

THE EXPERTS NOTED THAT PUNISHMENTS THAT CAUSE SEVERE PAIN OR SUFFERING, BEYOND HARMS INHERENT IN LAWFUL SANCTIONS LIKELY VIOLATE THE CONVENTION AGAINST TORTURE WHICH THE UNITED STATES IS A PARTY TO, AND THE BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT THAT GUARANTEES THAT NO DETAINEE SHALL BE SUBJECTED TO MEDICAL OR SCIENTIFIC EXPERIMENTATION WHICH MAY BE DETRIMENTAL TO HIS HEALTH.

URGENT COMPLAINT REGARDING ALLEGED HUMAN RIGHTS VIOLATIONS IN ALABAMA EXECUTION ON JANUARY 25, 2024 OF KENNETH EUGENE SMITH AND POTENTIALLY 160 MORE MEN AND WOMEN IN ALABAMA'S CUSTODY ON ITS NOTORIOUS DEATH ROW, ALABAMA CONSISTENTLY HAS ONE OF THE HIGHEST EXECUTION RATES IN THE U.S. IT HAS EXECUTED 73 PEOPLE SINCE 1983, INCLUDING 12 PEOPLE WHO WERE EXECUTED EVEN THOUGH THEIR JURIES VOTED FOR LIFE SENTENCES. KENNETH SMITH WAS ONE OF THOSE 12.

Dear United Nations High Commissioner for Human Rights, Project Hope to Abolish the Death Penalty is writing to bring your attention to serious concerns regarding the recent execution of Kenneth Eugene Smith in the state of Alabama, US. The use of a novel and untested execution method, nitrogen asphyxiation, has raised alarming issues of potential torture and inhumane treatment, as highlighted by eyewitness accounts.

Eyewitness reports indicate that Mr. Smith's death involved convulsions and violent shaking during the administration of nitrogen gas. This untested method, challenged by lawyers and medical professionals, prompts a significant question about its compatibility with international standards on humane treatment and human rights.

Furthermore, discrepancies in the execution process, including the execution's duration and lack of transparency regarding the timing of nitrogen gas flow, raise doubts about adherence to established protocols. The concerns expressed by legal representatives, medical professionals, and the UN's High Commission for Human Rights necessitate a thorough investigation into the circumstances surrounding this execution.

Given the potential violation of human rights and the use of an unproven method, we at Project Hope to Abolish the Death Penalty and supporters against state-sponsored killings of its citizens urge the United Nations to investigate this matter promptly and thoroughly, ensuring that justice, fairness, and respect for human dignity are upheld in all instances of capital punishment.

* See report from White House. The White House called Alabama's use of nitrogen hypoxia to execute a prisoner Thursday night, 1/25/2024, "troubling," noting that President Biden has long had "deep concerns" with how the death penalty is implemented.

EXECUTION OF KENNETH EUGENE SMITH

JANUARY 25, 2024 at 6:00 PM CST.

"The world is watching:" Witnesses report Kenneth Smith appeared conscious, "shook and writhed" during first-ever nitrogen hypoxia execution. On January 25, 2024, Alabama executed Kenneth Smith using nitrogen hypoxia, a first in American history.

Alabama has a complex history marked by instances of disregard for human life. Slavery, a dark chapter in the state's past, involved systemic human rights violations, with individuals being treated as property. The infamous Tuskegee experiments further stained Alabama's record, as it subjected African American men to unethical medical

experimental practices without informed consent. During the Civil Rights Era, Alabama gained notoriety for its resistance to desegregation and widespread discrimination. Events like the Birmingham church bombing, where four African American girls lost their lives highlighted the severe consequences of racial hatred.

Additionally, Alabama's use of gas execution as a method of capital punishment raises ethical concerns. The state's history underscores the importance of acknowledging and addressing past injustices to foster a more just and equitable society.

The principle of equal treatment and impartiality is fundamental to the United Nations' mission in promoting human rights. While addressing human rights violations is crucial, singling out a specific state, such as Alabama, for differential treatment may undermine the universality of the UN's efforts. Applying consistent standards globally ensures fairness and prevents selective enforcement. Rather than targeting specific regions within a country, the UN should employ a comprehensive approach to address human rights issues wherever they occur, fostering a more equitable and impartial system of intervention and accountability.

Unveiling the persistent injustice:

Examining the banned law's role in unfair executions and human rights violations. The law of Alabama's legal system called jury override which was used on Kenneth Smith to execute him but is banned.

In 2017, the practice of judicial override where a judge can override the life verdict of a jury and sentence a defendant to death was banned by the Alabama legislature but the new law was not applied to people on death row at the time.

The banning of a law intended to eliminate unjust practice often highlights the persistence of systemic issues. In the case of a banned law still being employed to execute death row inmates.

Dear United Nations, We Project Hope to Abolish the Death Penalty want to extend our heartfelt thanks for your prompt and decisive action in investigating the human rights violations against individuals like Kenneth Smith in Alabama. Your commitment to upholding human rights is a beacon of hope for those who have endured injustice. Thank you for championing the cause of justice and fairness.

A glaring unfairness and hypocrisy emerge. Despite the supposed progress in recognizing the flaws in the legal system, the continued use of such a prohibited measure underscores a failure in addressing deep-seated biases and procedural injustices. This situation not only compromises the integrity of the legal process, but also raises ethical concerns regarding the commitment to upholding human rights. It serves as a stark reminder of the urgent need for comprehensive reform to ensure a fair and just legal system that aligns with principles of equality and justice.

International law proscribing the use of gas against human beings dates back to at least the protocol for prohibition of the use in war of asphyxiating poisonous or other gasses and bacteriological methods of warfare, also known as the Geneva Protocol, which went into force in 1925 in the aftermath of the first world war.

Prior to Mr. Smith's execution, the United Nations High Commissioner for Human Rights, Ravine Stickdasani expressed concern that the execution of Mr. Smith would breach the prohibition on torture or other cruel, inhumane, or degrading treatment or punishment. Four limited states special respectivas expressed concern that the execution would violate the United Nations convention against torture and other cruel and inhumane or degrading treatment or punishment as well as the body of principles for the protection of all persons under any form of detention or imprisonment.