

INTRODUCTION

The state of Alabama and its officials have committed acts of "torture" in violation of Article 5 of the Universal Declaration of Human Rights (1948), Article 7 of the International Covenant on Civil and Political Rights (1966), Articles 1,4, and 16 of the Convention Against Torture or Other Cruel, Inhumane or Degrading Treatment or Punishment and Title 18 U.S.C. §§ 2340- 2340(a), these prohibitions of torture of the Third Geneva Convention and the UN Declaration on the Protection of All From Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment (1975)

BACKGROUND

The state of Alabama and its officials have committed actsof "torture" on men who have been condemned to a sentence of death under Alabama's Capital Punishment Statute. These acts of "torture" have been both physical and mental and even though these acts may appear to be lawful sanctioned, they are violations on prohibition against "torture." The latest act of "torture" by the state of Alabama and its officials stems from the execution of Kenneth Eugene Smith on 1/25/2024, when Mr. Smith was tortured to death by the state's use of nitrogen gas. This execution was closely watched by the world as Mr. Smith was the first person that this method using a mask to administer nitrogen gas would ever be tested. Mr. Smith became the state of Alabama's very own human guinea pig as they experimented using this untested method of execution on him, torturing him to death, in violation of international laws against torture, and US Federal law.

ARGUMENT

The state of Alabama which is a territory within the United States jurisdiction is in violation of the articles of the Convention Against Torture or Other Cruel, Inhumane or Degrading Treatment or Punishment.

As to the Articles of the Convention Against Torture or Other Cruel, Inhumane or Degrading Treatment or Punishment, the state of Alabama and its officials have subjected multiple human beings to "torture" both physical and mental denying each of them the rights under international laws against the prohibition of such acts. These acts in which the state of Alabama have committed does not only consist of "torture" but also include inhumane treatment and punishment.

On 2/22/2018, Doyle Lee Hamm was subjected to "torture" as defined in Title 18 U.S.C. 55 2340-2340(a) and Article 1 of the Convention Against Torture or Other Cruel, Inhumane or Degrading Treatment or Punishment.

The state of Alabama and its officials poked Mr. Hamm multiple times with a needle in search of a vein to administer a lethal dose of the execution drugs to deprive Mr. Hamm of his right to life. State officials were unable to locate a vein despite the fact that they stuck Mr. Hamm in his

groin, his feet, his arms, legs, etc. As a result, state officials punctured Mr Hamm's bladder causing him severe pain and suffering stemming from this botched execution attempt. These acts of torture by the state of Alabama and its officials were both physical and mental and in violation of U.S. and International law.

On 7/28/2022 Joe Nathan James Jr. was also subjected to torture. The state of Alabama and its officials tortured Mr. James when they poked him dozens of times with a needle in search of a vein so that they could administer the lethal injection drug, once they were unable to establish a vein to run an intravenous line, the Alabama officials deviated from its protocol by performing a medical procedure in stark contrast to its protocol called a "cut down" By performing this "cut down" procedure, Alabama officials subjected Mr. James to "torture" and knowingly tried to cover up these acts of "torture" until an independent autopsy was performed by Dr. Boris Datnow and witnessed by Dr. Joel Zivot, and Elizabeth Bruenig of the Atlantic. This autopsy revealed the full extent of the pain and suffering Mr. James experienced during the nearly 3 hours of haphazard attempts by Alabama officials clearly in violation of both U.S. and International law.

On 9/22/2022 Alan Eugene Miller was subjected to "torture" both physically and mentally when the state of Alabama and its officials poked him with a needle for hours in search of a vein. At some point Mr. Miller, while strapped to the gurney, was turned upside down causing blood to rush to his head. Alabama officials hoped that this procedure would cause Mr. Miller's veins to become visible so that they could insert an IV to administer the lethal drug cocktail to deprive Mr. Miller of his right to life, but to no avail, and facing an expiring death warrant, his execution was halted. The effects of this horrifying moment caused Mr. Miller to be tortured physically and mentally as shown by the fact that Mr. Miller who once slept in a cell where he could see the door to the very same execution chamber where this botched execution attempt took place, shortly after had to be moved to another cell

because of the trauma he suffered on the night of the execution attempt. Now the state of Alabama has added even more mental torture

to Mr. Miller's situation by asking the Alabama Supreme Court to set another execution date causing Mr. Miller to relive those horrifying moments from the botched execution attempt while also facing the reality that now the state of Alabama and its officials are planning to use nitrogen gas on him after they just tortured his very close friend Kenny Smith using the same method. This under Alabama case law is in itself defined as "psychological torture." (Key v. State) Stating that "Psychological torture can be inflicted where the victim is in intense fear and aware of, but helpless to prevent, impending death."

Mr. Miller is a victim who has not only suffered from an execution attempt on his life, but who now faces these same circumstances that the Alabama Supreme Court defines as "psychological torture." For these reasons, the state of Alabama and its officials are in violation of Title 18 USC §2340-2340(a) and Articles 1,2,4,9, and 16 of the Convention Against Torture or Other Cruel, Inhumane or Degrading Treatment or Punishment.

Kenneth Eugene Smith was subjected to "torture" as defined under Title 18 USC §§ 2340-2340(a) and Article 1 of the Convention Against Torture or Other Cruel, Inhumane or Degrading Treatment or Punishment.

Mr. Smith on 11/17/2022 was subjected to physical and mental torture as he laid strapped to a gurney for hours with no clue that there had been a stay of execution entered on his behalf, until it was lifted by SCOTUS giving way for Alabama to proceed with his first execution attempt. The state of Alabama and its officials then began poking Mr. Smith with a needle in search of a vein, they even went to the extreme of holding Mr. Smith's head down in an attempt to find a vein by running the needle through Mr. Smith's shoulder in search of a central line and telling Mr. Smith that this was for his own good. Alabama State officials were unable to find a vein and as the death warrant was about to expire the execution attempt was called off. Mr. Smith after surviving this botched execution attempt months earlier was once again subjected to "torture" at the hands of the state of Alabama and its officials. Only this time the state of Alabama went as far as to experiment on Mr. Smith, making him the state's very own guinea-pig for the untested method of nitrogen gas (asphyxiation). Mr. Smith became a part of history on this day, being the first human being to be executed through the use of nitrogen gas asphyxiation by way of a mask. As the world watched or awaited the outcome of the horrific moment Mr. Smith was being tortured to death, as nothing went as testified to under oath by members of the Alabama Attorney General's office Mr. Smith was conscious for several minutes rather than unconscious in a matter of seconds as they claimed. Mr. Smith was convulsing and his body was violently shaking causing the entire gurney to move at least one time. Mr. Smith's veins expanded like spiderwebs as he breathed in the lethal gas until he was pronounced dead. Mr. Smith's execution execution was not only torture on him, it was torture for the eyes and minds of the witnesses that observed horrible acts by the state of Alabama and its officials.

Those witness accounts of what they saw on 1/25/24 and the effects of what they saw will demonstrate to this committee how the State of Alabama's disregard for human life is in violation of Article 5 of the Universal Declaration of Human Rights (1948), Article 7 of the International Covenant on Civil and Political Rights (1966) forbids torture or cruel, inhumane or degrading treatment or punishment and the specific prohibition of torture of the Third Geneva Convention and other prohibitions on torture that were later repeated and expanded in the UN Declaration on the Protection of all from torture and cruel, inhumane or degrading treatment or punishment (1975)

As to the execution of Mr. Kenneth Smith by way of nitrogen gas asphyxiation, the White House press secretary voiced the concerns of the White House in this matter, but yet has anyone of authority been dispatched to impartially investigate, collect, or document evidence of this torturous act committed by the state of Alabama and its officials. This in itself is a violation of Article 12 of the Convention Against Torture or Cruel, Inhumane or Degrading Treatment or Punishment on behalf of the United States as a state party to the convention who shall oversee the actions of any state territory within its jurisdiction.

CONCLUSION

In closing, we pray that this Committee reviews the evidence submitted with the filing of this complaint for violations of international law against torture or other cruel, inhumane or degrading treatment or punishment, which the state of Alabama and its officials who belong to a territory within the United States jurisdiction have committed and place upon them any penalty or punishment available to each party or participant associated with these acts of torture that has been committed pursuant to Article 17(1)(2)(3), Article 19(1)8(2) and Article 20(1)(2)(3).

Respectfully