

**IHF FOCUS: arbitrary detention; torture, ill-treatment and cruel punishments; incarceration and prison conditions; right to life (death penalty); HIV/AIDS; hurricane Katrina; immigration.**

The United States (US) government has been frequently condemned for violating basic human rights in the fight against terrorism. Since 2001, the Bush administration has authorized interrogation techniques widely considered torture, including by its own Department of State in its annual human rights reports. It has held an unknown number of detainees as “ghosts” beyond the reach of all monitors, including the International Committee of the Red Cross (ICRC).

In addition to human rights violations related to the US counter-terrorism practices, other pressing human rights concerns in the United States include prison conditions well below international standards, continued use of the death penalty, racial disparities (brought to public consciousness in 2005 by Hurricane Katrina and its aftermath), and increasingly restrictive asylum and other immigration policies.

The United States submitted two human rights reports in 2005, one to the UN Committee against Torture (CAT) on its compliance with the Convention against Torture and one (eight years overdue) to the Human Rights Committee on its compliance with the International Covenant on Civil and Political Rights (ICCPR). Unfortunately, the reports are little more than a compendium of laws and selected federal legal proceedings. The Bush administration said little in either report about its counter-terrorism detention and interrogation policies or about other US actions - whether by federal, state, or local authorities - inconsistent with US treaty obligations.

### **Arbitrary Detention**

#### ***Guantánamo Bay and Military Commissions***

Approximately 505 men remained in long-term indefinite detention at Guantá-

namo Bay, Cuba. The United States continued to assert authority to hold “enemy combatants” without charges and without regard to the laws of armed conflict as long as the war on terror continues.

In March 2005, the Pentagon completed a one-time administrative review of each detainee at Guantánamo to determine whether he should be considered an “enemy combatant.” The detainees were presumed to be enemy combatants; were denied the assistance of counsel; were not able to bring in outside witnesses; and were not able to see all of the evidence against them. All but thirty-eight of the detainees were deemed enemy combatants (most of the thirty-eight were believed to be Uighurs from China). The Pentagon was also conducting annual reviews to determine if an enemy combatant was no longer a threat or useful for intelligence-gathering purposes and could be released. Neither US domestic law nor international laws of war authorize such grounds for indefinite detention.

A total of nine detainees had been charged with crimes by the end of 2005, including a Canadian citizen who was fifteen years old at the time of his arrest in Afghanistan. These detainees would be tried by military commissions, but commission proceedings were halted until the US Supreme Court would rule on their legality. The court’s ruling is not expected until mid 2006.

◆ Canadian citizen Omar Ahmed Khadr was detained in Afghanistan by US forces in July 2002 when he was fifteen years old. In approximately the late fall of 2002, Khadr was taken from Bagram, Afghanistan, and flown to Guantánamo Bay. The Pentagon refused to recognize his juvenile status when he was captured and during his

\* According to the Human Rights Watch (HRW) internal division of country responsibilities, the Europe and Central Asia Division of HRW, which is affiliated with the IHF, does not monitor human rights developments in the United States. As a result of this, in relation to human rights developments in the United States, the IHF relies upon the research results of the United States Division of HRW. Unless otherwise stated, this report relies on *Human Rights Watch World Report 2006*. Republished by courtesy of Human Rights Watch.

detention. Khadr's lawyers claim that Khadr was tortured while he was held at Camp X-Ray in Guantánamo Bay.<sup>1</sup> On 1 September 2005, the *Globe and Mail* reported that Khadr participated in the 200-member hunger strike that occurred in late June and July. For 15 days, starting on 2 July, he took water but no food. During this time, he was taken to the hospital twice and given intravenous fluid.<sup>2</sup> Khadr was held at Guantánamo Bay for more than three years before being charged - charges against him were finalized in November 2005: he is charged with alleged killing of a US army medic in Afghanistan in July 2002 by throwing a hand grenade at him during combat with US forces. He is also accused of conspiracy, aiding the enemy, and an attempted murder.<sup>3</sup>

On 11 January 2006, Khadr had his first pre-trial military commission hearing. Khadr was represented by a military person with no trial experience. Khadr requested to have a Canadian lawyer on his legal team.<sup>4</sup> Additional pre-trial hearing was scheduled for the end of March 2006.<sup>5</sup> US military spokesperson, Air Force Maj. Jane Boomer, said Khadr would be tried as an adult, without consideration of his age at the time of the alleged crimes.<sup>6</sup>

Responding to a consistent critique of the commissions by human rights groups and others, the US Senate passed legislation - not yet approved by the full Congress at this writing - that would permit civilian appellate court review of military commission rulings. Following a 2004 US Supreme Court ruling that the Guantánamo detainees must have a meaningful opportunity to contest their detention before a neutral decision-maker, habeas corpus cases for some seventy-four detainees have been filed in US courts. In a frontal attack on the detainees' use of habeas proceedings, the Senate passed legislation in November 2005 to curtail their access to the courts to challenge indefinite detention or torture.

At least 131 detainees began a hunger strike in August 2005 to protest their indefinite confinement, pledging to starve themselves to death unless they were brought to trial or released. Two dozen have been kept alive by force-feeding.

In October, the United States responded to a three-year-old request by a team of independent United Nations experts to visit Guantánamo, but denied them the ability to meet privately with the detainees. The experts refused the invitation, because having access to detainees is a requirement for all their prison visits.

### *Al-Marri and Padilla*

For most of 2005, the United States continued to detain in a US navy brig two men whom President Bush has designated "enemy combatants" because of alleged links to al Qaeda. Both men were arrested in the United States and have been held for over three years, mostly in solitary confinement.

◆ On 22 November, one of the men, Jose Padilla, who is a US citizen, was indicted on criminal charges. The Bush administration decision to bring Padilla into the civilian criminal justice system means that the Supreme Court likely will no longer hear Padilla's challenge to an appellate court ruling that the president may subject American citizens to indefinite military detention without criminal charge or trial.

◆ The other suspect, Qatari student Ali Saleh Kahlah al-Marri, was denied a writ of habeas corpus by a federal court in 2005 on grounds that President Bush has the authority to detain as enemy combatants non-citizens residing in the United States. Lawyers for al-Marri have also filed suit against US Secretary of Defense Donald Rumsfeld, challenging the harsh conditions, including virtually complete isolation and denial of reading material, under which he initially was held.

### *Material Witnesses*

Another form of arbitrary detention used by the United States since September 11, 2001, is the indefinite jailing of suspects without charges under a federal “material witness” law. Although there were no known cases at this writing, the Department of Justice has used this law to detain at least seventy men living in the United States and suspected of links to terrorism. The law was created to allow prosecutors to detain important witnesses to a crime who might flee to avoid testifying in a criminal proceeding.

Many of those detained were held for two months or more, and almost half were never brought to testify before any court or grand jury. Few proved to have any information about, much less links to, terrorism. The US government has since apologized to thirteen for wrongly detaining them. It refuses to reveal how many material witnesses it has detained in connection with its post-September 11 efforts.

### **Torture, Ill-Treatment and Cruel Punishments**

#### *Torture Policy*

The Bush administration asserted that it did not use or condone torture. Its definition of torture, however, remained unclear. At the end of 2004, the Department of Justice issued a memorandum repudiating earlier policies that had permitted a broad range of brutal interrogation tactics by, among other legal sleights-of-hand, redefining torture to exclude all techniques that did not inflict pain “equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function or even death.” The department did not, however, reveal what its definition was a year later.

Authorized Central Intelligence Agency (CIA) interrogation techniques apparently included a notorious method the administration renamed “waterboarding” (when

practiced by Latin American dictatorships, it was called “the submarine”): forcefully submerging a suspect’s head in water or otherwise making him believe he is about to drown. The director of the CIA stated that waterboarding was a “professional interrogation technique.”

The Bush Administration asserted that US treaty obligations to refrain from cruel, inhuman and degrading (CID) treatment did not apply to the conduct of non-military US personnel interrogating non-US citizens outside of the United States.

Led by Vice President Cheney, the Bush administration strongly resisted efforts by Congress to strengthen the legal ban against torture. A measure proposed by Republican Senator John McCain to prohibit torture and other ill-treatment of detainees anywhere by the US military and the CIA was passed by overwhelming majorities in both Houses of Congress. After months of opposition, on 30 December, President Bush signed the 2006 Defense Appropriations Bill that included the McCain amendment. Unfortunately, the same Defense Appropriations Bill also contains an additional provision – the Graham-Levin Amendment – that limits the courts’ independent role in checking the legality of executive detention. As finally enacted, the amendment would also purportedly allow review boards to consider evidence obtained through coercion.<sup>7</sup>

#### *Detainee Abuse*

Reports of abuse of detainees in US custody in Afghanistan, Iraq, Guantánamo Bay, and at secret detention facilities continued to mount. Between 2002 and end of 2005, over three hundred specific cases of serious detainee abuse had surfaced. At least eighty-six detainees have died in US custody since 2002, and the US government has admitted that at least twenty-seven of these cases were criminal homicides.

The abuse did not end after Abu Ghraib became public: US military personnel revealed new cases of abuse in 2004 at forward-operating bases in Afghanistan and Iraq, where prisoners were kept temporarily. Detainees at the Guantánamo Bay detention center, scores of whom now have access to legal counsel, have made new allegations of prisoner mistreatment.

In September 2005, Human Rights Watch (HRW) released a report that provided firsthand accounts of torture and other mistreatment of detainees occurring almost daily at Forward Operating Base (FOB) Mercury in Iraq from September 2003 to April 2004.

◆ An officer and two non-commissioned officers of the US Army's 82<sup>nd</sup> Airborne Division who served at FOB Mercury told HRW that detainees were mistreated on the instruction of military intelligence personnel as part of the interrogation process or simply because some soldiers were seeking "stress relief." One of the interviewees said the commonly used methods included keeping arrestees in stress positions for up to two days, depriving them of food and water, giving blows to the head, chest, legs, and stomach, and making arrestees kneel on each other in a human pyramid, etc. He also noted that After Abu Ghraib things toned down but continued.<sup>8</sup>

At the end of 2005, the United States continued to hold incommunicado at least twenty-five - and possibly as many as one hundred - "ghost detainees" at secret detention facilities around the world, without any rights and without access to legal counsel or to the ICRC. New evidence emerged in 2005 suggesting that some "ghost" facilities may have operated at least through 2004 in Eastern Europe and in several Middle Eastern countries.

Additional evidence also emerged in 2005 about cases of "extraordinary rendition," in which the United States sent detainees to third countries for interrogation,

including countries with records of torture, such as Morocco, Jordan, and Egypt. Several current and former prisoners in Guantánamo claim they were taken to Jordan, Morocco, or Egypt for interrogation, and tortured, before being sent to Guantánamo.

◆ In early October 2001, Australian citizen Mamdouh Habib was arrested in Pakistan. Pakistan's interior minister later said that Habib was sent to Egypt on US orders and in US custody. Habib says that while imprisoned in Egypt for six months, he was suspended from hooks on the wall, rammed with an electric cattle prod, forced to stand tiptoe in a water-filled room, and threatened by a German Shepard dog. In 2002, Habib was transferred from Egypt to Bagram Air Force Base, and then to Guantánamo Bay. On 28 January 2005, Habib was sent home from Guantánamo to Sydney, Australia.<sup>9</sup>

Despite the unequivocal international prohibition on return of people to situations where there is a risk of torture, the Bush administration openly claimed the right to send counter-terrorism detainees to countries where there was such a risk so long as it obtained "diplomatic assurances" from the authorities in the country concerned that the detainee in question would not be tortured. A growing number of cases suggest that such "diplomatic" assurances are routinely violated.<sup>10</sup>

The Bush administration continued to do little to address government policies or actions that may have led to abuse of detainees, continued to deny that widespread abuse had occurred, and resisted calls for detention policy reforms.

Despite a number of investigations, the United States has not robustly prosecuted cases of alleged detainee abuse or homicide. In the majority of cases involving alleged abuse, military commanders have taken potential prosecutions before administrative hearing boards for non-judicial

punishments, such as “reprimands,” “admonishments,” rank reductions, and discharges, instead of bringing them for criminal prosecutions before courts martial.

At this writing, the military had prosecuted only about forty cases of abuse or prisoner mistreatment. Although a few severe sentences have been handed down, most prosecutions have resulted in relatively light sentences - confinement for less than one year. Virtually all of those prosecuted have been lower-ranking military personnel, not officers. With civilians implicated in prisoner abuse, the record is even worse: despite extensive evidence that CIA personnel and civilian contractors were involved in several homicides, the Department of Justice has not prosecuted a single agent in a federal court for abuse, except for one CIA contractor, who was charged with assault in connection with a homicide committed in Afghanistan in 2003.

### *Cruel or Inhuman Punishments*

While US child offenders no longer faced the death penalty (see Right to Life, below), they did face the possibility of life without parole sentences. There were at least 2,225 child offenders sentenced to spend the rest of their lives in prison in the United States, an estimated 59% of whom had received the sentence for their first criminal conviction.

◆ 15-year-old Peter A. was sentenced to life without parole for felony murder. Peter had joined two acquaintances of his older brother to commit a robbery. He was waiting outside in a van when one of the acquaintances murdered two people in the attempted robbery. Peter said was held accountable for the double murder because it was established during the trial that he had stolen the van used to drive to the victims' house.<sup>11</sup>

The United States was one of fourteen countries in the world known to permit life

without parole sentence for child offenders and research suggested that there were probably no more than twelve child offenders outside the United States serving life sentences without possibility of release. The Convention on the Rights of the Child, ratified by every country in the world except the United States and Somalia, forbids sentencing child offenders to life without parole.<sup>12</sup>

### **Incarceration and Prison Conditions**

The United States incarcerated people at a greater rate than any other country, 724 per one hundred thousand residents. Seven million people - or one in every thirty-one persons - were in prison in 2005, or on probation or parole. Black men between the ages of twenty-five and twenty-nine are seven times more likely than their white counterparts to be in prison or jail. More than six hundred thousand people annually leave prison, most of them to return to distressed minority neighborhoods, facing formidable barriers to successful reentry, including laws that limit their access to education, housing, and jobs.

Prison overcrowding coupled with budget cuts left prisoners without the programs and services they needed and without adequate correctional staff to maintain safety and security. Adult and juvenile inmates confronted sexual assaults and violence - by each other as well as by staff. With poor supervision and discipline, staff in many facilities was able to engage in excessive or malicious use of force with near impunity.

According to a report by the Federal Bureau of Justice Statistics, prison officials reported they had received 8,210 allegations of staff or inmate sexual violence in 2004<sup>13</sup>; one-third of those allegations were substantiated following investigations. The number of reported incidents was smaller than the actual number, because distrust of staff, fear of reprisal from perpetrators,

personal embarrassment, and a sense of futility kept many prisoners from reporting abuse to correctional authorities. The National Prison Rape Elimination Commission established by Congress held three hearings in 2005, receiving testimony of inmate and staff sexual violence from victims, officials, and advocates.

Across the country, medical and mental health care in prisons ranged from mediocre to inadequate. Correctional systems lacked adequate funds to hire and retain qualified personnel and failed to institute procedures to ensure proper treatment of inmates.

◆ In California, a federal judge placed the entire state prison healthcare system under a receivership after determining that the state killed one inmate per week through medical incompetence or neglect.

Poor mental health care also turned out to be fatal.

◆ For example, a paranoid schizophrenic jail inmate hanged himself in May 2005 after not having received any anti-psychotic or antidepressant medication for seven days.

## Right to Life

### *Death Penalty*

Thirty-nine US states, and also US federal government and US military allow the death penalty.<sup>14</sup>

Sixty prisoners were executed in the US in 2005. This figure brought the total of executed since the death penalty was re-instituted in 1976 to 1,004. The highest number of executions in 2005 - nineteen - was held in Texas.<sup>15</sup> As of 1 July 2005, 3,415 inmates were on death row in the US, including 54 women.<sup>16</sup>

On 1 March, the US Supreme Court passed a landmark decision in *Roper v. Simmons* case, ruling five to four that it is unconstitutional to execute a person for a crime committed when that person was

under the age of 18.<sup>17</sup> The court established that the death penalty was unconstitutionally cruel for people who committed crimes under the age of eighteen. The court cited “national consensus” against the practice, referred to international standards by saying that the United States “now stands alone in a world that has turned its face against the juvenile death penalty,” and recognized medical and social-science evidence that juveniles are too immature to be held accountable for their crimes to the same extent as adults.<sup>18</sup> The largest impact of this ruling will be felt in Texas, where 29 juvenile offenders were awaiting execution, and Alabama, where there were 14. No other state had more than five juvenile offenders on death roll.<sup>19</sup>

The danger of executing the innocent because of errors in the criminal justice system was high. In October, Death Penalty Information Center released a report, which revealed flagrant flaws in the jury system in capital cases. Often jurors’ personal views on capital punishment were used as a litmus test of their ability to serve as member of the jury; those who did not support death sentence were rejected, even though their beliefs were well within the mainstream of public opinion. Statistically, such juries contained fewer minorities, fewer women, fewer representatives of certain religious beliefs and more jurors prone to conviction. “[Jury selection in death penalty cases] creates an atmosphere in which jurors are likely to assume that their primary task is to determine the penalty for a presumptively guilty defendant,” said Justice John Paul Stevens.<sup>20</sup>

Moreover, in a fair amount of cases prosecutors withheld critical evidence and defense attorneys failed to investigate basic facts. Between 2000 and end of 2005, thirty-seven people were freed from death row after their convictions and death sentences were dismissed either by the prosecution, through an acquittal at a re-trial, or

by an absolute pardon based on innocence from the governor. In 23 (62%) of these cases, state misconduct played a significant role in the faulty original trials.<sup>21</sup>

In February, the Bush administration said it would comply with the 2004 ruling of the International Court of Justice (ICJ) that the United States should review and reconsider the cases of 51 Mexican citizens on death row because it had failed to give the Mexicans access to diplomatic officials after they were arrested. But in March, Secretary of State Condoleezza Rice sent a letter to the United Nations formally withdrawing from the Optional Protocol to the Vienna Convention that the United States had violated – a protocol under which the ICJ could hear disputes about consular rights in the Convention that the United States itself proposed in 1963 and ratified in the 1969.<sup>22</sup>

### HIV/AIDS

The California legislature introduced a bill permitting condom distribution in state prisons, which passed the Assembly but not the Senate. Prisons in Mississippi and Vermont, and jails in New York, Philadelphia, Washington, D.C., San Francisco, and Los Angeles took measures to ensure the health and human rights of inmates by permitting condom distribution.

California also made some progress on the provision of needle-exchange services to injection drug users at risk of HIV infection from the sharing of syringes. Los Angeles re-issued a directive ordering police officers not to interfere with the activity of sanctioned needle-exchange programs, and the California Assembly passed legislation that would make it easier for counties to legalize these programs.

### Hurricane Katrina

The Gulf Coast suffered the nation's worst natural disaster in August, when Hurricane Katrina killed over one thousand

people, displaced millions, and shut down public services for more than a month.

When the mayor of New Orleans called on residents to evacuate in anticipation of the storm, those with automobiles or financial resources left. Those who were too poor to leave stayed behind, most of them African American. The uneven suffering caused by the hurricane again revealed the economic and racial divide in the country.<sup>23</sup>

The thousands of people incarcerated in local jails were among those most at risk when the storm hit.

◆ Inmates locked in the New Orleans jail spent several days in flooded buildings without light, food, water, or sanitation facilities before they were evacuated. Four hundred of those inmates were taken to a former prison facility in Jena, Louisiana that was hastily reopened to receive them. Inmates at Jena alleged they were kicked, beaten, and taunted with racial and sexual slurs.

Hurricane Katrina also caused the collapse of the legal system, including the courts, in the affected areas. One consequence was that an unknown number of inmates, who should have been released in the days and weeks after the hurricane because their sentences had ended, remained incarcerated. Other inmates, who had been arrested before the storm for minor offenses, e.g., public intoxication, remained incarcerated because there were no courts to hear the charges against them and to sentence or release them.

### Asylum Seekers and Immigrants

A law passed in 2005 amended US asylum policy in ways that violated international legal standards.

Asylum seekers in the United States must now prove their persecutor's reasons for harming them, i.e., they must show what their persecutor was or would be thinking. Judges may now require asylum seekers to obtain corroborating evidence (which is often difficult to obtain) for their

claims. Any inconsistency between asylum seekers' statements is now a valid reason to withhold protection, even if the inaccuracy is not relevant to the claim. The legislation also severely restricts opportunities for non-citizens ordered removed to have their cases reviewed by a federal judge.

Anti-immigrant hostility, and especially hostility to undocumented immigrants, prompted two states, Virginia and Arizona, to require state and local officials to verify an individual's immigration status before providing certain non-emergency public benefits. In several southwestern states, vigilante groups were "patrolling" the borders for undocumented immigrants. Immigrants' rights groups believe vigilantes

may be responsible for four unsolved murders in the border region.

In late October, Congressional leaders announced their intentions to forge compromise guest-worker legislation in early 2006. It remained unclear whether the compromise would address the widespread human rights violations suffered by low-wage immigrant workers across the country. For example, immigrants in the meatpacking industry work in hazardous conditions without basic protections for their rights to a safe workplace, to medical care for workplace injuries, to organize labor unions, or to protection from exploitation and discrimination based on their vulnerable status as immigrants.

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## Endnotes

- <sup>1</sup> Human Rights First, "The Case of Omar Ahmed Khadr, Canada," at [www.humanrightsfirst.org/us\\_law/detainees/cases/khadr.htm](http://www.humanrightsfirst.org/us_law/detainees/cases/khadr.htm).
- <sup>2</sup> *Globe and Mail*, Colin Freeze, "Canadian teen in Guantanamo on hunger strike, lawyers say," 1 September 2005.
- <sup>3</sup> *The Ottawa Citizen*, "Khadr is our problem, too," 14 January 2006.
- <sup>4</sup> *The Globe and Mail*, "Of no help to Khadr," 13 January 2006.
- <sup>5</sup> *Toronto Star*, Michelle Shephard, "The other side of 'Gitmo,'" 14 January 2006.
- <sup>6</sup> American Forces Press Service, Kathleen T. Rhem, "Military Commissions Proceedings to Resume This Week at Guantanamo Bay," at [www.defenselink.mil/news/Jan2006/20060109\\_3878.html](http://www.defenselink.mil/news/Jan2006/20060109_3878.html).
- <sup>7</sup> Human Rights First, "Congress Puts Bush Administration on Notice to Stop Using Abusive Interrogation Methods; but Struggle Continues to Keep Torture Evidence out of Court," 30 December 2005, at [www.humanrightsfirst.org/us\\_law/etn/misc/tort\\_court.htm](http://www.humanrightsfirst.org/us_law/etn/misc/tort_court.htm).
- <sup>8</sup> Human Rights Watch, "Leadership Failure: Firsthand Accounts of Torture by the U.S. Army's 82<sup>nd</sup> Airborne Division," September 2005, at [http://hrw.org/reports/2005/us0905/2.htm#\\_Toc115161401](http://hrw.org/reports/2005/us0905/2.htm#_Toc115161401). See also IHF, open letter to US President George W. Bush on the ban of torture, 15 December 2005, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=4167](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4167).
- <sup>9</sup> Human Rights Watch, "Getting Away with Torture? Command Responsibility for the U.S. Abuse of Detainees," April 2005, at [www.hrw.org/reports/2005/us0405/6.htm#\\_Toc101408098](http://www.hrw.org/reports/2005/us0405/6.htm#_Toc101408098).
- <sup>10</sup> See, for example, the case of Mahar Arar, a Canadian-Syrian citizen who was transiting through John F. Kennedy airport on his way home to Canada when he was detained by US authorities, sent to Syria via Jordan, and allegedly tortured. In a similar manner, two Egyptians, Ahmed Agiza and Mohammed al-Zari, were handed by the Swedish authorities to US operatives at Bromma Airport in Stockholm in December 2001. The opera-



tives hooded, shackled, and drugged them, placed them aboard a US government-leased plane, and transported them to Egypt. There the two men were reportedly tortured, including in Cairo's notorious Tora prison. See IHF, *Human Right in the OSCE Region: Europe, Central Asia and North America, Reports 2004 and 2005* (sections on the US and Sweden). See also HRW, "Empty Promises: Diplomatic Assurances No Safeguard against Torture," April 2004, at [http://hrw.org/reports/2004/un0404/4.htm#\\_Toc69269462](http://hrw.org/reports/2004/un0404/4.htm#_Toc69269462) and HRW, *Getting Away with Torture? Command Responsibility for the U.S. Abuse of Detainees*, April 2005, at [www.hrw.org/reports/2005/us0405/6.htm#\\_Toc101408098](http://www.hrw.org/reports/2005/us0405/6.htm#_Toc101408098).

- <sup>11</sup> Human Rights Watch, "United States: Thousands of Children Sentenced to Life without Parole," 12 October 2005, at <http://hrw.org/english/docs/2005/10/12/usdom11835.htm>; Amnesty International and Human Rights Watch, "The Rest of Their Lives. Life without Parole for Child Offenders in the United States," October 2005, p.p. 11-13, at <http://hrw.org/reports/2005/us1005/TheRestofTheirLives.pdf>.
- <sup>12</sup> *Human Rights Watch World Report 2006*, January 2006, at [www.hrw.org/wr2k6/us/index.htm](http://www.hrw.org/wr2k6/us/index.htm).
- <sup>13</sup> The latest statistics available as of this writing.
- <sup>14</sup> The New York and Kansas death penalty statutes were declared unconstitutional in 2004. See Death Penalty Information Center, "State by State Information," at [www.deathpenaltyinfo.org/state/](http://www.deathpenaltyinfo.org/state/).
- <sup>15</sup> Death Penalty Information Center, "Facts About the Death Penalty," 20 January 2006, at [www.deathpenaltyinfo.org/FactSheet.pdf](http://www.deathpenaltyinfo.org/FactSheet.pdf).
- <sup>16</sup> Criminal Justice Project of the NAACP Legal Defense and Educational Fund, Inc, *Death Row USA, Summer 2005*, at [www.naacpldf.org/content/pdf/pubs/drusa/DRUSA\\_Summer\\_2005.pdf](http://www.naacpldf.org/content/pdf/pubs/drusa/DRUSA_Summer_2005.pdf).
- <sup>17</sup> Before passing this decision, USA was among only five other countries in the world: China, Democratic Republic of Congo, Iran, Nigeria and Saudi Arabia, who executed juvenile offenders. Four out of six juvenile executions since 2002 were in the USA. See Human Rights Watch, "U.S.: Supreme Court Ends Child Executions," 1 March 2005, at <http://hrw.org/english/docs/2005/03/01/usdom10231.htm>.
- <sup>18</sup> *Supreme Court of the United States Syllabus, Roper, Superintendent, Potosi Correctional Center v. Simmons*, at <http://a257.g.akamaitech.net/7/257/2422/01mar20051115/www.supremecourtus.gov/opinions/04pdf/03-633.pdf>.
- <sup>19</sup> *The Washington Post*. Charles Lane, "5-4 Supreme Court Abolishes Juvenile Executions," 2 March 2005.
- <sup>20</sup> Death Penalty Information Center, Richard C. Dieter, "Blind Justice: Juries Deciding Life and Death With Only Half the Truth," October 2005, p.iii, at [www.deathpenaltyinfo.org/BlindJusticeReport.pdf](http://www.deathpenaltyinfo.org/BlindJusticeReport.pdf).
- <sup>21</sup> *Ibid*, page 25.
- <sup>22</sup> *Human Rights Watch World Report 2006*, January 2006, at [www.hrw.org/wr2k6/us/index.htm](http://www.hrw.org/wr2k6/us/index.htm).
- <sup>23</sup> See also IHF, *OSCE Human Dimension Implementation Meeting in Warsaw, 19-30 September 2005 - Interventions and Recommendations by the International Helsinki Federation for Human Rights (IHF)*, p. 14, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=4128](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4128).