



The UIA Institute for the Rule of Law

PRESS RELEASE

Paris, 22 January 2024

EXECUTION IMMINENT IN ALABAMA - NITROGEN HYPOXIA

UIA-IROL is deeply concerned about the imminent execution in the United States of an execution to be carried out by the inhuman methodology of a forced nitrogen inhalation, a practice in violation of international human rights law. Alabama judicial authorities have set January 25 or 26, 2024 as the date for the execution of Kenneth Eugene Smith by nitrogen gas injection, a lethal technique never before used.

Kenneth Eugene Smith has spent 33 years on death row. Although he was due to be executed by lethal injection on November 17, 2022, his killing was halted due to the impossibility of administering a lethal injection intravenously within the allotted time.

On November 1, 2023, the Alabama Supreme Court ruled that the state could execute a prisoner using nitrogen gas, a previously unused lethal method.

On January 16, the United Nations Office of the United High Commissioner for Human Rights strongly denounced the use of this unproven method, which can result in a painful and humiliating death and constitute torture or other cruel, inhuman or degrading treatment or punishment.

According to their spokesperson [Ravina Shamdasani](#):

"We are alarmed by the imminent execution, in the United States of America, of Kenneth Eugene Smith, by means of a new and untested method, namely nitrogen asphyxiation, which could amount to torture or other cruel, inhuman or degrading treatment or punishment under international human rights law."

The nitrogen hypoxia method consists in having the condemned person inhale nitrogen, which, by depriving him of oxygen, causes his death. It has been authorised in three American states, namely Oklahoma, Mississippi and Alabama since 2018. None of these three states has ever used the practice.

This method not only violates the right to life, but also contravenes the principle of the prohibition of torture and cruel, inhuman or degrading treatment or punishment, a norm of customary international law guaranteed in particular by Article 3 of the [Universal Declaration of Human Rights](#), the 1984 [Convention against Torture](#) and Article 7 of the [International Covenant on Civil and Political Rights](#), and is a violation of international human rights law.

UIA-IROL strongly condemns the decision of the Alabama judicial authorities to execute Kenneth Eugene Smith by nitrogen inhalation. It joins the [OHCHR](#) in calling on the authorities concerned to halt the execution of Kenneth Eugene Smith and to refrain from taking steps towards any further such executions.

UIA-IROL

UIA (International Association of Lawyers) –9 rue du Quatre-Septembre – 75002 Paris (France), Association Loi 1901 n° W751207624
Tél. : +33 1 44 88 55 66 / Fax : +33 1 44 88 55 77 / E-mail : uiacentre@uianet.org / Web : www.uianet.org

UIA-IROL also expresses its solidarity with the family of Kenneth Eugene Smith, his lawyers and human rights defenders, who fight daily for dignity in criminal law enforcement, and the abolition of the death penalty in the United States and around the world.

To this day, 26 U.S. states still allow the death penalty in their legislation.

In 2023, [24](#) people were sentenced to death in the United States.

UIA-IROL points out that death row syndrome is a form of extreme torture, described as "[irreversible torture](#)"¹, while it has been shown that the death penalty has no deterrent effect on crime.

The fight for the universal abolition of the death penalty is a priority objective in the defence of human rights. UIA-IROL urges the USA and all retentionist states to abolish capital punishment, and in the meantime to introduce an immediate moratorium on executions.

More about UIA-IROL

The Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL) promotes the Rule of Law and supports and defends, in particular, (1) lawyers, judges and human rights defenders who are harassed, threatened and/or persecuted in the exercise of their professions, (2) the independence of the legal and judicial professions, and (3) the UN Basic Principles on the Role of Lawyers, especially in defense of human rights.

For more information go to: www.uianet.org - uiacentre@uianet.org
Contact person: Julie ROSA, Communication & Digital Strategy Manager, jrosa@uianet.org

¹ See, for instance, Amnesty International, [Death penalty has no proven deterrent effect on crime and is the ultimate cruel, inhuman and degrading punishment](#), August 2021; United Nations, [Human Rights Council holds Biennial High-Level Panel Discussion on the Question of the Death Penalty](#), 23 February 2021; World Coalition against the Death Penalty, [The Flaws of Deterrence Theory for Capital Punishment](#), 23 February 2021.