

URGENT ACTION

12-YEAR-OLD BOY AT RISK OF LIFE WITHOUT PAROLE

The Pennsylvania Attorney General will decide in the next few weeks whether to insist that a 12-year old boy, Jordan Brown, is tried in an adult court for the killing of his father's girlfriend. If tried in an adult court, he could be sentenced to life imprisonment with no parole.

Jordan Brown is accused of the fatal shooting on 20 February 2009 of his father's girlfriend, Kenzie Houk. He was 11 at the time of the shooting. 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 would be sentenced to life imprisonment, with no possibility of parole.

On 29 March 2010, a judge denied a petition filed by Jordan Brown's lawyers for transfer of the trial to juvenile court. The boy's lawyers will file an appeal against this decision within the next five weeks and the State Attorney General, who is in charge of the prosecution, will then have to decide whether to respond. Amnesty International understands that the State Attorney General's current position is that the boy should be tried in adult court. The next few weeks are therefore a crucial time to seek to change this outcome.

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 (see overleaf). 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.

PLEASE WRITE IMMEDIATELY in English or your own language:

- expressing sympathy for Kenzie Houk's family, explaining that you are not seeking to excuse the manner of her death or to belittle the suffering caused, or to express any opinion on the facts of the case;
- pointing out that international law prohibits life imprisonment without the possibility of parole for anyone who was under 18 years old at the time of the crime, and that this principle of international law is recognized and respected around the world;
- expressing concern that the state is seeking to have Jordan Brown tried in adult court which would expose him upon conviction for first-degree murder to a mandatory life imprisonment without the possibility of parole;
- calling on the prosecution to meet its international obligation to ensure that Jordan Brown not be sentenced to life imprisonment without parole, and appealing for it therefore to drop its pursuit of a trial in adult court.

PLEASE SEND APPEALS BEFORE 9 JUNE 2010 TO:

Pennsylvania Attorney General

Tom Corbett

Pennsylvania Office of Attorney General

16th Floor, Strawberry Square

Harrisburg, PA 17120, USA

Fax: +1 (717) 787-8242

Email:

<http://www.attorneygeneral.gov/contactus/>

Salutation: Dear Attorney General

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

And copies to Jordan Brown's lawyer:

David H. Acker, Esquire

25 North Mill Street

500 FirstMerit Plaza

New Castle, PA 16101, USA

Email:

David.Acker.Attorneyatlaw@hotmail.com

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ADDITIONAL INFORMATION

The International Covenant on Civil and Political Rights (ICCPR), which the USA ratified in 1992, specifically acknowledges the need for special treatment of children in the criminal justice system and emphasizes the importance of their rehabilitation. Article 14(4) of the ICCPR states: "In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation". In 2006, the UN Human Rights Committee, the expert body established by the ICCPR to oversee implementation of the treaty, reminded the USA that sentencing children to life imprisonment without parole is incompatible with the ICCPR. It called on the USA to ensure that no children were subjected to this sentence.

The 193 countries which have ratified the UN Convention on the Rights of the Child (CRC) have further agreed to be bound by the principle, enshrined in Article 37(a), that no person under the age of 18 at the time of the offence should be sentenced to "life imprisonment without the possibility of release". The USA is the only country apart from Somalia not to have ratified the CRC. However, the USA has signed the Convention and as a signatory, the USA is bound under international law to do nothing which would defeat the object and purpose of the treaty. Article 37(b) of the Convention also calls upon states to use imprisonment against a child "only as a measure of last resort and for the shortest appropriate period of time."

In a General Comment on children's rights in juvenile justice issued in 2007, the UN Committee on the Rights of the Child, the expert body established under the CRC, emphasised that no children should be sentenced to life imprisonment without the possibility of parole. The Committee reminded those countries which sentence children to life imprisonment *with* the possibility of parole that this punishment must "fully comply with and strive for the realization of the aims of juvenile justice", including that the child should receive "education, treatment, and care aiming at his/her release, reintegration and ability to assume a constructive role in society".

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. Jordan Brown's case is therefore starkly illustrative of a wider problem, and the organization is taking this action as part of its efforts to persuade authorities in the USA to bring their country into line with international standards on the treatment of child offenders (see USA: The rest of their lives: Life without Parole for Child Offenders in the United States: a joint Human Rights Watch/Amnesty International Report <http://www.amnesty.org/en/library/info/AMR51/162/2005/en>). In such cases, Amnesty International does not specify in detail what sentence is appropriate, only that it should conform to international standards.

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