

UA 170/02

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USA (Pennsylvania) Steven A. Pannebaker, (m), white, aged 16

Amnesty International is concerned that the Juniata County District Attorney in Pennsylvania may seek the death penalty at the forthcoming trial of Steven Pannebaker. The defendant was 16 years old at the time of the crime of which he is accused. International law, respected in almost every country in the world, prohibits the use of the death penalty against people who were under 18 at the time of the crime.

Steven Pannebaker, who turned 16 in November 2001, has been charged with the murder of his parents, Mark and Marcella Pannebaker, and his two younger sisters, Amanda (10) and Elena (13). The four were found dead in the family home in the community of Maze in Juniata County on 25 January 2002. Autopsy results indicate that the four died of gunshot wounds the previous evening.

During a pre-trial hearing on 12 March, the Juniata County District Attorney filed a notice which allows him to pursue the death penalty if Steven Pannebaker is convicted of one or more of the murders.

A trial date has not yet been set. It was due to begin in May but was postponed.

BACKGROUND INFORMATION

In recognition of the immaturity of young people and their capacity for rehabilitation, there is an unequivocal international legal prohibition on the use of the death penalty against child offenders, people who were under 18 at the time of the crime. The Geneva Conventions, the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child, the American Convention on Human Rights and the United Nations Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty all have provisions exempting this age group from the death penalty. The UN Sub-Commission on the Promotion and Protection of Human Rights has affirmed that such use of the death penalty violates customary international law, binding on all countries regardless of which treaties they have or have not ratified. The UN Human Rights Committee, the body established by the ICCPR to monitor that treaty's implementation, has "deplored" the USA's continuing execution of child offenders, and confirmed that the ICCPR's prohibition on such executions is non-derogable.

There are currently around 80 child offenders on death row in the USA, including four in Pennsylvania. Since January 1993, 14 child offenders have been executed in the USA. In the same period, Amnesty International has documented only eight such executions in the rest of the world combined - three in Iran, two in Pakistan, one in Nigeria, one in Democratic Republic of Congo, and one in Yemen.

Yemen has since abolished such use of the death penalty. 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. China, which accounts for most of the world's executions each year, nevertheless in 1997 abolished the use of the death penalty against defendants who were under 18 years old at the time of the crime.

The United Nations Guidelines on the Role of Prosecutors states that not only should prosecutors be made aware of "human rights and fundamental freedoms recognized by national and international law", but they must also "respect

and protect human dignity and uphold human rights". The District Attorney of Juniata County has been made aware that he will be violating international human rights law if he pursues the death penalty against Steven Pannebaker.

Amnesty International opposes the death penalty in all cases, regardless of questions of guilt or innocence, the seriousness of the crime, the existence or absence of mitigating evidence, or the method used by the state to kill the prisoner. The organization believes that every death sentence is an affront to human dignity, and every execution a symptom of a culture of violence rather than a solution to it.

A clear majority of countries - currently 111 - have abolished the death penalty in law or practice. The international community has ruled out the death penalty as a sentencing option in international courts for even the worst crimes - genocide, war crimes, and crimes against humanity. The USA's continuing resort to this punishment, often in ways and cases which violate international law or minimum safeguards, starkly gives the lie to its claims to be a progressive force for human rights in the world.

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

- acknowledging the seriousness of the crime in this case, and explaining that you are seeking neither to excuse the manner in which Marcella, Mark, Elena and Amanda Pannebaker died, nor to make any comment on the guilt or innocence of the accused;
- expressing concern that the District Attorney has not ruled out the death penalty as an option against Steven Pannebaker as he is required to do under international law respected across the world;
- pointing also to the United Nations Guidelines on the Role of Prosecutors which require all prosecutors to uphold human rights;
- pointing to the immense damage being done to the international reputation of the United States by its continuing resort to this use of the death penalty in the face of an overwhelming global consensus against such use;
- urging the prosecutor to turn away from this human rights violation and to rule out the death penalty as an option in this case.

APPEALS TO:

The Honourable Andrew L. Winder
 Juniata County Office of the District Attorney
 Juniata County Courthouse
 PO Box 212, Mifflintown, PA 17059, USA
Fax: + 1 717 436 7726
Salutation: Dear District Attorney

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

You may also copy your appeals to the following two newspapers, and/or send letters to the editor of one of them:

The Sentinel, 352 Sixth St., Lewistown, PA 17044, USA.
Fax: + 1 717 248 3481. E-mail: sentinel@lewistownsentinel.com

The Patriot-News, 812 Market Street, Harrisburg, PA 17101, 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 24 July 2002.