

URGENT ACTION

FEDERAL COURT BLOCKS ALABAMA EXECUTION

Seventy-year-old Alabama death row prisoner Thomas Arthur has received a stay of execution from a federal court. He had been scheduled to be executed on the evening of 29 March for a murder committed in 1982.

The stay was issued on the grounds of **Thomas Arthur's** challenge to the constitutionality of Alabama's lethal injection procedures. His lawyers had initiated this challenge after the Alabama Department of Corrections announced in 2011 that it would switch from sodium thiopental to pentobarbital as the anaesthetic component of its three-drug execution method. Among other things, the challenge asserted that the new drug would take longer to induce unconsciousness in the condemned prisoner and that if the second and third drug were to be administered before the pentobarbital had taken effect, the pain and suffering caused would render the execution unconstitutional.

The US District Court dismissed the challenge in November 2011. However, on 21 March 2012, a three-judge panel of the US Court of Appeals for the Eleventh Circuit ruled by two votes to one that the District Court had been wrong to do so and sent the case back to it "for further factual development". The state appealed for a rehearing by the full Court of Appeals, while Thomas Arthur's lawyers requested a stay of execution. The three-judge panel granted the stay of execution "until further order of this Court." The state appealed for reconsideration of that order: the panel denied the state's motion on 28 March.

Thomas Arthur was sentenced to death for the murder of Troy Wicker in 1982. He has been on death row for more than a quarter of a century. This is the fifth time he has received a stay of execution. He has now been returned to his usual death row cell, having been moved to a cell next to the death chamber as the execution approached.

Thomas Arthur maintains his innocence. There is no physical evidence against him. He has not been seeking executive clemency, but continues to seek DNA testing of crime scene evidence.

There have been 1289 executions in the USA since judicial killing resumed there in 1977. There have been 12 executions in the USA so far in 2012, carried out in Arizona, Florida, Mississippi, Oklahoma and Texas.

Thank you to all who sent appeals. No further action is requested from the UA network.

This is the first update of UA 65/12. Further information: www.amnesty.org/en/library/info/AMR51/017/2012/en

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