

URGENT ACTION

MAN EXECUTED SIX DAYS AFTER SUICIDE ATTEMPT

Brandon Rhode was executed in Georgia, USA, shortly after 10pm on 27 September. Six days earlier he had almost died after slashing his arms and neck with a razor. The execution was delayed a number of times during the six days, but in the end the courts refused to stop it.

Brandon Rhode was due to be put to death at 7pm on 21 September. That morning, however, despite supposedly being under constant observation by two guards, Brandon Rhode attempted suicide by making deep cuts in both arms and his neck with a razor blade. He was rushed to hospital where he was assessed as being in immediate danger of losing his life, having lost half his blood. He was revived, stitched up, and brought back to prison. His lawyer saw him there on the afternoon of 21 September, held in a restraint chair, in which Brandon Rhode was “in severe pain and discomfort”, his face “haggard, pallid and jaundiced” (see also USA: Cruel, inhuman, degrading: 40th execution of the year approaches, 24 September, <http://www.amnesty.org/en/library/info/AMR51/091/2010/en>).

On 21 September, the Georgia Supreme Court issued a stay of execution until 2pm on 23 September. The death warrant did not expire until 28 September, however, and the authorities reset the execution for 9am on 24 September. They later rescheduled it to 7pm on that day to allow litigation to continue. On 24 September, the Georgia Supreme Court ordered another stay, and the execution was reset for 7pm on 27 September. One by one, the courts refused to intervene to delay the execution beyond the 28 September that would have taken the case out of the time pressures imposed by the active death warrant and allowed full consideration of the issues raised.

Brandon Rhode’s lawyers pursued a number of avenues in the courts – including seeking to challenge the state’s failure to protect their client from self-harm on “death watch”, and raising the claim that he was “incompetent” for execution, that is that he was not in a fit mental state to understand the reason for and reality of his punishment. On 23 September, a doctor who had worked on Brandon Rhode’s case during the appeals process, visited him and reported back to the lawyer that the prisoner was “actively dissociating, losing his grasp on reality”.

On 22 and 23 September, a trial judge held what the Brandon Rhode’s lawyer, in a subsequent appeal to the state Supreme Court, described as a “pseudo-hearing”. The hearing, he wrote, “went at breakneck speed”, allowing the defence “no time to prepare”. He said that the first half of the hearing went ahead before he had been able to have Brandon Rhode evaluated by a mental health expert. He continued: “Once an expert was allowed access to Rhode he determined that Rhode’s mind was slipping in and out of reality from the effect his loss of blood, and the surrounding gruesome circumstances, had on his long-damaged brain. The State’s own mental health expert could not say that Rhode was competent. But this hearing was designed to ensure an execution rather than meaningfully examine competence, an intent punctuated by the lower court’s wholesale and uncritical signing of the state’s 14 page order ‘finding’ Rhode competent”. On 27 September, the Supreme Court rejected the appeal against this lower court ruling. The state Board of Pardons and Paroles refused to reconsider its denial of clemency of 17 September.

The federal courts also refused to intervene. Finally, the execution was delayed past its 7pm scheduled time while the authorities waited for word from the US Supreme Court. The latter refused to stay the execution, and it went ahead with the lethal injection team taking about half an hour to find a vein in which to inject Brandon Rhode. Once they had done so, it took 14 minutes for the drugs to kill him. He was pronounced dead at 10.16pm.

Brandon Rhode becomes the 40th person to be put to death in the USA this year, and the 1,228th since judicial killing resumed there in 1977. Georgia accounts for 48 of these executions.

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

This is the first update of UA 208/10 (AMR 51/088/2010). Further information: <http://www.amnesty.org/en/library/asset/AMR51/088/2010/en>

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