
USA (Pennsylvania) Brandon Brown [m], white, aged 16

The District Attorney of Northumberland County in Pennsylvania has said that he intends to seek the death penalty against Brandon Brown for a murder committed when he was 15 years old.

International law bans the use of the death penalty against those who were under 18 at the time of the crime. The District Attorney's move also ignores a 1988 ruling by the US Supreme Court setting the minimum age at which defendants can be subject to the death penalty at 16 (at the time of the crime).

Brandon Brown is charged with the kidnapping, sexual assault and murder of a six-year-old girl, Jasmine Stoud, in August 2000. Brandon Brown turned 16 in October 2001.

A pre-trial hearing is scheduled to take place on 30 January 2002 at which Brandon Brown's lawyer will argue that the prosecutor is acting in violation of the US Constitution and international law.

BACKGROUND INFORMATION

The International Covenant on Civil and Political Rights prohibits the use of the death penalty against child offenders - defendants who were under 18 at the time of the crime. When the USA ratified this treaty it reserved the right to execute child offenders. This "reservation" has been widely condemned as invalid, by organizations and bodies including the Human Rights Committee, the expert body which monitors compliance with the Covenant. The Convention on the Rights of the Child makes the same prohibition. This treaty has been ratified by 191 countries, all but the USA and Somalia. The prohibition on the use of the death penalty against child offenders is so widely respected that it has become a principle of customary international law, binding on all countries regardless of which treaties they have or have not ratified.

The USA has put 18 child offenders to death since it resumed executions on 17 January 1977 (see *Arbitrary, Discriminatory and Cruel: An aide-mémoire to 25 years of judicial killing*, AMR 51/003/2002, 17 January 2002). It accounts for more such executions in the past decade than have been documented in the rest of the world combined. In the last four years, such executions have occurred in Democratic Republic of Congo (1), Pakistan (1), Iran (3), and the USA (9). In December 2001, the President of Pakistan announced that he would commute the death sentences of all child offenders on death row in his country. In contrast to this, there are more than 80 prisoners on death row in the USA for crimes committed when they were 16 or 17. Three of them are in Pennsylvania.

In *Thompson v Oklahoma* in 1988, the US Supreme Court ruled that Oklahoma's planned execution of William Wayne Thompson, who was 15 years old at the time of the crime, was unconstitutional. The *Thompson* decision has not stopped some prosecutors from attempting or threatening to seek the death penalty against 15-year-old defendants. In 1996, the Tulsa County District Attorney's Office in Oklahoma sought to pursue a death sentence against Adriel Simpson, who was 15 at the time of the crime, until it was prevented from doing so by the state Court of Criminal Appeals. In 1998 a Tulsa County prosecutor said he would "research the case law" to determine whether he could seek the death penalty against 15-year-old Dylan Shanks. In the event, the prosecution did not pursue

a death sentence. In 1999, a prosecutor in Pontotoc County, Oklahoma, indicated that he was willing to "make new law" in order to obtain a death sentence against Derrick Lester, accused of a murder committed when he was 15 years old. Following an urgent Amnesty International appeal, the prosecutor informed the organization that he had decided not to seek the death penalty against the teenager.

On 16 January 2002, the Northumberland County District Attorney confirmed to Amnesty International that he intends to seek the death penalty against Brandon Brown, that he is aware of *Thompson v Oklahoma*, and that he intends to "litigate the issue in the state and federal courts".

The USA has executed 752 prisoners since it resumed executions in 1977. To date, there have been three executions in 2002, with more scheduled.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- expressing sympathy for the family of Jasmine Stoud, and explaining that you do not seek to diminish the suffering her death will have caused or to comment on the guilt or innocence of the accused;
- expressing deep concern that the prosecutor intends to seek a death sentence against Brandon Brown;
- pointing out that such a move violates the international prohibition on the use of the death penalty against those were under 18 at the time of the crime, and also ignores the US Supreme Court ruling in *Thompson v Oklahoma*;
- noting the USA's virtual isolation on this issue internationally, and the consequent damage to its international reputation;
- urging the prosecutor to drop his pursuit of the death penalty against Brandon Brown in line with international standards of justice and decency.

APPEALS TO:

Anthony Rosini
Northumberland County District Attorney
201 Market Street
Sunbury, PA 17801, USA
Fax: + 1 570 988 4135
Salutation: Dear District Attorney

COPIES TO: diplomatic representatives of the USA accredited to your country.

You may write brief personalized letters (not more than 250 words) to:

Letters to the Editor, *The Daily Item*, 200 Market Street, Sunbury, PA 17801, USA. **Fax: +1 570 286 7695. E-mail: letters@dailyitem.com**

Letters to the Editor, *The Patriot-News*, PO Box 2265, Harrisburg, PA 17105, USA. **Fax: +1 717-255-8456. E-mail: editpage@patriot-news.com**

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 February 2002.