

# URGENT ACTION

## THOMAS ARTHUR EXECUTED IN ALABAMA

**Thomas Arthur, aged 75, was executed in Alabama late on 25 May. It was his eighth execution date since 2001, three times coming within a day of being killed. This time, the US Supreme Court lifted a stay shortly before the death warrant was due to expire.**

**Thomas Arthur** was convicted of the murder of Troy Wicker in 1982. He consistently maintained his innocence.

The execution was scheduled for 6pm on 25 May, but the US Supreme Court issued a stay in order to consider final appeals relating to the three-drug lethal injection protocol, including the use of midazolam as the sedative component, and Thomas Arthur's legal counsel's request to be allowed a telephone in the execution chamber. The stay was lifted at about 10.45pm with the death warrant due to expire at midnight. Justice Sonia Sotomayor dissented. She pointed out her continuing concerns around the use of midazolam and whether it "is capable of rendering prisoners insensate to the excruciating pain of lethal injection and thus whether midazolam may be constitutionally used in lethal injection protocols". She argued that "the State has no legitimate reason – penological or otherwise – to prohibit Arthur's counsel from possessing a phone during the execution, particularly in light of the demonstrated risk that midazolam will fail." She concluded: "The State's refusal serves only to frustrate any effort by Arthur's attorneys to petition the courts in the event of yet another botched execution... Its action means that when Thomas Arthur enters the execution chamber tonight, he will leave his constitutional rights at the door."

The lethal injection began at about 11.45pm and Thomas Arthur was pronounced dead half an hour later. After the execution, his daughter said: "First of all, I would like to express my deepest sympathy for the family of Troy Wicker. I hope what has transpired today will allow them to have some peace and closure. I've never known for certain whether my father killed Troy Wicker. At times I was convinced he did. At times I believed he was innocent. Over decades you go through a roller coaster. Now I'll never know the truth because the evidence that could prove if my father was innocent or guilty has not been tested using the latest DNA testing procedures. Governor Ivey denied my father's request for DNA testing, and I don't understand why when the stakes are so high."

After the execution, Governor Kay Ivey issued a statement in which she said: "How to proceed when faced with a potential execution is one of the most difficult decisions I will ever have to make as governor. After much prayer and careful and deliberate consideration, I thought it best to allow the decision of a jury of Tommy Arthur's peers to stand. In allowing the execution to proceed this evening, the rule of law was upheld, and Mr. Wicker's family can finally rest knowing that his murderer has faced justice... No governor covets the responsibility of weighing the merits of life or death; but it is a burden I accept as part of my pledge to uphold the laws of this state. Mr Arthur was rightfully convicted and sentenced, and tonight, that sentence was rightfully and justly carried out."

There have been 1,454 executions in the USA since judicial killing resumed in 1977 under new capital statutes approved by the US Supreme Court in 1976. Alabama accounts for 59 of these executions. There have been 12 executions in six states so far this year (this was the first in Alabama). Amnesty International opposes the death penalty, unconditionally. Today some 141 countries are abolitionist in law or practice.

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

This is the first update of UA 103/17. Further information: [www.amnesty.org/en/documents/amr51/6191/2017/en/](http://www.amnesty.org/en/documents/amr51/6191/2017/en/)

Further information on UA: 103/17 Index: AMR 51/6373/2017 Issue Date: 26 May 2017

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