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EXTREME CRIMINAL SENTENCES: VIOLATIONS OF INTERNATIONAL STANDARDS

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I. INTRODUCTION

Extreme sentencing practices contravene the International Covenant on Civil and Political Rights (ICCPR) by imposing sentencing schemes that are retributive rather than reformative.¹ Such practices include facial and de facto life without parole, which “by their very definition, discount the possibility of rehabilitation.”² Inmates sentenced to life without parole are viewed as “irredeemable, or incapable of rehabilitation” and are treated as such.³ They are denied or restricted access to education, training and other rehabilitative programs and services,⁴ amounting to what some have characterized as a “civil death.”⁵ This is in clear violation of the ICCPR, which states that “[t]he penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.”⁶

Many states that are a party to the ICCPR either allow life without parole or are silent on the manner, despite this being a breach of their duties under the treaty. There are 38 countries in the world with known life without parole statutes on the books (representing 20% of the countries of the world), while a mere 43 legally outlaw the practice.⁷ The domestic lawfulness of sentencing practices does not relieve an offending

¹ ICCPR, Art.10(3)

² Connie de la Vega, Amanda Solter, Soo-Ryun Kwon, Dana Isaac, *CRUEL AND UNUSUAL: U. S. SENTENCING PRACTICES IN A GLOBAL CONTEXT*, 15, USF School of Law Center for Law and Global Justice, (2012) [hereinafter *CRUEL AND UNUSUAL*].

³ *Id.*

⁴ *Id.*; *U.S.: Harsh Conditions for Young Lifers*, HUMAN RIGHTS WATCH (January 3, 2012), available at www.hrw.org/news/2012/01/02/us-harsh-conditions-young-lifers; Dirk van Zyl Smit, *Outlawing Irreducible Life Sentences: Europe on the Brink?*, 23 Fed.Sent. R. 39, 44 (2010) (stating that while Dutch law views sentencing’s objective to be helping inmates return to society, “offenders who are sentenced to life imprisonment are not offered programs that will enable them to fulfill this objective because it is assumed that they will not be released.”)

⁵ *CRUEL AND UNUSUAL*, supra note 3 at 19.

⁶ *Id.*

⁷ *Id.* at 25.

state from breaching of the treaty, however.⁸ Under this definition, which is “interpreted . . . broadly to include elements of inappropriateness, injustice, lack of predictability and due process of the law” a sentence may be “arbitrary” even if it is not against the laws of the state wherein it is handed down.⁹

Such practices include both life without the possibility of parole (LWOP) and de facto LWOP, wherein offenders are not sentenced to life without the possibility of parole but the sentence effectively operates as such. Consecutive sentences and recidivism statutes may result in a sentence of life without the possibility of parole, even though on their face they do not look like LWOP. The Working Group on Arbitrary Detention states that detention is not arbitrary only when “both the requirement that a particular form of deprivation of liberty is taken in accordance with the applicable law and procedure and that it is proportional to the aim sought, reasonable and necessary.”¹⁰

The dangers of extreme sentencing are especially apparent when applied to juveniles. Juveniles have been recognized to be less culpable than adult offenders and more receptive to rehabilitation.¹¹ The ICCPR states that “[j]uvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.”¹² In countries where juveniles may be transferred to adult courts or where the minimum age of criminal responsibility is very low, children as young as infants could theoretically be sentenced to serve their life behind bars. Moreover, young people sentenced to LWOP spend a disproportionate amount of their life behind bars, as

⁸ Working Group on Arbitrary Detention, *Report to the General Assembly*, 61, A/HRC/22/44 (2012).

⁹ CRUEL AND UNUSUAL, *supra* note 3 at 19.

¹⁰ Working Group on Arbitrary Detention, *Report to the General Assembly*, 61, A/HRC/22/44 (2012).

¹¹ *Roper v. Simmons*, 543 U.S. 551, 570 (2005).

¹² ICCPR, *supra* note 1.

compared to average adult offenders.¹³ The problems inherent in extreme sentencing are further compounded by a rise in prison privatization, which incentivizes sentencing offenders to lengthy terms to derive the greatest profit.

Recent case law reiterates the fact that international attention and pressure has a positive effect on domestic law. The Supreme Court of the United States is a prime example of this. In the 2005 case of *Roper v. Simmons* the United States outlawed the death penalty for juveniles.¹⁴ The majority decision stated that while the international consensus against the death penalty was not controlling, it provided “respected and significant confirmation” for the Court’s decision.¹⁵ Later, in *Graham v. Florida*, the Supreme Court noted that the international legal norm against juvenile life without parole for non-homicide crimes was relevant to determining that such practices were unconstitutional.¹⁶ Both practices have been addressed by Council resolution.

Because the Council’s proscriptions on various sentencing schemes have been so influential in the past, this report encourages the United Nations to continue highlighting the injustices caused by such sentencing. Specifically, Human Rights Associates urges the Council to continue their focus on LWOP while also looking into all extreme sentencing practices, including de facto LWOP, and especially in the context of juvenile offenders. This report focuses on extreme sentencing practices in the United States as an example of an especially punitive system; the United States is not the only country, however, with such laws or practices that violate international law.

¹³ CRUEL AND UNUSUAL, *supra* note 3 at 49.

¹⁴ *Roper*, 543 U.S. 551, 578 (2005)

¹⁵ *Id.*

¹⁶ *Graham v. Florida*, 130 S.Ct. 2034 (2010).

II. EXTREME SENTENCING PRACTICES

For the purposes of this report, extreme sentencing practices are defined as those that mimic or effectively operate as life without parole.¹⁷ This definition is in-line with the language and obligations of the ICCPR as well as international customary law. Sentences that essentially deny offenders of any opportunity for review or hope of rehabilitation run counter to the ICCPR's goals of reformation and social rehabilitation in the prison system.¹⁸

A. Life Without Parole

LWOP sentences are distinct from life sentences. While the former ensures at the time of sentencing that the convicted person will unconditionally spend their life behind bars, the latter allows for the possibility of rehabilitation and relief to be determined at some later time.¹⁹ LWOP thus functions very similarly to the death penalty, by removing from the outset any chance for rehabilitation or reform.²⁰ Like the death row prisoner, a prisoner sentenced to LWOP will never have an opportunity to see the world outside prison walls.

Use of LWOP is barred by treaties, international criminal tribunals and other instruments of international law. While the ICCPR does not address LWOP directly, frequent LWOP sentencing runs contrary to its mandate that “[t]he penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation

¹⁷ The information and statistics in this report are based on statutes and not necessarily the laws in practice. Actual practices within the States may constitute violations.

¹⁸ ICCPR, *supra* note 1.

¹⁹ Marc Mauer, Ryan S. King, & Malcolm C. Young, The Sentencing Project, THE MEANING OF LIFE, 4 (2004).

²⁰ Robert Johnson, Life Without Parole, America's Other Death Penalty, THE PRISON JOURNAL, Vol. 88, No. 2 (June 2008) which documents the effects of LWOP on prisoner's mental health due to isolation, loneliness, hopelessness and lack of control.

and social rehabilitation.”²¹ Under the International Criminal Court, life sentences are reviewable after 25 years²² and at the Extraordinary Chambers in the Courts of Cambodia they are reviewable after 20.²³ Overall, European states have made active efforts to reject the use of LWOP sentences and require that offenders serving life be given meaningful opportunities for review and rehabilitation.²⁴

In the United States LWOP is not only legal, but the statutes of 27 states mandate a sentence of LWOP for at least one specified offense.²⁵ Besides the United States, 37 countries statutorily allow life without parole.²⁶ Of these countries, the majority of them allow LWOP in only certain limited conditions, such as for extremely violent crimes or after repeated violent offenses.²⁷ The statutes of most countries neither allow nor prohibit LWOP. Of those countries that do allow LWOP, the number of prisoners actually serving LWOP sentences is very low.²⁸ Finally, the constitutions of 10 countries prohibit life-long sentences.²⁹

B. De Facto Life Without Parole Sentences

In addition to LWOP sentences, numerous prisoners face the equivalent of life without parole without ever actually being sentenced to LWOP. By virtue of consecutive sentences or recidivist and habitual offender statutes, individuals throughout the world are serving de facto LWOP sentences.

²¹ ICCPR, *supra* note 1.

²² Rome Statute of the International Criminal Court, art. 110(3), 17 July 1998, A/CONF. 183/9.

²³ Cambodia Penal Code, art. 513.

²⁴ CRUEL AND UNUSUAL, *supra* note 3 at 24.

²⁵ Ashley Nellis & Ryan S. King, , The Sentencing Project, NO EXIT, 27 (2009).

²⁶ CRUEL AND UNUSUAL, *supra* note 3 at 25.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* There are constitutional bans in Angola, Brazil, Cape Verde, Colombia, Costa Rica, El Salvador, Portugal, Sao Tome & Principe, Timor Leste and Venezuela.

1. Consecutive Sentencing

When an offender is charged with numerous offenses, some countries issue consecutive sentences, wherein each sentence is served separately and successively.³⁰ Alternatively, some countries cap the maximum time that can be served for these consecutive sentences while others issue concurrent sentences, whereby the lesser charges merge with the greatest underlying offense.³¹ Consecutive sentencing is an extremely problematic practice for a number of reasons; not least of all is that the date for possible parole often exceeds the offender's expected lifetime. In these instances, offenders may serve de facto life without parole sentences for what amounts to a single transaction or non-violent crime.

Seventy-nine countries in the world do not have consecutive sentences or mandate that the lesser offenses merge with the most serious offense when both are a part of the same act.³² Forty-four countries cap the length of time allowed for consecutive sentences; while some countries, like North Korea, have a general cap on all consecutive sentences, and others, like Finland, have a cap for some offenses, but no cap for grave offenses or violent crimes.³³ Eleven others, among them Sweden, Iceland and Hungary, issue only one sentence by enhancing the greatest underlying offense by a mandatory sentence but capped certain number of years or percentage.³⁴ The United States is among only 36 countries (21%) that continue to allow concurrent sentencing without any cap.³⁵

³⁰ *Id.* at 36.

³¹ *Id.* at 41

³² *Id.* at 41.

³³ *Id.*

³⁴ *Id.* at 42.

³⁵ *Id.*

2. Habitual Offender and Recidivism Statutes

Another problematic sentencing scheme is habitual offender or recidivist statutes that give higher penalties to individuals with prior convictions. Such statutes vary greatly, but they are problematic especially when they remove judicial discretion and mandate that after a certain number of convictions extreme sentences are applied.³⁶ Accordingly, individuals may be sentenced to de facto life without parole for minor theft or drug charges.³⁷

A number of countries have recognized that while prior convictions are important to consider at sentencing, they should not be dealt with mechanically; thus, 74% of countries have developed statutory schemes that give the judge discretion when weighing previous convictions.³⁸ Australia and Italy should be commended for adopting statutes that give the judge the discretion to weigh prior convictions and records on a case-by-case basis.³⁹ Additionally, the efforts of Nicaragua and Germany should be praised for passing legislation that provides that while previous convictions are a factor to be considered in sentencing, they should not be applied mechanically.⁴⁰ In the United States, however, at least eight states mandate a sentence of LWOP upon conviction under a recidivist statute.⁴¹

III. EXTREME SENTENCING IN THE JUVENILE CONTEXT

The problems inherent in extreme sentencing are especially apparent when they are applied to juveniles. Juvenile offenders are nearly universally recognized as less

³⁶ *Id.* at 31.

³⁷ See for example *Ewing v. California*, 538 U.S. 11, 17 (2003) wherein the defendant was sentenced to 25 years to life for stealing golf clubs based on his prior non-violent felony convictions.

³⁸ CRUEL AND UNUSUAL, *Supra* note 3 at 35.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.* at 22.

culpable than adults and more receptive to rehabilitation. Juveniles' diminished culpability is reflected in the laws of countries throughout the world, which set mandatory minimum ages for drinking, gambling, contracts and marriage.⁴²

A. International Consensus Against Extreme Juvenile Sentencing

Customary international law becomes a norm when it is a “widespread, constant and uniform state practice compelled by legal obligation that is sufficiently long enough to establish the norm.”⁴³ International treaties make up customary international law, and once customary law is established, the rule applies generally to all nations unless a state has continually and persistently objected to it.⁴⁴ Treaty obligations that make up international law reflect the understanding that juveniles are less culpable than adults.

The ban on juvenile life without parole (JLWOP) specifically is a *jus cogens* norm. A prohibition rises to the level of *jus cogens* when it has been “universally accepted and recognized by the international community of states as a whole [...] norm[s] from which no derogation is permitted and which can be modified only by [...] subsequent norm[s] of general international law having the same character.”⁴⁵ The Convention on the Rights of Child (CRC) explicitly outlaws JLWOP stating that “[n]either capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.”⁴⁶ The CRC has been ratified by 191 countries, making it the most widely ratified multi-state treaty. In addition, the prohibition on JLWOP is codified in numerous other international treaties

⁴² *Id.* at 54.

⁴³ *Id.* at 54.

⁴⁴ Connie de la Vega and Michelle Leighton, *Sentencing our Children to Die in Prison: Global Law and Practice*, 42 U.S.F. L. REV. 983, 1014 n.161 (2008).

⁴⁵ *Id.* at 1014.

⁴⁶ Convention on the Rights of Child, Nov. 20 1989, Art. 37(a).

and is accepted by the international community.⁴⁷ The prohibition is non-derogable⁴⁸ and there is no emerging custom that contradicts this ban. As a *jus cogens* norm, the ban on JLWOP applies to all countries, regardless of whether they have made persistent objections to the prohibition.⁴⁹

The ICCPR mandates that juveniles be tried and imprisoned separately from adults.⁵⁰ Specifically, “in the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.”⁵¹ In their report on the United States, the Committee Against Torture noted their concern at the large number of children sentenced to life without parole terms and noted that such practices could contravene Article 16 of the Convention.⁵² The report concluded by recommending that the United States separate minors from adults at all stages of the detainment process and “address the question of sentences of life imprisonment of children, as these could constitute cruel, inhuman or degrading treatment or punishment.”⁵³

Despite international efforts to separate juveniles from adults at trial, sentencing and incarceration, juveniles are all too frequently tried as adults and thus sentenced to the same lengthy terms as their adult counterparts. This section focuses on extreme sentencing in the United States, where statutes allow LWOP and many of the schemes

⁴⁷ The United States is the only country in the world that currently has children serving JLWOP sentences. *See* CRUEL AND UNUSUAL, *Supra* note 3 at 60.

⁴⁸ The CRC specifically states that JLWOP is a prohibited practice and numerous other treaty bodies clarify this prohibition and, with the exception of the United States, the community of nations has called for its abolition and ceased practicing it. *Id.*

⁴⁹ Vienna Convention on the Law of Treaties, 1155 U.N.T.S. 331, art. 53.

⁵⁰ ICCPR, *supra* note 1.

⁵¹ *Id.* at 14(4).

⁵² Committee Against Torture, 36th Sess., May 1-19, 2006, Concluding Observations of the Committee Against Torture: United States of America, ¶34, U.N. Doc. CAT/C/USA/CO/2 (July 25, 2006) *available at* <http://uhri.ohchr.org/document/highlight/c7ebfc1d-d99b-430d-8944-1346cf6ea660/e9081b17-3e3e-4cf2-abe6-5f80d391dfa5/>.

⁵³ *Id.*

that effectively operate as LWOP. The United States is used as an example of the effects that international law and pressure has had in ending human rights violations and adopting more humane practices.⁵⁴ Given the international consensus towards rehabilitation of juvenile offenders and against juvenile life without parole sentences, extreme sentences that operate as de fact life without parole also violate international law.

B. Children Tried as Adult

Children's diminished culpability has traditionally been reflected in statutes that separate juveniles from adults at the sentencing stage through the creation of a separate penal code, court system, sentencing scheme and detention facilities. This system represents the understanding that juveniles are inherently different from adults and that criminal proceedings and incarceration should reflect this difference. When juveniles are tried as adults two separate violations occur: 1). Their unique age and status as minors is not considered at sentencing; and, 2). The punishment is not mitigated to account for the juveniles lessened culpability, thus resulting in juveniles being sentenced to adult punishments.⁵⁵

The ICCPR requires that the age of the offender and his status as a juvenile be considered in criminal proceedings. Article 14(4) of the ICCPR states that "in the case of juvenile persons, the procedure shall be such that will take account of their age and the desirability of promoting their rehabilitation."⁵⁶ Additionally, the ICCPR requires that the age of the offender be taken into account at the time of sentencing.⁵⁷ The Committee on the Rights of Child has consistently emphasized the psychological differences

⁵⁴ This report uses the United States as an example of extreme sentencing practices, but the US is certainly not alone in its sentencing schemes.

⁵⁵ CRUEL AND UNUSUAL, *Supra* note 3, at 53.

⁵⁶ ICCPR, *supra* note 1, Art.14(4).

⁵⁷ *Id.* at 10(3).

between children and adults and noted that because of this difference, rehabilitation of juveniles requires a distinct penal code and justice system.⁵⁸

The consensus against treating juveniles like adults during sentencing has reached the level of customary international law. Eighty-four percent of countries surveyed for the report, *Cruel and Unusual: U.S. Sentencing Practices in a Global Context*, require that the offender's status as a juvenile be considered at some point during sentencing.⁵⁹ Countries accomplish this task through a variety of different schemes: 44% completely prohibit transfer to adult court; 15% lack separate juvenile courts but apply special protections to youth sentenced in adult courts; and, 25% allow for transfer of juveniles to adult courts but require that certain protections still apply.⁶⁰ The remaining 16% of countries, however, including the United States, England and Australia, allow juveniles to be transferred to adult court and tried as adults without any additional protections.⁶¹

When juveniles are sentenced as adults there is an increased potential for extreme sentencing practices; the reduced culpability of juveniles and their greater capacity for rehabilitation means that an already harsh adult sentence becomes more severe when applied to a child. As the Committee on the Rights of Child explains:

Children differ from adults in their physical and psychological development, and their emotional and educational needs. Such differences constitute the basis for the lesser culpability of children in conflict with the law. These and other differences are the reasons for a separate juvenile justice system and require different treatment for children.⁶²

Under this system, children should be separated from adults at the sentencing stage and housed in different detention centers. When an offender's age and immaturity

⁵⁸ Committee on the Rights of Child, *supra* note 43, at para. 10.

⁵⁹ CRUEL AND UNUSUAL, *Supra* note 3, at 55.

⁶⁰ *Id.* at 56.

⁶¹ *Id.* at Appendix.

⁶² Committee on the Rights of Child, *supra* note 43, at para. 11.

are not considered at sentencing, the juvenile offender faces harsher punishment (such as consecutive sentencing and de facto LWOP) without any consideration of their unique psychological and developmental state.

A lack of distinction between juvenile and adult sentencing is especially problematic in countries where the minimum age of criminal responsibility (MACR) is very low. The minimum age of criminal responsibility refers to the age at which a juvenile is subject to criminal prosecution and varies depending on the country.⁶³ The absolute minimum age of criminal responsibility under international treaty comments is 12 years of age, though States have been strongly urged to adopt higher MACR.⁶⁴ Sixty-four percent of known countries have MACR's of 12 or higher, while 24% set their MACR at 9 or below.⁶⁵ In the United States, where individual states may set their own MACR, 33 states set no MACR.⁶⁶ In States with no MACR who allow for transfer of juveniles to adult court a 5 year old, at least theoretically, could be sentenced to de facto JLWOP without any consideration for his immaturity or ability to be rehabilitated.

C. Juvenile Life Without Parole

The United States is the only country in the world with known juveniles serving life without parole sentences. In addition to the United States, eight countries have statutes that allow JLWOP, though there are no known cases of juveniles serving such

⁶³ Lisa Micucci, *Responsibility and the Young Person*, 11 CAN. J.L. & JURIS. 277 (1998).

⁶⁴ The Committee on the Convention of the Rights of the Child has stated that "States parties are encouraged to increase their lower minimum age of criminal responsibility to the age of 12 years as the absolute minimum age and to continue to increase it to a higher age level." Committee on the Rights of the Child, *General Comment No. 10: Children's Rights in Juvenile Justice*, para. 32. UN Doc. CRC/C/GC/10 (April 25, 2007).

⁶⁵ CRUEL AND UNUSUAL, *Supra* note 3, at 52.

⁶⁶ *Id.*

sentences.⁶⁷ Four other countries have statutes with ambiguous language regarding JLWOP, but no known individuals serving JLWOP sentences.⁶⁸

International attention can have a positive effect on developing more humane domestic laws. After the Commission on Human Rights and treaty bodies first addressed the prohibition on the juvenile death penalty, for example, there was a massive reduction in juvenile death penalty sentences and those practices have almost stopped today.⁶⁹ The international consensus against JLWOP has been used to support judicial decisions prohibiting practices that violate human rights, particularly, in the recent judicial decisions out of the United States. In *Graham v. Florida*, the Supreme Court held that the imposition of JLWOP for non-homicide offenses was unconstitutional cruel and unusual punishment.⁷⁰ In the Court's reasoning they described a juvenile's reduced culpability given their vulnerability and relative inability to control their behavior.⁷¹ Two years later, in *Miller v. Alabama* they held that mandatory JLWOP was also unconstitutional and acknowledged that juveniles are more receptive to rehabilitation, reform and reeducation.⁷² Further, a juvenile sentenced to LWOP faces a more austere sentence than an adult, simply because their life expectancy is greater than that of the average adult offender.

While these recent efforts should be applauded, the decisions in *Graham* and *Miller* leave several issues undecided. The decisions stop short of actually banning JLWOP, since non-mandatory JLWOP sentences for homicides are still permitted. Thus,

⁶⁷ These countries are Antigua and Barbuda, Argentina, Australia, Cuba, Dominica, Saint Vincent and the Grenadines, the Solomon Islands and Sri Lanka. CRUEL AND UNUSUAL, *Supra* note 3 at 61.

⁶⁸ These include Zambia, Sierra Leone, Tonga and the Bahamas. *Id.*

⁶⁹ See *Iran, Saudi Arabia, Sudan: End Juvenile Death Penalty*, HUMAN RIGHTS WATCH, October 9, 2010 (available at: <http://www.hrw.org/news/2010/10/09/iran-saudi-arabia-sudan-end-juvenile-death-penalty>).

⁷⁰ *Graham*, *Supra* note 6.

⁷¹ *Id.* at 2026.

⁷² *Miller v. Alabama*, 132 S.Ct. 2455, 2474 (2012).

LWOP is still an available (although not mandatory) punishment for juveniles convicted of murder and juveniles are still subjected to excessively long sentences amounting to de facto LWOP. Finally, part of what contributes to extreme sentencing of juveniles is the regular practice of transferring juveniles to adult Court. This practice is in direct conflict with the ICCPR under Article 10(3).⁷³

IV. CONCLUSION AND RECOMMENDATIONS

Extreme sentencing practices violate international customary law by imposing sentences that are retributive rather than reformative. These sentences include life without parole as well as de facto life without parole, including consecutive and recidivist sentencing schemes. By denying prisoners any opportunity for or hope of release, such sentences condemn convicts to life behind prison walls, and limit their access to education, training and other rehabilitation services. Practices such as consecutive sentencing and habitual offender statutes, which are not facially life without parole sentences, nevertheless operate as such.

The problems of extreme sentencing are even more egregious in the context of juvenile sentencing. In addition to the general international ban on arbitrary detention and retributive sentences, customary international law prohibits the practice of JLWOP. Additionally, international law places extra emphasis on the ban of retributive sentences in the context of juveniles, who are less culpable than adult offenders and more receptive to rehabilitation. Despite this consensus, countries around the world allow juveniles to be sentenced as adults or transferred to adult court for sentencing.

⁷³ Note should be made that the United States has a reservation under 10(3) of the ICCPR stating that they reserve the right to treat juveniles as adults.

Recent case law from the United States demonstrates the beneficial impact international law can have on countries' examination of their sentencing practices. Increased focus on extreme sentencing in the juvenile context should continue to motivate states to abandon statutes that allow de facto juvenile life without parole and implement sentencing practices that are rehabilitative.

Human Rights Advocates urges the Council to address:

- 1) The practice and effects of de facto juvenile life without parole sentences and other extreme juvenile sentences, and specifically, issues related to transfers of juveniles to adult court and the requirement that juvenile sentencing focus on rehabilitation.
- 2) LWOP sentences for all offenders and request that the WG on Arbitrary Detention examine whether the sentence violates international standards.
- 3) Continue to condemn the use of the death penalty for juvenile offenders.