

AMNESTY INTERNATIONAL

Public Statement

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USA: Amnesty International calls for urgent review of the case of the “Jena Six”

Amnesty International (AI) has written to the US Justice Department to express concern about claims that charges filed against six black high school students in Jena, Louisiana, (known as the “Jena Six”) reflected a pattern of unequal treatment of black and white youths in the town.

The six students were charged following a fight in December 2006 in which Justin Barker, a white student, was allegedly assaulted. Justin Barker reportedly received treatment at a hospital for his injuries and was discharged the same day.

The local prosecutor at one point charged five of the defendants with conspiracy and attempted second-degree murder, which could have put them in prison for life. Those charges were dropped on the first day of the trial of Mychal Bell, the only defendant thus far to be tried. Aged 16 at the time of the crime, Bell was convicted in adult court of “aggravated battery” for which he could be sentenced to up to 15 years’ imprisonment.

In a letter to the Civil Rights Division on 7 September, AI acknowledges the seriousness of the alleged incident but calls for urgent review of claims by civil rights advocates that charges sought in the cases were disproportionate to the offence and reflected a wider problem in the locality of unequal treatment based on race. AI also raised concern about allegations that Mychal Bell did not receive a fair trial and called for any injustice in the case to be promptly remedied.

Background Information

The altercation with Justin Barker occurred during a period of acute racial tension following an incident in August 2006 in which three nooses were hung from a tree in the Jena High School grounds by three white students the day after several black students sat under the tree, which is traditionally in a “whites only” area of the school grounds. Although the school principal recommended that the white students should be expelled, a school committee overruled this decision, deciding that the noose-hanging had been a juvenile “prank” and changing their punishment to a few days’ suspension.

Over the ensuing months, there were reportedly a number of fights and other incidents involving black and white students. It has been alleged that there have been cases where assaults on black students by white assailants resulted in either minor charges or no charges at all.

Civil Rights advocates have expressed concern that, considering the state of heightened tension in the local community during the aftermath of the noose-hanging incident, the prosecutor did not select a different venue for the trial of Mychal Bell, who was convicted by an all-white jury selected from an all-white jury pool.

It has been alleged that Mychal Bell's court-appointed attorney did little to prepare for Bell's trial, failing to call any witness for the defence, including a key witness who had earlier made statements implicating another student. He also allegedly failed to challenge witnesses who had connections to the victim, Justin Barker, or to question discrepancies in eye-witness testimony. Mychal Bell is currently in prison awaiting a sentencing hearing on 20 September 2007.

The USA has ratified the Convention on the Elimination of All Forms of Racial Discrimination, Article 5 of which requires States Parties to undertake to prohibit and eliminate racial discrimination in all its forms and guarantee the right of everyone to equality before the law. The Convention also requires each State Party to review governmental, national and local policies, and to ensure that all public authorities and institutions, national and local, shall prohibit policies or practices which are discriminatory in purpose or effect.