

# URGENT ACTION

## USA: MAN WITH MENTAL DISABILITY EXECUTED

Benjamin Cole, a man diagnosed with paranoid schizophrenia and brain damage, was executed on 20 October 2022 in Oklahoma. After the state Pardon and Parole Board rejected clemency, the state and federal courts declined to order a hearing into his competency for execution. The execution by lethal injection went ahead, and Benjamin Cole was pronounced dead at 10:22 am, local time.

**NO FURTHER ACTION IS REQUESTED. MANY THANKS TO ALL WHO SENT APPEALS.**

On 27 September 2022, by four votes to one, the Oklahoma Pardon and Parole Board rejected clemency for Benjamin Cole, who had been sentenced to death in 2004 for the murder of his nine-month-old daughter. Under Oklahoma law, the Governor cannot grant clemency without a recommendation from the Board to do so. Benjamin Cole's lawyers turned to the courts to seek a determination on their client's "competency for execution". In the USA, it is unconstitutional to execute a person who lacks a rational understanding of the reason for and reality of their punishment. This standard has failed to prevent numerous people with serious mental disabilities, and with serious questions about their competency for execution, being put to death in the country. The courts ruled that Benjamin Cole, too, could be executed, finding that his lawyers had not made the necessary showing under state law to warrant a "competency trial".

After the execution, one his lawyers said: "Benjamin Cole was a person with serious mental illness whose schizophrenia and brain damage went undiagnosed and untreated for many years, eventually leading to the tragic crime for which he was executed. Over his years on death row, Ben slipped into a world of delusion and darkness. Although I represented him for many years, he was often unable to interact with my colleagues and me in any meaningful way. As Ben's physical health deteriorated along with his mind, he became progressively more detached from reality, refusing to leave his cell, moving little and with difficulty, and rarely speaking to anyone. It is unconscionable that the State denied Ben a competency trial. Ben lacked a rational understanding of why Oklahoma took his life today."

There have been 12 executions in the USA this year, four of them in Oklahoma. This brings to 1,552 the total number of executions there since the United States Supreme Court approved new capital statutes in 1976. Oklahoma accounts for 118 of these state sanctioned killings, second only to its neighbour, Texas. Together, Texas and Oklahoma account for 45 percent of all executions in the USA since 1976, and 58 percent of executions so far in 2022. There are currently 23 executions scheduled to take place in Oklahoma before the end of 2024.

**NAME AND PRONOUN:** Benjamin Cole (he, him)

**THIS IS THE SECOND AND FINAL OUTPUT FOR UA 78/22**

**LINK TO PREVIOUS UA:** <https://www.amnesty.org/en/documents/amr51/6001/2022/en/>