

September 18, 2007

Honorable Kathleen Babineaux Blanco
Governor of the State of Louisiana
Office of the Governor
PO Box 94004
Baton Rouge, LA 70804-9004
[cc: District Attorney, U.S. Attorney and School Superintendent]

Dear Governor Kathleen Babineaux Blanco,

As human rights organizations working in the United States and around the world, we applaud the actions of Louisiana's Third Circuit Court of Appeals last Friday which vacated the conviction of Mychal Bell, although we are troubled that the District Attorney announced his intention to appeal the ruling. We also remain deeply concerned about reports surrounding the recent events in Jena, Louisiana. Specifically, we are concerned about reports that:

- (i) school officials at Jena High School learned of racist and threatening gestures on the school's premises and failed to address them in a manner that promoted racial understanding and reconciliation;
- (ii) law enforcement interacted with students throughout the course of events in a threatening and degrading manner;
- (iii) the six African American youth allegedly involved in the school fight were inappropriately referred to the adult criminal justice system and subjected to excessive charges; and
- (iv) there were irregularities throughout Mychal Bell's criminal prosecution, including bias in the jury selection process.

We urge you to ensure that the appropriate state agencies, including the State Attorney General's office and the Board of Education, review and respond to these concerns.

It is our strong belief that steps should be taken to address the degrading school climate and racial tensions that gave rise to the fight for which the students were charged. The fight came after a series of incidents that began when an African American student challenged the *de facto* segregation of his school's grounds by asking permission to sit under the "white tree" on campus. The next day three nooses hung from the tree. The Superintendent classified this disturbing act as a "prank." School officials have a duty to maintain an environment where racist and other degrading behaviors are not tolerated. The International Convention on the Elimination of All Forms of Racial Discrimination, a treaty to which the United States became a party in 1994, states that governments must "condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races."¹ Article 7 states that governments should "undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination." For example, school staff should be trained to help students openly discuss and work together to overcome bias. For these reasons, ***we call on you as Governor to make a statement condemning the hanging of the nooses and to encourage concrete actions on the part of the school to promote racial understanding and eliminate bias.***

¹ International Convention on the Elimination of All Forms of Racial Discrimination, Article 2.

Moreover, these children, aged 15 to 17, were charged with crimes for a school fight in which no weapons were used and no serious injuries resulted. We understand that consequences must be imposed for their actions. However, international human rights laws binding on the federal government and the state of Louisiana recognize that children should not be tried as adults or subjected to excessive punishments that fail to focus on their rehabilitation. The International Covenant on Civil and Political Rights (ICCPR), to which the United States became a party in 1992, specifically acknowledges the need for special treatment of children in the criminal justice system and emphasizes the importance of their rehabilitation. Article 10(3) requires the provision of treatment to juveniles appropriate to their age and legal status. Article 14(4), which was co-sponsored by the United States, mandates that criminal procedures for children charged with crimes “take account of the age and the desirability of promoting their rehabilitation.” Moreover, Article 37 of the Convention on the Rights of the Child states that “The arrest, detention or imprisonment of a child ... shall be used only as a measure of last resort and for the shortest appropriate period of time.”

Human rights law requires governments to respond to the offenses children commit by including positive measures and education rather than focusing exclusively on punishment. Schools should be a place where children receive consequences for their actions that constructively address misbehavior without denying them access to education. Instead, Mychal Bell remains in jail after nine months of criminal proceedings. It is vitally important that you ensure steps are taken to address this hostile environment as well as the criminal proceedings brought against the six African American youth in Jena.

Sincerely,

Amnesty International USA

Center for Constitutional Rights

Global Rights, Margaret Huang, Director, U.S. Program

Human Rights Watch, Alison Parker, Deputy Director, U.S. Program

National Economic and Social Rights Initiative, Catherine Albisa, Executive Director

United Methodist Church, General Board of Church and Society

U.S. Human Rights Network, Ajamu Baraka, Executive Director

Zonke Majodina, Deputy Chairperson of the South African Human Rights Commission
(for identification purposes only)

Advocates for Environmental Human Rights, Louisiana, Nathalie Walker and
Monique Harden, Co-Directors and Attorneys

Center for Community Alternatives, Marsha Weissman, Executive Director

Friends and Families of Louisiana’s Incarcerated Children, Damekia Morgan

Friends of Justice, Alan Bean, Executive Director

Human Rights Advocates, Julianne Traylor, President of the Board of Directors

Human Rights Project of the Urban Justice Center, Ejim Dike, Director

Institute of Human Rights at Emory University, Dabney Evans, Director

Institute for Justice & Democracy in Haiti, Brian Concannon, Director

International Human Rights Internship Program, Ann Blyberg
Justice Now, Human Rights Director, Robin Levi, Esq.
Labor, Health and Human Rights Development Centre, Nigeria
Labor/Community Strategy Center, Eric Mann, Executive Director and
Bus Riders Union, Los Angeles, Manuel Criollo, Lead Organizer
Lawyers' Committee for Civil Rights Under Law, Callie Kozlak, Education Project
Lawyers for Democracy, Spain, Joaquín Mejía
Left Turn New Orleans, Jordan Flaherty
Louisiana National Association for the Advancement of Colored People (NAACP),
Dr. Ernest Johnson, President
National Juvenile Defender Center, Patricia Puritz, Executive Director
Penal Reform International, Washington Office, Jenni Gainsborough, Director
United Church of Christ
Women's International League for Peace & Freedom
Joél Arvizo, Partnership Manager, Youth Education & Success, University Neighborhood
Partners, University of Utah
Lisa A. Crooms and Cheryl Nichols, Professors, Howard University School of Law
Connie de la Vega , Professor of Law and Academic Director of International Programs,
University of San Francisco School of Law (for identification purposes only)
Cynthia Soohoo, Director Bringing Human Rights Home, Human Rights Institute,
Columbia Law School (for identification purposes only)