

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Amnesty International welcomes Pennsylvania court decision in Jordan Brown case**

Amnesty International welcomes the Pennsylvania Superior Court's decision to vacate a trial court's denial to transfer the case of 13-year-old Jordan Brown to juvenile court for trial.

The trial judge had concluded that Jordan Brown failed to prove that he could be rehabilitated and treated within the juvenile system. Lawyers for Jordan Brown appealed against the decision, arguing that the way in which the trial judge had reached his conclusion had violated the boy's rights.

In its decision on 11 March, the Pennsylvania Superior Court agreed that the manner in which the trial judge had applied the law had violated Jordan Brown's right not to incriminate himself. The trial judge, it concluded, had effectively required Jordan Brown to admit guilt or accept responsibility for the crime with which he has been charged in order to show that he was capable of rehabilitation.

The Superior Court remanded the case to the trial court for a new transfer hearing.

Amnesty International welcomes the Superior Court's decision as it provides a new opportunity for Jordan Brown's case to be transferred to juvenile court. If tried in adult court and convicted of first-degree murder, Jordan Brown would receive a mandatory sentence of life imprisonment without the possibility of parole.

This sentence, when imposed on anyone who was under 18 years old at the time of the crime, violates international human rights law. Jordan Brown was 11 years old at the time of the crime for which he is facing trial.

### **Background information**

Jordan Brown is accused of the fatal shooting on 20 February 2009 of his father's girlfriend, Kenzie Houk. He has been charged with two counts of homicide, because the victim was eight and a half months pregnant and her unborn child also died. Jordan Brown has been automatically charged for trial in adult court, as required by Pennsylvania law for cases involving murder. If convicted of first-degree murder in an adult court, Jordan Brown will be sentenced to life imprisonment, with no possibility of parole.

A life without parole sentence when imposed on a defendant who was under 18 at the time of the crime violates international law and standards which are almost universally accepted around the world. These standards recognize that, however serious the crime, children, who are still developing physically, mentally and emotionally, do not have the same level of culpability as adults and require special treatment in the criminal justice system appropriate to their youth and immaturity. The standards emphasize that when children come into conflict with the law, the primary objectives should be the child's best interests and the potential for his or her successful reintegration into society. Life imprisonment without parole clearly is inconsistent with this international obligation.

The USA is believed to stand alone in sentencing children to life without parole. Although several countries technically permit the practice, Amnesty International knows of no cases outside the USA where such a sentence has been imposed in recent years. Jordan Brown is the youngest person that

Amnesty International knows of who is currently at risk of being sentenced to life without parole. However, there are at least 2,500 people in the USA serving life imprisonment without the possibility of parole for crimes committed when they were under 18.

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