

MID APRIL-MAY 2017 DEATH PENALTY REPORT

Date format day/month/year

International Update (from 11.4.17 – 4.5.17)

- **USA**

- *Florida* – 11.4.17 – State Attorney Aramis Ayala filed a lawsuit in Federal Court, challenging Governor Scott's decision to reassign 23 homicide cases to another Prosecutor following her decision not to seek the death penalty. She argues the move violated her constitutional right, harmed her reputation and deprived those who voted for her 'of the benefit of their votes.' (Source: News Fix).
- *Nebraska* – 13.4.17 – Fresenius Kabi, a German pharmaceutical manufacturer, whose drug, potassium chloride, ended up in Nebraska's lethal injection supply, never intended it to be obtained for this purpose and tried unsuccessfully to persuade the Corrections Department to return it. The Company takes no formal position on capital punishment but requires distributors to sign an agreement promising not to sell certain drugs to State Corrections Departments. Note: Fresenius Kabi, and a second pharmaceutical company, asked a Federal Judge to prevent the use of its drugs in the planned execution of 7 prisoners in Arkansas. (Source: New Zealand Herald).
- *Arkansas* –
 - 14.4.17 - The State Supreme Court stayed the execution of Bruce Ward so that his attorneys could present arguments about his mental competence, and an Arkansas Circuit Judge temporarily blocked the use of one of the State's lethal injection drugs. (Source: The Christian Science Monitor)
 - 14.4.17 - 24 former Corrections Officers pleaded with Governor Hutchinson to reconsider the executions of so many prisoners in such a short time, warning that participating in executions can exact a 'severe toll on corrections officers' being', and that rapid executions could 'needlessly exacerbate the strain and stress placed on these officers'. (Source: Christian Science Monitor).
 - 14.4.17 – An Arkansas Judge temporarily blocked the remaining six executions. The petition which had been handed in beforehand, contained 157,000 signatures. (Source: Amnesty International USA).
 - 15.4.17 – Republican Lawmakers questioned the impartiality of the Judge who halted the executions after he joined the anti-death penalty rally. (Source: The Guardian).

- 17.4.17 – The Judge who issued a temporary halt to the planned executions was barred from taking up any death penalty-related cases and referred to a disciplinary panel.
- 17.4.17 – The Arkansas Supreme Court granted a stay of execution for Don Davis, by four votes to three. The State appealed to the US Supreme Court which declined to intervene. Until their final decision arrived, preparations for the execution went ahead. Davis had had his “final” meal, and witnesses were being moved towards the execution chamber when the US Supreme Court issued its decision. (Source: The Guardian, AIUK)
- 20.4.17 – Following the overturning by the State’s Supreme Court of the ruling blocking the use of a different drug, the execution took place of Ledell Lee. He was pronounced dead 4 minutes before his death warrant was due to expire. Ledell, convicted of murder, claimed he was innocent. His execution was the first to take place in Arkansas for 12 years. (Source: BBC News)
- 22.4.17 – Stacey Johnson was scheduled for execution on Monday, but his execution was stayed and his death warrant has expired.

Out of the eight men originally slated for execution on Arkansas’, four are now safe: execution warrants have expired for Don Davis, Bruce Ward, and Stacey Johnson, and a stay is in place for Jason McGehee. Three prisoners remain at risk of imminent execution: Kenneth Williams, Marcel Williams and Jack Jones. (Source Amnesty USA)

- 23.4.17 - Jack Harold Jones and Marcel Williams were both executed. A Federal Judge in Little Rock had temporarily halted the execution of Williams after his attorneys questioned whether that of Jones had ‘gone properly’, but lifted the stay an hour later (Source: The News Star).
- 24.4.17 – An Update on Bruce Ward was received from AIUK confirming his stay of execution. His lawyers maintain his mental disability deprives him of a rational understanding of his punishment, rendering his execution unconstitutional. (Source: Amnesty International UK).

Note: According to the Arkansas Coalition to abolish the Death, 204,000 people had contacted the Governor’s Office to oppose the rushed plan of executions.

- 26.4.17 – The Judge who issued the order blocking the executions, and subsequently participated in an anti-death penalty rally, has asked two disciplinary panels to investigate the

State's Attorney General and Supreme Court, accusing both of violating ethics rules when he was barred from handling capital punishment cases. (Source: US News)

- 28.4.17 - The United Nations condemned the Arkansas' execution schedule. (Source: BBC News)
- 28.4.17 Despite claims by his lawyers that he was intellectually disabled, Kenneth Williams were executed shortly before midnight on 23rd April. He was the 4th of the 8 men on death row, scheduled to die, to be executed. (Source: BBC News).
- 30.4.17 – Lawyers for Kenneth Williams have called for an enquiry after witnesses said he 'convulsed and groaned' as he was being executed. (Source: BBC News).
- *Oklahoma* – 24.4.17 – The bi-partisan Oklahoma Death Penalty Review Commission recommended that a moratorium on executions should be extended until major changes were made to the State's capital punishment system to ensure an innocent person was not put to death. The 11 members of the Commission agreed unanimously on recommendations, including forensics, law enforcement techniques, prosecution and defence procedures, death penalty eligibility and the execution process itself. (Source: US News).
- *Delaware* – 3.5.17 – The General Assembly took the first step towards reinstating the death penalty in Delaware, when a committee voted 7-4 to send legislation to the full House of Representatives for a vote. Supporters of the legislation said it would limit the punishment to 'truly abominable crimes that can be proved with the highest standards of truth' but opponents said changing the way sentences are delivered does not change their opinion that the death penalty is fundamentally wrong. (Source: Delaware On Line)
- **Turkey** – 17.4.17 - Following President Erdogan's win in the Turkish referendum, France has expressed concern at the prospect of a referendum to reintroduce capital punishment. President Hollande's office warned that the restoration of the death penalty would constitute a break with European values. This would end any prospect of Turkey joining the EU. (Sources: Middle East Eye; The Guardian)
- **UK** – 23.4.16 - Gisela Allen, a UKIP candidate for Glasgow Council, has said she would like to see the death penalty reintroduced, and has suggested the guillotine as an alternative to hanging. (Source: The Independent).
- **Germany** – 28.4.17 – An official Government assessment has established that, should Turkey decide to hold the referendum on reinstating the death penalty, Germany could legally block Turks within its borders from voting. CSU Secretary General Andreas Scheuer has said 'No referendum can be given on German soil that would lead to the introduction of the death

penalty.... This inhumane form of punishment contradicts the essential fundamental rights of the EU'. (Source: The Local Germany).

- **Somalia – 2.5.17** – Information was received from AIUK that five boys (all under 18) were executed on 8th April. Seven boys had been accused of killing three high ranking officials. Found guilty of murder, they were sentenced to death. Two of the boys claimed they had been tortured into 'confessing', and none had access to a lawyer. The children who were executed were from a minority clan, historically marginalised and discriminated against. The parents of the boys learned of their deaths on the radio, and the bodies have not been returned to them. The remaining two boys are members of a more dominant clan but remain at risk of execution. (See Urgent Actions below). (Source: AIUK)

Urgent Actions

- **Arkansas** – An email was received from AIUSA with an Urgent Action calling on Governor Hutchinson to stop the executions of Kenneth Williams, Marcel Williams and Jack Jones (*Circulated to DPLWG 22.4.17*).
- **Arkansas** – A request for action was received from AIUK in respect of Kenneth Williams, scheduled to be executed on 27th April. (*Circulated to DPLWG – 26.4.17*).
- **Iran** – UA 94/17 – Peyman Barandah, 15 years old at the time of his arrest, is due to be executed on 10th May. Now 22, he has consistently maintained his innocence of the fatal stabbing of another teenager. The judicial proceedings were grossly unfair and violated the principles of juvenile justice. (*Circulated to DPLWG 26.4.17*).
- **Somalia** – UA 96/17 – Muhamed Yasin Abdi (aged 17) and Daud Saied Sahal (aged 15) are at risk of execution. They were two among seven young boys charged and found guilty of the killing of three high-ranking officials. Two of the boys have claimed all their 'confessions' were extracted under torture. Five of the boys have been executed. (*Circulated to DPLWG 2.5.17 – **this month's Group Urgent Action***)

Campaigning

- **Reggie Clemons** – *Updates from Justice for Reggie*
 - 15.3.17 – The motion for double jeopardy was denied by the Judge – an appeal was to be filed.
 - 18.4.17 – A Hearing by Judge Rex Burlison was held at the Civil Courts Building in St Louis. No information regarding the outcome is as yet available.
 - 27.4.17 – *An email was received from Vera Thomas, Reggie's mother with an update regarding his case. She tells us Reggie has a Public*

Defender as they are unable to afford a private attorney, but there is a legal group which has volunteered to help. She says:

'We will be going to trial in August and the State has requested the death penalty.

..... There is no new evidence at this point. Reggie's attorneys have been filling Appeals. We have also filed a double jeopardy motion to the Missouri Supreme Court.

The State Attorney General office has decided not to take the forced confession to trial. There is sufficient evidence that he was beaten into making statements and there was a witness that came forth.

It has been a 26-year fight for Justice, thank you for supporting us. Looking forward to hearing from you'

Vera has given us a current address for Reggie. A letter and card from the Group has been sent to him.

- **World Day Against the Death Penalty – 10th October 2017.** A Group Action will be organised. Depending on the current situation regarding his re-trial, this may be focused on Reggie.