally retarded was not unconstitutional. However, it will now reconsider the issue in light of what are said to be the “evolving moral standards” of the US, as evidenced, in particular, by the abolition of such executions in 18 states (up from 2 in 1989).

Official statistics show that since 1976, 35 mentally retarded people have been executed in the US. Medical practitioners working with those with significant mental impairments report that they are habitually susceptible to adopting the suggestions made by others, and in their willingness to please are often likely to agree to a confession suggested to them. Anecdotal evidence abounds. Clive Stafford Smith easily got Howard Neal to agree that he assassinated John F. Kennedy – and yet when later asked to explain what “assassinated” means, Howard was lost for words.

### Pia Di Mattina

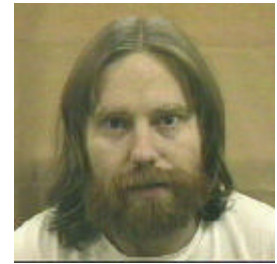
*Pia is Vice President of RepriveAustralia and works in Melbourne as General Manager of a multicultural communications agency.*

time for the US to recognise international law and global standards of decency.

There are around 80 prisoners on death row in the USA for crimes committed when they were 16 or 17. In August:

Texas set 22 October as the execution date for another juvenile offender, Gerald Mitchell, for a murder committed when he was 17 years old. He is one of 31 juvenile offenders on death row in Texas alone;

*(Continued on page 8)*



Ernest McCarver

Now has the chance to avoid execution under North Carolina’s new legislation. His life hangs on whether he has an IQ of 70 or below.

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Officially, 35  
offenders with  
‘mental retardation’  
have been executed  
in the United States  
since 1976

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*“If he lived in China, or Yemen, or Kyrgyzstan, or Kenya, or Russia, or Indonesia, or Japan, or Cuba, or Singapore, or Guatemala, or Cameroon, or Syria, or almost any other of the diminishing number of countries that retain the death penalty, Napoleon Beazley would not be confronting this fate.”*

Amnesty International  
June 2001

## An intern's experience: from Qld to La.

While I am only 27 years of age and might still have many more memorable experiences to come, one of the most rewarding things I've ever done in my life was to go to New Orleans and work at the Louisiana Crisis Assistance Centre as a volunteer legal aid. The experience was awesome and memorable for many reasons. Not only was I working with a team that I only ever dreamed of working with, but because the experience broadened my mind more than I ever expected it would.

Going to New Orleans had been a dream of mine since I was 15 years old. I'd happened to catch a documentary on the ABC about a young black man on death row who had been wrongly accused of raping and murdering a woman. The evidence in his favour was overwhelming, but the system he had to fight against was bigoted, political, racist and much bigger than he was. He was executed.

I still had very clearly in mind the Barlow and Chambers execution – as unjust as I thought their execution was I explained their murders away with 'well, they knew the law'. But in this case, this was an innocent man and he was murdered by a system that had 'found its man' and come hell or high water it (the system) wouldn't admit it was wrong, no matter what. The lawyer who advocated the young man's innocence was Clive Stafford Smith. I never did catch his name during the documentary, but I really admired his work, his passion and his conviction.

By coincidence, possibly two weeks later, 60 Minutes had a segment about Clive. I thought 'Hey, that's the guy from the documentary', and sat glued to the screen. The next day I telephoned the network to find out Clive's address. I only wrote a short letter just to say that I really admired the work he did and that he was a very admirable person to stand up against a system that was so unjust. To my absolute amazement, and I mean I was stunned, he replied to my letter. I was stoked. He telephoned me later to let me know that he was coming to Australia to visit his sister in Townsville, which is only an hour south of my hometown, Ingham, and that he would like to meet me if possible. Naturally I jumped at the opportunity and was thrilled. I spent the afternoon quizzing him about his thoughts and the work he did and was told that when I finished my studies at law school I could go over to New Orleans to work at the Crisis Centre.

Just before my final exams at high school I received an

oddly addressed letter. The return address was from an inmate on death row! His name was Troy Dugar and he was one of the young men Clive had spoken about at our meeting. I wrote to Troy for about four years. During that time, Troy also passed my address on to one of his friends, William Williams. As strange as it might seem, I actually developed a close friendship with each of them, particularly William. Their lives and backgrounds were vastly different, but their predicament the same. I think my friends thought I was quite strange writing to people on death row, but Troy and William taught me a lot and opened my naive and sheltered world to the real world – and the real world is hard and unjust to those who are part of a minority or without wealth, and having to battle a system that is political beyond the wildest imagination.

In 1990 I commenced my degree in Arts/Law and graduated in the April of 1995. I then kept Clive to his word, and two days after graduating I was on a plane to New Orleans.

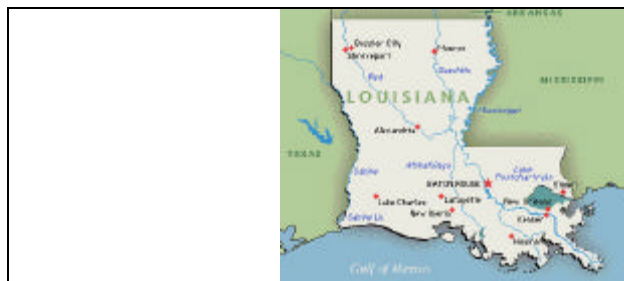
I learnt an awful lot about people, life and politics while I worked at the Crisis Centre. But perhaps the most memorable thing reinforced to me was that it really does not matter whether a person stands guilty of the crime of which they are accused or not. At the end of the day, the system is wrong and barbaric and will never serve justice. It is a system that is driven by fiery emotion and short-term outcomes. It does not deter crime and never will because it does not do anything to address why crime is committed. Whilst I was at the Crisis Centre I interviewed people on death row who were retarded, who were abused beyond the wildest

imagination and some who were just in the wrong place at the wrong time and in the middle of a District Attorney's election.

To anyone who has an opportunity to write to someone on death row or to go over to the Crisis Centre (or a similar organisation), you should embrace it. You will learn a lot about life, people and yourself. It will challenge you and it will broaden your mind.

### Tania Russo

Tania is a member of RepriveAustralia currently working as a solicitor in Queensland.



Going to New Orleans had been a dream of mine since I was 15 years old.



## Howard Neal—Legal Analysis Habeas Corpus & ineffectiveness of counsel

Howard Neal has been on death row since 1982.

Lawyers representing Howard have continued to protest his innocence, the only real evidence in the case being a disputed confession to police, made after days of interrogation. Howard has an IQ of 54.

This year the legal battle to save Howard's life has concentrated on the imposition of the death penalty.

On 18 January 2001 the United States federal Court of Appeals (5<sup>th</sup> Circuit) determined that the lawyer representing Howard at the original hearing was negligent and that had he done a proper job Howard would probably not have received the death penalty. Nevertheless, in what is a major step backwards for American jurisprudence, the Court ruled that as a result of the 1996 *AntiTerrorism and Effective Death Penalty Act* (AEDPA), the Court could not intervene. (*Neal v Puckett* (2001) 239 F.3d 683)

It held that although the state court had been wrong in its application of the law, it was not "sufficiently wrong" to merit relief.

Howard was convicted and sentenced to death in 1982 and unsuccessfully appealed his conviction and sentence. Subsequently his lawyers sought *habeas corpus* relief for Howard in the Mississippi Supreme Court, a state court, on the basis that his counsel had been ineffective during the penalty phase of his trial. (The penalty phase is the sentencing hearing conducted before the jury to determine whether the death penalty should be imposed). This application was dismissed in 1996.

Howard's lawyers then filed for habeas corpus relief in the federal court system, initially before a single judge of the United States District Court. Federal courts may grant relief even where a State court has refused the same type of relief – their intervention is principally directed to ensuring that the Constitutional guarantee of due process has been afforded in the State judicial system.

Since 1996 the review power of the US District Court has been governed by the AEDPA which limits the nature of the review in a case of this sort. In short, to grant relief the Court must be satisfied that the State

court's adjudication of the claim *"resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States"*.

In Howard's case the single judge refused relief and the matter was appealed to the US Court of Appeals (5<sup>th</sup> Circuit) . The majority of that Court dismissed Howard's appeal notwithstanding that it formed the view that Howard's counsel had been ineffective and that there was at least *"a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different."*

The proceeding turned on the failure of Howard's counsel to conduct a "reasonably substantial, independent investigation" into potential mitigating circumstances. Particularly, evidence of Howard's intellectual disability and his appalling personal history were not provided at the penalty phase. The Court of Appeals concluded that *"[b]ecause of the extent to which these available materials could reasonably have been expected to augment Neal's case, we conclude that his trial counsel was deficient in failing to investigate, gather, and consider it for purposes of presentation at Neal's sentencing hearing."*

The Court described the additional material as "easily available" and went on to say that there was a reasonable probability that if the jury had received it the death penalty would not have been imposed.

The Court then had to consider whether the Mississippi Supreme Court's failure to reach this conclusion represented an unreasonable application of Federal Law. This gave rise to a debate in the Court about the way in which this test is to be satisfied.

On the one hand, one may look objectively at the ultimate decision of the Supreme Court and determine whether that decision represented an unreasonable application of the law by asking whether it was minimally consistent with the facts of the case or not.

On the other hand, one may examine the manner in which the Supreme Court applied the Federal law to determine, amongst other things, whether it had provided "a responsible, thoughtful answer reached after a full opportunity to litigate." This involves an

The US Federal Court summarised the prosecution case as follows:

"In January 1981, Neal drove to the home of his half-brother, Bobby Neal, against whom he may have had a longstanding resentment. Bobby, Bobby's thirteen-year-old daughter, Amanda Joy, and her friend, Melanie Sue Polk, were together in the house. The three left with Neal in Neal's car, perhaps by force (but this is uncertain). During the drive, while they were on a logging road, Neal, according to his confession, began fondling Amanda Joy. Bobby told Neal to stop, and an argument ensued. Neal stopped the car, and he and Bobby got out and walked some distance away. At that point, Neal shot Bobby, killing him. Neal then returned to the car and drove to another deserted area with the two girls. He pulled a blanket from his car and proceeded to rape Amanda Joy. He then raped Melanie Sue and shot both girls.

After the bodies were found, the pathologist's examination of Amanda Joy revealed bruises and lacerations about her face, head, and left wrist, and evidence of manual strangulation, in addition to the bullet hole in her abdomen. The pathologist concluded that Amanda Joy could have survived between five and thirty minutes given her wound."

Howard was sentenced to death for the killing of his niece and received life imprisonment in a separate trial for the killing of Bobby Neal. He was not tried for the murder of Melanie Sue Polk.

## Howard Neal—Legal analysis (cont.)

assessment of the quality of the state court's analysis.

This distinction is critical in Howard's case. In rejecting the application for relief on the basis of ineffectiveness of counsel, the Mississippi Supreme Court ruled that the additional evidence that competent counsel might have called was "substantially redundant and cumulative."

The US Appeals Court summarised the evidence at the penalty phase as having presented the following picture:

a man with an IQ of 54, with the mental ability of an eight year old, with conceptual deficiencies, with sexual identity problems, who, because of his mental deficiencies was less able to control himself and his impulses, including provocation, who had been denied any semblance of a home life and virtually rejected by his mother who had placed him in state institutions for the retarded and mentally ill, where he grew up and spent eight years of his youth.

However, it noted that while the mitigating evidence presented at the penalty phase touched on many relevant points, it was presented to the jury in an abbreviated form with no elaboration.

The Court described the new witness statements as making "disturbing reading" and said they augmented the plea on Howard's behalf in at least five ways:

First, they present additional details about Neal's childhood, including the terrible living conditions with an alcoholic and abusive father;  
Second, they provide a description of the bleak, depressing, and hopeless life at the mental institutions;  
Third, the affidavits describe Neal's abuse and mistreatment in prison and his general helplessness there;  
Fourth, they support the originally limited testimony as to the level of Neal's retardation and his inability to control much of his behaviour;  
Fifth, they humanize Neal by demonstrating that there were people along the way who saw some worth in him and befriended him.

The majority ruled that the Mississippi Supreme Court was wrong in finding that the evidence was substantially redundant and cumulative and wrong in finding that there was no reasonable probability of it having

made a difference to the outcome in the case.

In describing the reasoning of the Mississippi Supreme Court the majority observed that "the court did not adequately evaluate and weigh the substantial evidence" and may have reached a different conclusion if a more thorough method of reasoning had been applied.

Unfortunately, the Court went on to hold that the test is confined to whether the ultimate decision was unreasonable and that this test does not involve an assessment of the quality of reasoning of the state court.

On this basis the US Court of Appeals held that while the Mississippi State Supreme Court had not adequately weighed and evaluated the evidence and while it had erred in deciding that the further evidence would not have made a difference, because the state court's view was minimally consistent with the facts the petition for relief had to be dismissed.

The result of this is the following:

The Mississippi Supreme Court failed to adequately consider the merits of Howard's claim and came to the wrong conclusion determining, as a result, that his petition should be dismissed and he should be executed.

The US Court of Appeals did adequately consider the merits of Howard's claim and would have allowed his petition but because there was a contrary view that was minimally consistent with the facts, concluded that Howard's petition should be dismissed and he should be executed.

In an unexpected turn of events, the US Court of Appeals (5<sup>th</sup> Circuit) has asked for a rehearing *en banc*, that is, before a bench of all 14 judges of that Court. The purpose of that hearing is to determine whether the panel of the US Court of Appeals that dismissed Howard's case applied the correct standard of review by limiting its consideration to whether the state Supreme Court's decision was 'minimally consistent' with the facts of the case.

There will be no oral submissions. Written submissions are due in by 4 October.

### Richard Bourke

Richard is the Secretary of ReprieveAustralia and practices as a criminal barrister.



Howard Neal

A severely abused man with the mental ability of an 8 year old. HE faces death in Mississippi even though the US Court of Appeal found he was denied the effective assistance of counsel at trial.

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*"a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different."*



A drawing by Howard Neal



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OUR WEBSITE IS UNDER CONSTRUCTION. MEANWHILE, PLEASE VISIT WWW.REPRIVE.ORG.UK

RepriveAustralia was founded in Melbourne in April 2001 by a group of Melbourne lawyers with the intention of assisting in the provision of effective legal representation and humanitarian assistance to impoverished people facing the death penalty at the hands of the state.

It is a sister organisation of Reprive (UK), a UK based international human rights charity which was launched in December 1999 by Clive Stafford Smith OBE. Reprive (UK) has assisted numerous volunteers to attend the southern United States to work on death penalty cases.

RepriveAustralia's primary objective is to provide effective legal representation to impoverished people facing the death penalty at the hands of the state, by assisting a body of volunteers from Australia to travel overseas to work on death penalty cases and issues.

Born in the USA: too young to drink or vote, old enough to be executed

(Continued from page 4)

a Georgia jury found Marcus Moore guilty of murder and a jury in North Carolina convicted Antwoun Sims of murder; both were just 17 at the time of the crimes. Amnesty International has appealed to the prosecutors to drop their pursuit of the death penalty for these juvenile offenders.

The USA leads a tiny group of countries which have executed child offenders in the past decade.

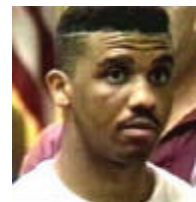
Earlier this year, one of those, the Democratic

Republic of Congo, commuted the death sentences of five children. Even China, the state which executes by far the greatest number of prisoners every year, abolished the death penalty for under-18-year-olds in 1997.

If virtually the rest of the world can do it, why not the United States? What is it about the leader of the free world that condones such treatment of its own, underage, citizens?

(For more detail see www.amnesty.org)

Pia Di Mattina



Napoleon Beazley

Born 5 August 1976. Sentenced to death for the 1994 carjacking murder of the father of a federal appellate judge, an offence committed when he was only 17 years old.

The following table appears as Appendix 5 to Amnesty International's report: Too young to vote, old enough to be executed: Texas set to kill another child offender.

Appendix 5: Reported executions of child offenders world wide, 1991-2001

Table with 4 columns: Country, Name of prisoner, Age at crime (C), sentence (S), or execution (E), Date of Execution. Rows include Dem. Rep. Congo, Iran, Nigeria, Pakistan, Saudi Arabia, USA, and Yemen.