



**American Civil
Liberties Union**

**American Civil
Liberties Union
Fund of Michigan**

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Juvenile Life Without Parole Initiative

May 19, 2009

Santiago Canton
Executive Secretary
Inter-American Commission on Human Rights
1889 F. St., NW
Washington, DC 20006
202-458-3992 fax
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**Re: Sentencing Juveniles to Life Imprisonment without Parole
United States
P-161-06**

Dear Sir,

On May 4, 2009, the U.S. Supreme Court agreed to consider two individual cases – *Sullivan v. Florida* (08-7621) and *Graham v. Florida* (08-7412) – involving a mandatory life sentence for two juveniles sentenced in Florida, without the possibility of parole. In both cases, a minor was given a life without parole sentence for a crime in which the victim was not killed. *Sullivan*, which involves a life without parole sentence for a rape conviction, focuses specifically on life without parole for youths who are age 13 or younger. *Graham* centers on a life without parole sentence for a 17-year old who committed parole violations. The Court will hold oral argument on the two cases in the term starting October 5, 2009 and ending in May 2010, likely in tandem hearings on the same day.

In light of this development, Petitioners request that the Commission expedite its consideration of the above-cited case involving human rights violations against juveniles sentenced to life without parole in the state of Michigan. While the issues presented to the Supreme Court in *Sullivan* and *Graham* do not specifically address these Michigan Petitioners' plight, we believe that the Commission's consideration of the human rights issues in the context of the Petitioners' case will provide an important perspective to the Supreme Court concerning the substantive basis for the restriction of life without parole sentences as well as the implications of its

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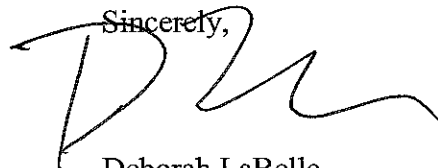
implementation as to these petitioners. The facts presented by the cases before the Supreme Court are notably narrower than the fact situations presented by Petitioners' case before the Commission, which involves 14 to 17 year olds who were convicted of both homicide and non-homicide crimes, and do not address the placement of juveniles in adult facilities, nor the racially disparate application of these sentences, the lack of access to counsel, nor the failure to consider these petitioners' child status prior to the mandatory sentencing, the issues which are at the heart of Petitioners' claims. Moreover, should the Supreme Court grant relief in the *Sullivan* and *Graham* cases, it would not necessarily result in the release of any of these Michigan Petitioners or a reconsideration of their cases, which do not include any 13 year olds, nor any juveniles sentenced on account of parole violations.

As the Commission is aware, the U.S. Supreme Court looked to international opinion and practice – including, undoubtedly, the Commission's reports and recommendations concerning the juvenile death penalty in the United States – when it considered the constitutionality of the juvenile death penalty in *Roper v. Simmons*, 543 U.S. 551 (2005). It will likely do so again when it considers the *Sullivan* and *Graham* cases. The United States is the only country in the world to issue judicial sentences of life without parole for juvenile offenders. A strong rejection of the practice of juvenile life without parole sentences from the Commission in advance of the Supreme Court's consideration of these two cases could make a significant impact on the Court's ultimate ruling. Significantly, the Commission's decision could serve as an additional source of authority upon which the Supreme Court could rely in issuing an opinion that goes beyond the narrow fact circumstances of the two cases that are currently before it and condemns the practice of juvenile life without parole in a wholesale manner.

Thus, we urge the Commission, pursuant to Rule 37(3) of the Commission's Rules of Procedure, to issue, in advance of the commencement of the October Supreme Court term, a joint admissibility/merits decision in this case, which was filed over three years ago. This is an urgent matter not only for the petitioners in the case, who are languishing with life sentences in prison, but also because of the potential impact that an expedited Commission decision could have on the Supreme Court's forthcoming consideration of this issue.

Thank you for your consideration of this request.

Sincerely,



Deborah LaBelle
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cc: Mario Lopez