



The UIA Institute for the Rule of Law

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## STATEMENT

Paris, January 12, 2021

### Trump Administration Must Stop All Executions!

As President Donald Trump's days in the White House wane, his administration is racing through a string of federal executions.

Mr. Trump is the country's most prolific execution president in more than a century. For the first time in US history, the federal government has in one year executed more American civilians than in all the states combined.

The 10 inmates executed in 2020 will bring a single-year total unmatched in modern history.

At least three executions are still scheduled before President-elect Joe Biden's 20 January inauguration. Executing these individuals would break a 130-year-old precedent of pausing executions amid a presidential transition.

**Lisa Montgomery**, the only woman on federal death row, is set to be executed on January 12, 2021. Her legal team claims that intellectual disability and childhood trauma were not adequately considered in her sentencing.

**Corey Johnson**, who is set to be executed by the federal government on January 14, filed recently for a stay of execution with the US Fourth Circuit Court of Appeals. His lawyers argue that his upcoming execution is unconstitutional because significant evidence of his intellectual disability was not considered at trial.

His pending clemency petition details early evidence of his disability. His lawyers claim that these inherent challenges were also exacerbated by abuse, trauma, and instability throughout his childhood. But courts have never heard the full scope of evidence uncovered by his current legal team. Johnson's appeal requests a hearing on the new evidence of his disability, particularly in light of the 2002 case, *Atkins v. Virginia*, which held it unconstitutional to sentence people with intellectual disabilities to death. The Atkins ruling provides a three-step test to determine whether defendants are intellectually disabled, which attorneys and experts say Johnson meets.

If granted, Johnson's execution could be postponed until after President-elect Biden takes office. Biden has spoken in favor of abolishing the federal death penalty but has not specified when he would take action.

**Dustin Higgs** is set to be executed on January 15. Both Johnson and Higgs contracted Covid-19 in December. Lawyers for Johnson and Higgs are arguing that lung damage sustained by their clients heightened the risk that they would suffer a tortuous death.

UIA-IROL urges President Donald Trump to stop the planned federal executions, specifically in view of the Defense arguments linked to the intellectual disability and/or health of the death-row inmates.

## More about the UIA-IROL

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