

A second case transmitted to the government concerned reports that a Governor had pressured a District-Attorney to seek the death penalty in a murder case in which the victim was a police officer. The Governor then removed the D.A. from the case under a state law that granted him the power to remove district attorneys in specific cases. The report notes that, until this incident, the law had only been used in cases where a prosecutor or his office asked to be excused from a case, or had been suspended for misconduct.

Racial Discrimination, Special Rapporteur on:
(E/CN.4/1997/71, paras. 13–16, 24–26, 85–92)

The report of the Special Rapporteur (SR) on racial discrimination notes that racism and racial discrimination persist in the U.S., structurally, economically, socially and culturally. He referred to fires in black community churches, police brutality, the discriminatory application of the death penalty, and incitements to racial hatred and anti-Semitism on the Internet. Information related to discrimination against Arab Americans is also cited. It is said to indicate a resurgence of anti-Arab sentiment and a tendency in the media to equate Arabs and Muslims with terrorists: this projects an unfavourable image of Arabs and contributes to discriminatory treatment against Arabs and Arab Americans by airlines and security agents at airports and by the police in general, and in the areas of education, employment and housing.

The report also includes information submitted by Mexico on the situation of Mexican workers entering the U.S., citing incidents in which Mexican nationals were beaten and where several died. The Mexican government protested to the U.S. and characterized the incidents as an abuse of authority based on discriminatory attitudes. Mexico emphasized the need for U.S. immigration policies to be applied with strict respect for the dignity and human rights of the immigrants.

The report refers to a federal lawsuit that began in 1986 when Black diplomats charged that they were given backwater assignments, denied the promotions they deserved and were unfairly driven out of the diplomatic corps. The State Department ultimately agreed to pay US \$3.8 million to compensate Black foreign service officers who alleged that they were denied advancement and career opportunities because of their race; as well retroactive promotions were granted to 17 of them. The State Department also agreed to reinstate four Black junior officers who were dismissed after failing to win permanent positions and to pay \$2.1 million in legal fees to lawyers who represented the Black diplomats.

With regard to allegations of poor police conduct in black communities, the report cites statements by a national tribunal which was held in 1995 to give a hearing to victims of police misconduct. The tribunal concluded that there was police violence and corruption on the local, state and federal levels, particularly within communities of colour and poor communities, characterized by: beatings, harassment, physical torture and murder of individuals; frame-ups, calculated efforts to discredit witnesses and complainants, and the destruction of key evidence; racist slurs and taunts, improperly served warrants, illegal “warning” shots and unnecessary invasions of their privacy. It also noted that: police continue to be viewed as an “army of occupation” in many

communities of colour; police deny victims or witnesses access to information needed to press their claims; active-duty police officers, both women and men, who challenge police misconduct are shunned and suffer other forms of harassment; gender is an added dimension of vulnerability to police abuse; people with some mental history are also particularly vulnerable to police abuse; and, there has been inappropriate use of restraining devices by police, including excessive use of pepper spray, shackling the legs of those who are forced to walk, and shackling prisoners in cells in such a manner that they hang from their hands.

The SR’s interim report to the General Assembly (A/52/471, paras. 26–27, 32–37) cites a report by Amnesty International on the death penalty in the U.S. This Amnesty report states that racial discrimination in the use of the death penalty continues to be a major concern and highlights the serious consequences of this discriminatory practice by the judiciary, such as miscarriages of justice, which may result in innocent people being put to death. The SR refers to the government’s initiative on race entitled “One America in the 21st Century” which will examine the current state of race relations and the common future of the various communities living in the U.S.; it will also promote the adoption of laws and policies that can help ensure that the country remains cohesive, and enlist individuals, communities, businesses and government at all levels in an effort to help Americans understand their differences while appreciating the values that unite them.

Religious intolerance, Special Rapporteur on:
(E/CN.4/1997/91, paras. 9, 17, 23, 25, 66)

The report refers to violations of religious freedom against the Navajos (Dine) and Apaches. It also notes that communications were sent to the government concerning of the restitution of goods and properties to religious communities.

The Special Rapporteur’s interim report to the General Assembly (A/52/477, paras. 11, 21, 46) notes that the government has extended an invitation to the SR to visit the U.S. although the dates for the mission had not been set at the time the report was prepared.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1997/95, para. 21, 27, 36, 38, 58, 77, 78)

The Special Rapporteur (SR) reports that, with respect to an initiative to enact tougher sex-crime laws in California, the state was on the verge of adopting a measure requiring “chemical castration” of repeat child molesters. The SR notes that the law is likely to face constitutional challenges. Reference is made to: provisions in the U.S. which allow the use of video-taped testimony of sexually abused children in trials; the fact that police stations now publicly display lists of convicted paedophiles; the fact that, when an offender is released or changes address, local police must inform prospective neighbours; information indicating that convicted paedophiles in prison have secretly compiled, annotated and electronically stored lists of the names of thousands of children and, in one case, the list of names was stored — together with a large amount of child pornography — on a computer