

URGENT ACTION

OHIO GOVERNOR STAYS TWO EXECUTIONS

The Governor of Ohio has reprieved two male prisoners who were facing execution in the next month, to give prison authorities more time to establish a “back-up” lethal injection protocol following a recent failed execution. A third man is still scheduled for execution on 8 December. The governor has said he will issue further reprieves if he deems it necessary.

Focus on Ohio’s lethal injection process has increased since 15 September, when the state attempted to execute Romell Broom. Over the course of 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, AMR 51/104/2009, and update). Broom’s execution has been stayed until at least 30 November, pending a hearing in his case.

On 5 October, the US Court of Appeals for the Sixth Circuit stayed the execution of **Lawrence Reynolds**, who was scheduled to be put to death on 8 October. It noted that since 2007 the state had had “serious and troubling difficulties in executing at least three inmates, most recently Romell Broom” (the other two were Joseph Clark and Christopher Newton – see UA 253/09, (AMR 51/107/2009). These “disturbing issues”, the court said, called into question the competence of the lethal injection team and the state’s adherence to its execution protocol more generally. As such issues would be heard before the federal judge considering the Broom case, the Sixth Circuit remanded the Reynolds case to that same judge for “fact-finding and evidentiary hearings”.

Later on 5 October, Governor Strickland signed a warrant of reprieve for Lawrence Reynolds, staying his execution until 9 March 2010, and another for **Darryl Durr**, staying his execution until 20 April 2010. Durr had been scheduled to be put to death on 10 November. The governor said that the failed execution of Romell Broom stemmed from circumstances that “were truly extraordinary” and it was “unlikely” that the prison officials “would ever face such a situation again”. Nevertheless, the governor said, since 15 September the Department of Rehabilitation and Correction “has been working to establish a back-up or alternative lethal injection protocol that would be available should those responsible for carrying out executions for the State ever again be unable to access a sustainable vein at the time of an execution”. More time was needed to research, evaluate and implement alternative procedures, the governor said, and so reprieves were warranted in at least the cases of Lawrence Reynolds and Darryl Durr. He added that he believed the Department’s work could be completed by the time of the next scheduled execution in Ohio, that of **Kenneth Biros** on 8 December, but that “I will issue any additional reprieves I deem necessary to the appropriate administration of executions under Ohio law”.

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

- Welcoming the governor’s decision to issue reprieves in the cases of Lawrence Reynolds and Darryl Durr;
- Expressing concern that Kenneth Biros is still scheduled for execution on 8 December;
- Arguing that the death penalty can never be rendered humane;
- Calling for a full moratorium on executions in the State of Ohio, pending abolition of the death penalty.

PLEASE SEND APPEALS BEFORE 17 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

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. This is the first update of UA 253/09 (AMR 51/107/2009). Further information:

www.amnesty.org/en/library/info/AMR51/107/2009/en .

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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 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.

Further Information on UA: 253/09 Index: AMR 51/109/2009 Issue Date: 6 October 2009

