

URGENT ACTION

3 MORE OHIO EXECUTIONS BY HUMAN RIGHTS DAY?

Three men on death row in the State of Ohio are due to be executed by lethal injection by early December. The state continues to defend its execution process, and the death penalty more generally, despite a recent "botched" lethal injection.

Lawrence Reynolds, aged 43, who is white, is scheduled to be executed on 8 October. He was sentenced to death in June 1994 for the murder of his 67-year-old neighbour, Loretta Foster, in her home on 11 January 1994. Darryl Durr, a 46-year-old black man, was sentenced to death in January 1989 for the murder of 16-year-old Angel Vincent in February 1988. He is scheduled to be executed on 10 November. Kenneth Biros, white, aged 51, is due to be put to death on 8 December for the February 1991 murder of 22-year-old Tami Engstrom. He was sentenced in October 1991.

Lethal injection as an execution method has been the subject of legal challenges over recent years in the USA, and litigation has continued even since the US Supreme Court in April 2007 upheld the constitutionality of Kentucky's execution protocol. A majority of the USA's death penalty states, and the federal government, use the same three-drug combination as Kentucky to anaesthetise, paralyse and kill the condemned prisoner.

Attention on Ohio's lethal injection process has been heightened since 15 September 2009, when the state attempted to execute Romell Broom. Over the course of some two hours, the execution team repeatedly tried and failed to find a useable vein in which to insert the lethal injection needle, before finally giving up (see UA 245/09, <http://www.amnesty.org/en/library/info/AMR51/104/2009/en> and update, <http://www.amnesty.org/en/library/info/AMR51/105/2009/en>). Romell Broom's execution has been stayed, but the other men named above are still scheduled to be put to death.

Lawyers for Lawrence Reynolds have filed for a stay of execution. In a brief filed in the US Court of Appeals for the Sixth Circuit on 24 September, they argue that the failed execution of Romell Broom provides further evidence of "a pattern of serious problems with the administration of lethal injection in Ohio," including two other "botched" executions in the past three years (see overleaf). The brief argues that state officials have failed to incorporate a contingency plan into the state's lethal injection protocol, in case there are problems obtaining access to the condemned inmate's veins, and "now they want to cross their fingers and hope all goes well on October 8, 2009." The lawyers made a similar petition to the Ohio Supreme Court for a stay of execution on 28 September.

After a 10 September meeting, the Ohio parole board voted against recommending clemency for Lawrence Reynolds.

PLEASE WRITE IMMEDIATELY in English or your own language, in your own words:

- √ Expressing concern that more executions are scheduled to take place in Ohio;
- √ Calling for a moratorium on executions in the state;
- √ Explaining that you are not seeking to excuse violent crime or to downplay the suffering caused to its victims.

PLEASE SEND APPEALS BEFORE 10 NOVEMBER 2009 TO:

Governor Ted Strickland
 Governor's Office, Riffe Center, 30th Floor
 77 South High Street, Columbus, OH 43215-6108, USA
Fax: +1 614 466 9354
Salutation: Dear Governor

Terry J. Collins, Director
 Department of Rehabilitation and Correction
 770 West Broad Street
 Columbus, Ohio 43222, USA
Fax: +1 614 752 1171
Salutation: Dear Director Collins

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

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ADDITIONAL INFORMATION

Amnesty International opposes the death penalty in all cases, unconditionally, regardless of the method chosen to kill the condemned prisoner. The death penalty is inherently cruel and degrading, incompatible with human dignity. To end the death penalty is to abandon a destructive, diversionary and divisive public policy that is not consistent with widely held values. It not only runs the risk of irrevocable error, it is also costly, to the public purse as well as in social and psychological terms. It has not been proved to have a special deterrent effect. It tends to be applied in a discriminatory way, on grounds of race and class. It denies the possibility of reconciliation and rehabilitation. It prolongs the suffering of the murder victim's family, and extends that suffering to the loved ones of the condemned prisoner. It diverts resources that could be better used to work against violent crime and assist those affected by it.

Today, 139 countries are abolitionist in law or practice. The USA, in contrast, has carried out 1,175 executions since resuming judicial killing in 1977, with 1,004 carried out by lethal injection, the method currently promoted by advocates of the death penalty as "humane."

There have been regular "botched" lethal injections in the USA, including Ohio. In Ohio in May 2006, for example, it took the execution team 22 minutes to find a useable vein in Joseph Clark's arm for insertion of the catheter. A few minutes later, however, the vein collapsed, and Clark's arm began to swell. The team then tried for another 30 minutes to find another vein, while witnesses heard "moaning, crying out and guttural noises" coming from behind the curtain. Death was pronounced about 90 minutes after the execution began. The following year, also in Ohio, the execution team struggled to find useable veins in Christopher Newton's arms, and the prisoner was not declared dead until almost two hours after the execution process began.

There have been 39 executions in the USA this year, four of them in Ohio. Ohio has carried out 32 executions since resuming executions in 1999. All Ohio's executions have been carried out by lethal injection.

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