

EXTERNAL

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To: Medical professionals
From: Medical Office / Research Department - Asia
Date: 15 December 1992

MEDICAL LETTER WRITING ACTION

**Introduction of execution by lethal injection
TAIWAN**

Keywords

Theme: death penalty/execution/lethal injection/medical ethics

Profession/association: doctor/medical association

Summary

On 19 October 1992, the legislature of Taiwan passed an amendment to the law regulating executions to allow for the execution of condemned prisoners by injection of lethal chemicals. The exact procedures to be used are not known to Amnesty International. Taiwan is the first country after the USA to resort to such an execution method. AI is opposed to all executions without reservation but is particularly worried by the introduction of a method based on the misuse of medical skills.

Recommended Actions

Letters from medical professionals, preferably written in English, otherwise your own language, should be sent to the addresses below:

- expressing deep concern at the introduction of lethal injection as a form of execution in Taiwan
- noting the ethical prohibition on medical involvement in executions. You could cite for example the World Medical Association position against such involvement. [The Chinese-Taipei Medical Association is an affiliate of the WMA]
- asking for information about who will conduct the training of the officers who will carry out the execution
- urging that steps be undertaken to reduce the scope of the death penalty with the ultimate objective of bringing it to an end

Addresses*Minister of Justice*

His Excellency
 Mr. Lu You-wen
 Minister of Justice
 Ministry of Justice
 130 Chung Ching S. Road
 Sec. 1
 Taipei Taiwan
 Republic of China

Minister of Foreign Affairs

Mr. Fredrick Chien
 Minister of Foreign Affairs
 Ministry of Foreign Affairs
 2 Chiehshou Road, Sec 2
 Taipei, Taiwan
 Republic of China

Director General, Department of Health

Dr Po-Ya Chang, Director General
 Department of Health Executive Yuan
 100 Ai-Kuo E Road
 Taipei
 Taiwan

Copies to:

Dr Yang-Te Tsai, Secretary General
 Chinese Medical Association Taipei
 201 Shih-Pai Road
 Sec. II
 POB 3043
 Taipei
 Taiwan 11217
 Republic of China

You are also asked to bring this matter to the attention of your own national Medical Association to seek their views and possible intervention.

If you are able to arrange for articles in the medical press, please send copies of any published articles to the IS.

A limited number of appeals should also be copied to the World Medical Association

World Medical Association
 28, avenue des Alpes
 01210 Ferney-Voltaire
 France

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MEDICAL CONCERN**Introduction of execution by lethal injection
TAIWAN**

According to a report in the *China Post* of 20 October 1992, the legislature of Taiwan passed an amendment to the law regulating executions to permit the execution of condemned prisoners by the injection of lethal chemicals (lethal injection). To date, there are not known to have been any executions by this method.

Since October 1990, the regulations on executions have permitted the use of prisoners' organs for transplantation purposes provided the prisoners consent. This followed a proposal from a group of surgeons in April 1990 that prisoners be executed by a shot to the head rather than the heart to allow for the use of the heart in transplantation. In April 1990 a draft law was made public by the Justice Ministry. A Ministry spokesperson was quoted as saying; "We hope more donated organs from prisoners can be used once the new law is in effect" (Reuters, 24 April 1990). Among the doctors quoted in subsequent press articles, Wei Cheng, Director of the Department of Surgery, Tri Service General Hospital, favoured the method since it cut down the time required to certify death and would allow doctors to remove the convicts' organs immediately (*China Post*, 25 April 1991).

In May 1991, the Justice Ministry abolished a regulation requiring that doctors twice examine the bodies of organ-donating executed prisoners. The regulations formerly specified that the executed prisoner was examined 12 hours after the execution and again four hours later. The *China Post* of 3 May 1991 reported that "the ministry made the decision in order to avoid controversy, in response to reports that many organ donors had to be shot as many as five times when they were found by doctor still alive during the second examination".

The use of executed prisoners as a source of organs has provoked widespread concern among medical professionals internationally and led a number of authoritative bodies to oppose the practice of using organs from executed prisoners. For example, the Transplantation Society, in June 1991, unanimously condemned the practice of procuring organs from executed criminals and the Council of the International Federation of Surgical Colleges, in October 1992, decided that medical staff should abstain from any cooperation in dealing with executed prisoners or in harvesting organs from them.

Further modifications to the practice of capital punishment in Taiwan apparently, at least in part, in response to demands for organs from executed prisoners gives renewed cause for concern. Taiwan is only the second country to adopt the lethal injection method of execution

which is based on medical knowledge and risks involving medical professionals in its carrying out.

The advent of lethal injection as a means of execution in the USA in 1977 led the American Medical Association (AMA) to consider the implications that this might have for doctors and in 1980 the AMA adopted a resolution on doctors' involvement in capital punishment. This stated that

"A physician, as a member of a profession dedicated to preserving life when there is hope of doing so, should not be a participant in a legally authorized execution [though a doctor can] make a determination or certification of death as currently provided by law."

Despite the clear ethical ban against medical participation, there have been reports that doctors have actively assisted in executions by lethal injection in the USA.

Background

In the past six years Amnesty International has recorded 218 executions in Taiwan. Before the recent legislation, the methods of execution provided for were shooting, lethal gas and electrocution, though in practice all executions were carried out by shooting. According to the *China Post* report of 20 October 1992, the Minister of Justice, Lu You-wen, "said use of toxic injection is a humane way to execute people and [that] court police would be trained to carry out the newly adopted means of execution". The Minister was reported as saying that gas and electricity were usually not used in executions because of the lack of facilities. He added that ethical issues had kept suppliers from providing materials to build facilities that would kill people.

In 1981 Amnesty International formulated a declaration on the participation of health personnel in the death penalty, which was revised in 1988 in the light of developments on the issue. This states the organization's position regarding medical involvement in executions and notes that involvement could take any of the following forms:

- determining mental and physical fitness for execution
- giving technical advice
- prescribing, preparing, administering and supervising doses of poison in jurisdictions where this method is used
- making medical examinations during executions, so that an execution can continue if the prisoner is not yet dead.