

22 June 2000

**Further information on EXTRA 118/99 (AMR 51/137/99, 27 August 1999) and follow-ups (AMR 51/158/99, 27 September and AMR 51/88/00, 2 June 2000) - Death penalty / Legal concern**

**USA (Florida) Thomas Harrison Provenzano, aged 50**

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Thomas Provenzano was executed in Florida on 21 June 2000, 24 hours later than scheduled. He was sentenced to death for killing a bailiff, Arnie Wilkerson, in Orange County Courthouse, Orlando, in 1984. The shooting left two other bailiffs paralyzed, one of whom died in 1991. Thomas Provenzano had a history of serious mental illness, including paranoid schizophrenia, dating back to before the crime.

On 20 June, Thomas Provenzano was granted a stay of execution by a federal appeals court 11 minutes before he was scheduled to be put to death. He was already strapped to the gurney (execution trolley) with the lethal injection needles inserted in his arms when the stay came through. The court, the 11<sup>th</sup> US Circuit Court of Appeals, did not give a reason for the stay. Governor Bush had denied clemency earlier in the day. Then, on 21 June, the Circuit Court dissolved its stay, again without giving a reason.

As well as appealing against the execution on the grounds of their client's mental illness, Thomas Provenzano's lawyers had challenged the constitutionality of the state's lethal injection procedures, following the execution of Bennie Demps on 7 June 2000. That execution was delayed by more than 30 minutes while the lethal injection team, having inserted the primary needle into Demps's left arm, tried to find a vein in which to insert the back-up needle (the second intravenous line is used in the event that the first fails to kill the inmate). The team could not find a suitable vein in Demps's right arm and attempted to find one in his groin and ankle, using a surgical procedure known as a "cutdown", before giving up on their search and using only the primary line. In his final statement before being killed, Bennie Demps stated that he had been "butchered": "I was in a lot of pain.... I was bleeding profusely."

On 20 June, the Florida Supreme Court rejected Provenzano's appeal that the lethal injection procedure amounted to cruel and/or unusual punishment.

An article by Thomas Provenzano's sister, Catherine Forbes, appeared in the Florida press on 20 June: "Today, at 6 p.m., the State of Florida is scheduled to execute my brother, Thomas Provenzano, despite clear evidence that he is mentally ill. First, my heart goes out to the families of those who were killed or injured by my brother 16 years ago: William "Arnie" Wilkerson and Harry Dalton were killed. Mark Parker remains paralyzed today. I only wish it were in my power to restore their lives. By no means do I suggest my brother go free. By all means justice should be done. But I have to wonder: Where is the justice in killing a sick human being?"

The death of a loved one is always a terrible experience -- particularly in the case of murder. But losing a loved one to execution is also a terrible experience that is virtually ignored by our society. Does this indifference somehow make executions more tolerable? The death penalty is a deliberate -but - avoidable act of homicide that always leaves a grieving family in its wake. It never brings a victim back to life and never helps to heal.

When Thomas was incarcerated in 1984, my family and I were incarcerated as well. Like those of the victims' families, our lives have been on hold for 16 years, waiting for another person to die. But there is no outpouring of support for the families of the condemned. In fact, my children were beaten at school when their uncle was convicted as "a murderer." We did nothing wrong, but we were certainly punished. How can a society that despises violent crime so easily dismiss its own violent acts of retribution?(...)

Thomas's illness began with headaches, and then his entire personality changed. I tried to get help, but we could not afford private hospitalization. Without Thomas's permission, I could get help only if he did something violent. When he did become violent, however, "help" came in the form of a death sentence. Thomas has believed that he is Jesus Christ since the early 1970s, and he thinks he is being killed because he is Jesus Christ. (See previous update to this Urgent Action).

America needs to invest in true intervention programs, so people can get help for loved ones who are mentally ill before they harm themselves or an innocent person. If treatment had been available to Thomas, he wouldn't be on Death Row. And the 3 people he harmed would still be whole.

The night before an execution is an unimaginable nightmare. This is my 3rd time through that nightmare. Remember me this evening, when the state is scheduled to kill my mentally ill brother despite the alternatives that exist. That is when I will join the ranks of Floridians who have lost a loved one to unnecessary violence."

In a letter faxed to Governor Jeb Bush after the 11<sup>th</sup> Circuit Court of Appeals lifted its stay on 21 June, Amnesty International said that while it in no way sought to belittle the suffering that Thomas Provenzano had caused his victims and their families, "the organization condemns unreservedly the response of the state to this man's crimes. We believe that his treatment last night, regardless of the 11<sup>th</sup> Circuit Court's motivation for its actions, was cruel, inhuman and nothing short of a mock execution." The letter asked: "How does what happened to Thomas Provenzano last night not constitute torture or cruel, inhuman or degrading treatment, in violation of US obligations under the UN Convention Against Torture, the International Covenant on Civil and Political Rights, and other international instruments?"

We appeal to you to step back from what can only be interpreted as an act of state-sanctioned vengeance against a man who has been diagnosed with serious mental disorders since before his terrible crime. We urge you to rethink your decision to deny clemency to Thomas Provenzano, and to offer the leadership required to stop this calculated, premeditated, killing."

Amnesty International deeply regrets that no such intervention was forthcoming. Thomas Provenzano becomes the 49<sup>th</sup> person executed in the USA this year and the 647<sup>th</sup> since it resumed judicial killing in 1977.

**No further action by the UA Network is requested. Many thanks to all who sent appeals.**