

PUBLIC

AI Index: AMR 51/031/2006

22 February 2006

Further Information on UA 36/06 (AMR 51/027/2006, 13 February 2006) Death Penalty

USA (California)

Michael Morales (m), aged 46

Michael Morales, who was scheduled to be executed on 21 February, has received an indefinite stay of execution after two anaesthetists who were going to attend the execution withdrew on ethical grounds.

According to press reports, the anaesthetists, who are understood to have volunteered to attend the execution to ensure that Morales was properly unconscious before other drugs were administered to kill him, withdrew following concerns about the extent of their involvement in the process. This followed a ruling on 21 February by US District Judge Jeremy Fogel, that the drug used to render Morales unconscious should be administered directly into Morales's vein by a licensed medical professional, rather than flow through an intravenous tube from outside the execution chamber.

The anaesthetists reportedly said that the judge's ruling "raised serious questions about a possible responsibility to personally intervene in the execution of Mr Morales if any evidence of either pain or a return to consciousness arose." They also stated: "While we contemplated a positive role that might enable us to verify a humane execution protocol for Mr Morales, what is being asked of us now is ethically unacceptable."

Leading medical associations, including the California Medical Association, had reportedly expressed concern at Judge Fogel's ruling that medical professionals should participate in executions.

Morales's attorneys had been appealing through the courts against the execution, among other things on the grounds that lethal injection causes pain. On 15 February, Judge Fogel reportedly said that Morales's lawyers had raised "substantial questions" about whether the state's administration of lethal injection "creates an undue risk that (Morales) will suffer excessive pain when he is executed" and ordered the state to ensure he was adequately anesthetized for his execution or that the state substitute one drug for the three drugs usually used in the process.

Thank you to everyone who sent appeals. No further action is required from the UA network at present.