

LETHAL INJECTION:

The medical technology of execution

An update: September 1999

In January 1998, Amnesty International issued a report on the introduction, legislation and use of lethal injection executions in five countries: the USA, China, Guatemala, Philippines and Taiwan¹. At the time of publication only the first two of these countries had carried out lethal injection (LI) executions, though Guatemala and Philippines had introduced legislation permitting LI executions and Taiwan had had such legislation since 1992². Since then, Guatemala has carried out its first (and, to date, only) execution by injection, that of Manuel Martínez Coronado on 10 February 1998. The execution was botched, taking up to 18 minutes to accomplish, and was accompanied by the wailing of his family members who were present at the killing. In the Philippines, five executions have taken place since the re-starting of executions on 4 February 1999. More than 1000 prisoners currently await execution in the country, and the number is escalating rapidly. In August 1999 the president announced a stay on all executions until a “conscience committee” was established to review sentences.

This paper gives information on developments in the application of the death penalty by lethal injection up to September 1999.

USA

The introduction of lethal injection in the USA in 1977 provoked a debate in the medical profession and strong opposition to a medical role in such executions. From an uncertain start, the method has spread and has adopted the position of principal method of execution in the USA. To 31 December 1998, 371 individuals had been executed by lethal injection in the USA since the first such execution in December 1982.

On 18 December 1998, Andy Lavern Smith was executed by lethal injection in South Carolina. He was the 500th prisoner to be executed since 1977. Of those 500 put to death, 245 (49%) were executed by lethal injection. However, the scale of the change towards lethal injection can be seen in the increase in the proportion of LI executions. From 1977 to 1990, 143 prisoners were executed, 55 (38.5%) of whom were subjected to lethal injection. By contrast, of the last 143 of the 500 prisoners executed in the period between mid-December 1996 and the end of 1998, 129 (90.2%) were executed by lethal injection, with 14 executed by other methods. Of the 66 prisoners executed in 1999 (to end-August), all but four were executed by lethal injection.

¹*Lethal injection: the medical technology of execution.* AI Index: ACT 50/01/98.

²After the report had gone to print, AI learned that a LI execution had allegedly taken place in Taiwan in 1997. The information came from a previously reliable source and AI published an addendum to the report stating that Taiwan had joined the USA and China as a country practising LI executions. This information has now been found to have been incorrect and AI issued a public statement clarifying the situation in November 1998. To date, no executions by LI have been carried out in Taiwan.

Joseph Cannon was executed in Texas on 23 April 1998. A first attempt to carry out the execution failed when a vein in his arm collapsed and the needle came loose. Cannon was laying strapped to the gurney with his eyes closed when he realized what had happened. (He reportedly told witnesses: "It's come undone".) A curtain was pulled across the window through which witnesses viewed the execution to block the view of what was happening. Fifteen minutes later the second attempt began and Cannon died shortly thereafter.

There was concern expressed about the continued use of the electric chair in Florida following the execution on 8 July 1999 of Allen Lee Davis, aged 54, the first man to be executed in Florida's newly built electric chair. His shirt displayed a spreading mark of blood after the electrocution started -- later shown to have come from a bleeding nose -- and there were calls to replace the electric chair with lethal injection executions. However there is strong resistance to this, in part because the law under which current prisoners on death row were convicted specifies that executions shall be carried out by electric chair. Some supporters of the death penalty argue that ending execution by electrocution would have the effect of quashing all existing death sentences. At time of writing the debate on possible introduction of lethal injection in Florida is continuing.

China

Reports of lethal injection executions in China, where the method was introduced in 1997, remain sketchy. At least 24 of the 1,644 executions carried out in China in 1997 were by lethal injection. Reports suggested that they formed part of an experiment in refining the new execution procedure. However, up-to-date information on the application of lethal injection executions is proving very difficult to obtain due to the secrecy concerning matters relating to the death penalty.

A report in the *Zhejiang Fazhi Bao* of 2 February 1999 summarised the use of lethal injection and gave information on the sixth such application of the method by Kunming Intermediate People's Court though this related to events in 1997. Four individuals had been sentenced to execution [for drugs offences] on 4 November 1997 and were told the day before the execution that LI would be used. According to the article, when the four found out that they were to be executed by LI "they rejoiced greatly". During the execution, a doctor reportedly asked one of the condemned how it felt. He responded that "it's good; it doesn't hurt". It took between 32 and 58 seconds for the men to die according to the report which ended with a comment about the speed and painlessness of the execution by lethal injection but added that "some people think this is too easy a death for criminals". No independent report on these executions is available to Amnesty International.

Lethal injection executions continued in 1998. In Hunan Province, Yang Meng was executed on 9 May 1998 by order of Zhangjiajie Intermediate People's Court, the second court to order a lethal injection execution after the Kunming court (see above). Yang Meng was convicted of murder. He was paralysed and was reported to have asked

to be executed by lethal injection. In Hunan Province in late September, four men were executed by injection.

The Chinese government does not publish statistics on the death penalty - as these are regarded as “state secrets” - and there is virtually no public discussion of matters pertaining to this punishment. Doctors are involved in some executions and reportedly were appointed by Chinese courts to administer injections.. The attitude of the Chinese Medical Association is not known to AI, though the association is a member of the World Medical Association (WMA) which is opposed to medical participation in executions.

Guatemala

From 1983 onwards, Guatemala had a *de facto* moratorium on executions. Then, in September 1996, two men were executed by firing squad in a botched, televised execution, one of them requiring a *coup de grace* as he had not died after the original volley of shots. The executions engendered a wave of public revulsion and prompted the government to send a delegation to the USA to learn more about the scientific methods of execution practised there. Congress then legislated for the introduction of execution by lethal injection and a lethal injection chamber in the *Granja de Rehabilitación de Pavón* (Pavon Rehabilitation Prison), southeast of Guatemala City, was formally opened by the Deputy Interior Minister in July 1997. By September 1997 it appeared that new executions were imminent and Amnesty International urged health professionals to call on the government for commutation of death sentences and an end to the use of the death penalty³. The first execution by lethal injection in Guatemala took place at 6 a.m. (12.00 GMT) on 10 February 1998 when Manuel Martínez Coronado was executed after a series of last-minute legal appeals were rejected by the Guatemalan judiciary.

The Inter-American Commission for Human Rights had asked the Guatemalan Government to suspend Martínez Coronado’s execution until it could consider whether the 1995 proceedings during which he was convicted met the human rights protection standards set by the American Convention on Human Rights. The government did not do so. Martínez Coronado, an impoverished peasant farmer of Chortí indigenous ancestry, had been found guilty of multiple homicide, carried out in 1995 in the context of a family land dispute.

Prior to the execution, the Guatemalan press and authorities had said that lethal injection was being introduced as it would be painless, more humane and “over in 30 seconds”. In the event, the condemned man’s execution reportedly took as long as 18 minutes. Witnesses present in the adjacent observation room reported that paramedics performing the execution had trouble finding a vein into which to insert the catheter bearing the lethal drugs. Moreover, the paramedics had been so nervous that they had been shaking badly. This had contributed to their difficulties in finding the condemned man’s veins and several attempts had to be made in different areas of the arm. Human Rights Procurator Julio Arango, who observed the execution, later stated: “I think we all

³*Execution by lethal injection, Guatemala.* AI Index: AMR 34/33/97, 5 September 1997.

have the obligation to tell what happened: his arms were bleeding heavily, I think everyone who was there was suffering.” (“*Creo que todos tenemos la obligación de decir lo que pasó: le sangraban los brazos por todos lados, creo que todos los que estuvimos allí sufrimos.*”)

The entire execution was broadcast live; radio and television audiences could hear the condemned man’s three children and their mother (whom the condemned man had married the previous night in his prison cell) sobbing in the observation room as the execution took place. The sound of the family’s distress was reported to have been a factor in unnerving the paramedics.

Events since the execution

A court judge with responsibility for judicial executions later called a meeting of officials to establish what had gone wrong in order to try to avoid a similar scene at future executions. The cot used in the chamber was said to have had only two restraints which were insufficient to guarantee immobility of the prisoner. In addition, the inquiry found that a power failure which occurred during the execution had de-programmed the machine feeding the drugs into Martínez Coronado’s body. This had affected both the mix and the speed at which the substances were injected and, at one point, the process was apparently halted altogether.

Among the state bodies which participate in executions in Guatemala are the Interior Ministry (*Ministerio de Gobernación*), the Public Ministry’s executive office (*Unidad de Ejecución del Ministerio Público*) and the Forensic Medical Service (*Servicio Médico Forense*). The role of the representative from the Forensic Medical Service is to pronounce death, although previously he has given advice on the implementation of execution by lethal injection. The execution of Martínez Coronado was carried out by paramedics as the Guatemalan Association of Doctors and Surgeons had taken a strong stand against the involvement of trained medical personnel after the authorities had suggested in 1997 using hospitals for executions.

The post-execution meeting resulted in a number of recommendations, including a call for further training for paramedics to better prepare them “both physically and psychologically” to carry out executions. It also recommended the purchase of a separate generator for the lethal injection chamber so that any further power black-outs would not affect the procedure. It was proposed that the chamber be increased in size so that persons

Nurses surrounding the body of Manuel Martínez Coronado. © AFP

condemned for the same crime could be executed simultaneously, or consecutively on the same day, as required by the October 1996 law which established lethal injection as Guatemala's method of execution. Finally, it was decided to order new poison canisters as a matter of urgency, as those used in Martínez Coronado's execution had been "on loan" from a private company and were not sufficient to deal with the multiple executions foreseen. There have been frequent references in the press about the need for officials to move quickly on "improvements" to the execution chamber because some of those under sentence of death were nearing the end of legal appeals.

Debate began immediately after Martínez Coronado's execution about whether future executions should be televised. A bill prohibiting the filming or taping of executions was debated in the Guatemalan Congress and required several hearings as opposition ranks opposed it. There was debate about press freedom and about whether televising executions would have a deterrent effect on violent crime. The press, Bar Association and the judges in charge of executions opposed the bill as unconstitutional, but it was approved by Congress and adopted as law. Henceforth, any filming, photographing or sound recording of executions by the press will be prohibited, although journalists will still be permitted to watch an execution and report on it, and an official filmed record of each execution will be made.

The death penalty in Guatemala

During the *de facto* moratorium on executions between 1983 and 1996, the death penalty had only been applicable for a limited number of crimes. However, the government responded to a rising crime rate by extending the range of crimes punishable by death. The televised execution in 1996 had engendered public revulsion and it is this that moved the Guatemalan government to send a delegation to the United States to see how the more "modern" method of execution by lethal injection functioned.

At least 37 other prisoners are now sentenced to die by lethal injection and new death sentences are regularly being passed. Local NGOs are not sure whether the failure of the government to carry out further executions thus far is attributable solely to repeated legal manoeuvres and appeals by the lawyers of the condemned prisoners, or whether the national or international repugnance at the last two executions may be playing a role. Public support for the death penalty nevertheless remains high in Guatemala. Three former policemen, Miguel Angel López Caló, Miguel Angel Rodríguez and Aníbal Archila, who were convicted of murder in 1995, and Pedro Rax Cucul, a Kekchi indigenous speaker also convicted of murder, are among those thought to be at the head of the queue to the lethal injection module.

Philippines

The death penalty was restored in the Philippines in December 1993, six years after the country became the first state in Asia in modern times to abolish the death penalty for all crimes in 1987. A joint measure by both House and Senate [Republic Act 7659] restoring the death penalty for 13 'heinous crimes'⁴ took effect on 1 January 1994 after having been agreed by Congress and signed by President Ramos in December 1993. The Act was amended in March 1996 by Republic Act No. 8177, stipulating that the method of execution should be by lethal injection⁵.

By August 1999, well over 1,000 prisoners were on death row in the Philippines, including more than 140 men who have been convicted of raping family members; more than half of the condemned men were under sentence of death for rape. The rate of new death sentences imposed has steadily increased since the death penalty was reinstated in 1993. Judges and the President of the Philippines, Joseph Estrada, have repeatedly stated they hoped the death penalty would serve as a deterrent to future crime.

The case of Leo Echegaray

Leo Echegaray, a former house painter aged 38, was sentenced to death by the Quezon City Regional Trial Court in September 1994 for the rape of his then 10-year-old step-daughter. In the first such confirmation of a pending death sentence, the Philippine Supreme Court, as required by the death penalty law, automatically reviewed the case and confirmed his death sentence in June 1996.

Leo Echegaray's lawyers from the Free Legal Assistance Group [FLAG] continued to appeal this decision and, after the Supreme Court confirmed the sentence 'with finality' in February 1997, launched further appeals on the grounds that the method of execution -- lethal injection -- was unconstitutional and constituted cruel, inhuman and degrading treatment. However, in rulings on 13 October 1998 and 21 October 1998 the Supreme Court affirmed the constitutionality of execution by lethal injection. The Court stated that international conventions recognised that "capital punishment is an allowable limitation to life", and that "any infliction of pain in lethal injection is merely incidental...and does not fall within the constitutional proscription against cruel, degrading or inhuman punishment". Following the ruling by the Supreme Court, the death penalty law was amended to allow for the execution manual to be made open to the public, and the three-year suspension of the death sentence for pregnant women was reduced to just one year in line with the Penal Code. These amendments removed the last legal obstacles preventing the resumption of executions.

⁴Treason, piracy, bribery, parricide, murder, infanticide, kidnapping and serious illegal detention, robbery with violence, arson, rape, plunder (of at least Peso 50m [\$2m]), certain drugs offences, theft of a vehicle with rape or murder

⁵Executions are carried out at the National Penitentiary at Muntinlupa near Manila.

FLAG lawyers filed a further petition with the Supreme Court asking for Leo Echegaray's death sentence to be commuted to life imprisonment on the basis that his execution did not take place within 12 to 18 months after final confirmation of the sentence, as prescribed in the death penalty law⁶. This appeal was also rejected and a death warrant was issued in mid-November. After a review on 24 December 1998, the execution date was set for 4 January 1999. Leo Echegaray's lawyers made another appeal for a temporary restraining order, citing a resolution in Congress that had called for re-examination of the death penalty. Only hours before Leo Echegaray was due to be executed on 4 January, the Supreme Court decided by eight votes to five to allow this appeal and to grant a stay of execution until 15 June 1999 in order to allow for a renewed debate in Congress. President Joseph Estrada repeatedly refused to grant a presidential pardon saying that the crime stemmed from a "bestial mind". He was quoted as saying that he was "very much dismayed" by the Supreme Court decision to grant a stay of execution and that he would veto any lifting of the death penalty by Congress.

Leo Echegaray

On 19 January 1999, the Supreme Court lifted its temporary restraining order in an 11-2 vote [with two judges abstaining] following a resolution in the House of Representatives that said it '[did] not desire at this time' to review the death penalty law. 148 members of the 220-member body had voted for the resolution. Despite appeals from human rights organizations, the European Union and the Catholic Church, the new execution date was set for 4 February 1999. In an atmosphere described by some journalists as "a bit of a circus" and an "execution fiesta", the execution proceeded. Four phlebotomists were reportedly present to attach the line and a doctor entered the chamber after the execution had been carried out to pronounce death.

Events since the execution of Leo Echegaray

A further three men were next in line for execution. Dante Piandiong, Jesus Morallos and Archie Bulan were sentenced to death in November 1994 for the killing of a police officer during an attempted robbery on a public minibus. In February 1997 the Supreme Court confirmed their sentences, rejecting claims that a police line-up had been seriously flawed, and dismissing their defence that they had been elsewhere at the time.

Amnesty International was concerned that the Presidential Review Committee reportedly found "no extenuating circumstance which would call for the President's

⁶Republic Act No. 8177, Art.81, para 5: *'The death sentence shall be carried out not earlier than one (1) year nor later than eighteen (18) months after the judgment has become final [...]'*; the Philippine Supreme Court had confirmed Leo Echegaray's sentence with finality in February 1997, ie 20 months previously.

exercise of his clemency power”, despite allegations that the police had used torture to coerce confessions from the three suspects.

In an interview with Amnesty International representatives in 1997, Dante Piandiong alleged he was given electric shocks to his genitals, and was handcuffed and forced to lie flat on a bench while water was poured over his head, which was wrapped in a towel.

The death sentences of the three men were confirmed by the Supreme Court in February 1997 and their execution was scheduled for 7 April 1999. However on 6 April 1999, President Estrada granted a 90-day reprieve to the men in order, he said, to allow his office to conduct an exhaustive review of the men’s cases.

On 6 July 1999, a three-person Presidential Review Committee recommended that no further reprieve or commutation be granted. Just prior to the ending of the reprieve period, President Estrada said that the men “deserved no mercy”, and preparations for the executions went ahead. The three men were executed by lethal injection on the afternoon of Thursday 8 July 1999 when their 90-day reprieve ran out. All three men maintained their innocence to the end. Shortly before his execution Archie Bulan is reported to have said:

“I hope the executions end here. We sacrifice ourselves, even though we committed no crime. I am ready to die with a clear conscience because I know I have nothing to do with this case..... There are many other innocent people where I came from [death row]”⁷

According to the same newspaper, a doctor representing the Commission on Human Rights who witnessed the execution expressed concern that something had gone wrong in the administering of the chemicals for Jesus Morallos’ execution. Commenting that Jesus Morallos had trembled for 15 seconds in the chest, shoulders and upper arms, Dr Renante Basas said:

⁷Today, 9 July 1999

“A spasm suggests that he felt something. It’s a contraction of the muscles and it [must have been] painful. Our concern is that if the convict felt something, then that defeats the whole purpose [of this process]. The lethal injection was chosen precisely because it is supposed to be painless”.⁸

A prison physician, Dr Luz Villanueva, from the New Bilibid Prison, was reported to suggest that the trembling happened because the prisoner was “nervous”.

Prior to the executions, Amnesty International expressed its grave concern that if the executions went ahead the Philippines would be in breach of its obligations as a party to the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Under these instruments, allegations of torture, which may have affected the fairness of the trial, must be fully and impartially investigated, especially, in Amnesty International’s view, when such torture may have affected the outcome of an investigation or trial in which the outcome is irreversible.

The fifth person to be executed in 1999, Eduardo Agbayani (51 years), was executed by lethal injection on 25 June 1999. The prisoner, who had six daughters, the youngest of whom was 11, had been sentenced to death for the incestuous rape of his daughter Eden, who appealed with her sisters and members of the Catholic church to President Estrada to grant him clemency and preserve her father’s life. President Estrada decided at the last minute to grant a stay of execution, reportedly on the urging of an influential bishop in the Catholic church, but the call from the presidential palace at 3.09 pm came too late. Eduardo Agbayani died two minutes after the call arrived.

According to the presidential secretary, the authorities called the national penitentiary where the execution was taking place, but were not able to get through in time. A journalist, one of 24 witnesses present at the execution, reported that he saw the door to the death chamber open soon after the lethal injection had been administered, and heard a voice shout: “Hold, hold.” A prison superintendent who had been standing in the execution chamber rushed out, and there was a commotion in the room beyond. Agbayani’s eldest daughter, who believed the call to be a reprieve that had arrived too late, reportedly cried out: “My father, now, when my father is gone. Bring back the life of my father.”

The moratorium on executions

⁸*Ibid.*

On 18 August 1999, Romeo Gallo, a charcoal maker, due to be executed that day, had his sentence stayed for 45 days by President Estrada. Gallo, who was sentenced to death after he was found guilty of raping his daughter in Cardona, Rizal in May 1994, was one of fifteen death row convicts whose execution by lethal injection had been approved by the Supreme Court. In addition to staying Gallo's execution, President Estrada announced a freeze on further executions until a "conscience committee" to review death sentences was established. On 10 September 1999, President Estrada announced that the "conscience committee" would replace the previous Cabinet-level review committee and would function as an advisory body with representations from both pro- and anti-death penalty groups. He announced that the committee would be headed by Executive Secretary Ronaldo Zamora and would have four other members: a Catholic bishop, the chairwoman of the pro-death penalty citizens' group Crusade against Violence, and two psychology professors⁹. On 27 September, President Estrada granted Romeo Gallo a second reprieve, of 20 days, to allow the "conscience committee" to study his case. According to a report in the *Philippine Star*¹⁰, the Philippine Supreme Court commuted Romeo Gallo's death sentence on 30 September to life imprisonment, noting that it had not been clearly established that the rape victim was his own daughter. However, fears remained that further executions could be imminent.

Other prisoners remaining at imminent risk of execution

Pending the decision of the "conscience committee", brothers Jurry and Ricardo Andal and their cousin Edwin Mendoza remain at risk of execution. The three were convicted of the rape and murder of a schoolteacher on the basis of a statement by the main prosecution witness which was allegedly made under torture. On 13 August 1999, President Estrada gave the men a 30-day reprieve to allow for analysis of the results of DNA tests, carried out to determine their guilt or innocence. Law enforcement agencies in the Philippines do not currently use forensic DNA analysis in criminal prosecutions, although a bill on the issue is reported to be with the Philippine Senate.¹¹

Amnesty International also remained concerned for the fate of Josefina Esparas, a laundrywoman convicted of drug trafficking. Her execution date was set for 30 September 1999, pending review by the "conscience committee". On 27 September 1999, President Estrada granted her another 20-day reprieve to "allow further review of her appeal for clemency". If executed, Josefina Esparas would become the first woman to be executed since restoration of the death penalty in the Philippines.

At the time of writing, the number of people on death row in the Philippines is well over 1000 and growing. The majority are convicted for crimes not involving murder -- usually sexual violence or drug-related crimes.

⁹*Philippine Star*, 10 September 1999

¹⁰*Philippine Star*, 30 September 1999

¹¹*Manila Bulletin*, 29 July 1999

Taiwan

On 19 October 1992, Taiwan's Legislative Assembly (*Yuan*) introduced execution by injection of lethal chemicals as an alternate method to shooting. Other methods, including hanging, electrocution and poisonous gas, were considered but ruled out by the parliament. The then Justice Minister Lu You-wen reportedly said that lethal injection was a "humane" way of executing prisoners¹², a comment made by legislators in other countries intent on introducing the method. In July 1993, Vice-Minister Lin Shyi-hwu was reported to have said that executions by lethal injection had not yet been carried out and that they might not be used in future as medical doctors may be unwilling to participate¹³. In late 1997, Amnesty International was informed by a previously reliable source that there had in fact been one execution by lethal injection in May 1997, and the organization published an addendum to *Lethal injection: the medical technology of execution*, noting the reported execution. Amnesty International subsequently was informed by the Government that in fact no such execution has taken place and, to AI's knowledge, that remains the case. AI remains critical of the Taiwan authorities' reluctance to make known information about the practice of the death penalty in Taiwan and continues to urge the Government to cease imposing and carrying out death sentences.

Response by professional associations

There have been few developments or initiatives from professional associations in the last 18 months. The American Medical Association position on participation in lethal injection (or other) executions remains as adopted in 1992¹⁴. This specifically prohibits medical participation in technical or advisory aspects of lethal injection executions. The American Nurses Association has a long-standing prohibition on nurse participation in executions¹⁵. The American Public Health Association and the American College of Physicians both also have clear and long-standing positions against participation by physicians in executions¹⁶.

¹²Cited in: *Taiwan: Ill-treatment on death row*. AI Index: ASA 38/02/93, 1993.

¹³AI News Service. *Taiwan (Republic of China): AI stands by its report that death row prisoners are ill-treated*. 13 August 1993.

¹⁴Council on Ethical and Judicial Affairs, American Medical Association. Physician participation in capital punishment. *JAMA*, 1993; 270:365-68.

¹⁵American Nurses Association. Statement by ANA Committee on Ethics, 1 November 1983. ("[it is a] breach of the nursing code of ethical conduct to participate either directly or indirectly in a legally authorized execution")

¹⁶American College of Physicians Ethics Manual. *Annals of Internal Medicine*, 1984; 101:263-74; American Public Health Association. APHA Resolutions 8521(1985) and 8611 (1986).

The Guatemalan Association of Doctors and Surgeons took a clear stand against participation by its members in executions prior to the execution of Manuel Martínez Coronado and this remains their position. The Philippine Medical Association took a similar position prior to the execution of Leo Echegaray. The Taiwan Medical Association's position is not known to Amnesty International though as a member of the World Medical Association it is bound by that body's stance which is opposed to medical participation in executions¹⁷. The Chinese Medical Association's views on medical participation in executions is not known to Amnesty International. That organization is also a WMA member.

Other jurisdictions discussing lethal injection

Thailand

In April 1998 the *Bangkok Post* reported that the Thai Corrections Department had proposed the introduction of execution by lethal injection as a replacement to execution by machine gun. The proposal was to follow the method used in the USA with execution being effected by injection of lethal doses of sodium pentothal, pancuronium bromide and potassium chloride.

However it was not until 26 March 1999 that a meeting of the justice coordination committee headed by the Justice Minister Suthas Ngermuen considered the proposal of the Corrections Department that lethal injections replace gunshots as a method of execution. The change of execution method would require the state to amend Article 19 of the Criminal Code which stipulates that executions be carried out by firing squad.

The *Bangkok Post* (31 March 1999) reported a Justice Ministry spokesperson as saying that the required changes rested mainly on the readiness of the Corrections Department since the administering of lethal injections required 'doctors and experts'. When the department reports its readiness, he said, the Justice Ministry would look into the legal amendment.

To Amnesty International's knowledge, this remains the situation. The most recent executions in Thailand, *carried out in secret by shooting, were those of*

¹⁷World Medical Association. Resolution on Physician Participation in Capital Punishment, adopted by the 34th Assembly of the World Medical Association, 1981.

five men in July 1999¹⁸. There are more than 150 prisoners on death row in Thailand¹⁹.

American Samoa

In August 1999, a parliamentarian in the Pacific island territory of American Samoa introduced a bill which, if passed, would provide for lethal injection as method of execution. The current law states that "persons convicted of the offence of murder in the first degree shall, if the judge or jury so recommends ... be punished by death" but does not stipulate an execution method. According to reports, without a method of execution being specified by law, an execution cannot be carried out. Governor Tauese Sunia has repeatedly expressed his opposition to any law that would allow for the death penalty to be carried out. The last execution is believed to have been carried out in the 1920s -- by hanging.

Conclusion

¹⁸Since January 1996 there have been 12 executions for murder in Thailand, all but three carried out since October 1998. All executions were carried out by machine gun at Bangkwang Maximum Security Prison. Those executed in 1999 were: Somsak *alias* Kamsai Pornnarai (executed 30 April), Phan Saithong (21 June), Samruay Tosuk (21 June), Decha Suwannasuk (8 July), Wat Khunchan (19 July), Kow Pranyat (19 July), Uthai Kunchannakorn (19 July), Noppado Khaektao (22 July).

¹⁹*Bangkok Post*, 25 July 1999.

Since 1977, four countries -- USA, China, Guatemala and the Philippines -- have used the injection of medicines in lethal doses to effect executions. A fifth country, Taiwan, has the legal framework to carry out such executions but to this point has not done so. The experience of the countries which have used lethal injection shows that the method fails to deliver the suffering-free execution its proponents claim. Apart from technical failures and pain and stress involved with inserting the needle, there is the stressful time spent strapped to the gurney awaiting death. Some prisoners have been strapped down for up to 45 minutes while medical technicians search for a vein to insert the catheter. In one case a prisoner had to wait for some 70 minutes while a last-minute appeal was heard... a gamble for life which he lost²⁰. More significantly, the development of a physically less painful method of execution does not lessen the suffering imposed on the condemned prisoner and his or her family who spend the period between sentence and the execution under the weight of a death threat. Equally, lethal injection does not solve the problem of executing the innocent; an innocent prisoner executed by lethal injection remains as innocent as they would be if executed by any of the other methods currently used²¹. In all four countries using lethal injection, there are real concerns about the risk of executing innocent prisoners. While health professional organizations have protested about medical involvement in lethal injection executions, there is evidence that in the USA and China, doctors are involved in carrying out the sentence in breach of internationally agreed ethical values.

There are compelling arguments to end judicial executions, and the continued application of medical skills, techniques and medication to the extinction of human life at the behest of the state remains an abuse calling for the strongest rejection by organizations involved in health care.

²⁰See the case of Luis M Mata, in appendix 3 to *Lethal injection. op. cit.* (ACT 50/01/98.)

²¹Amnesty International has recorded executions by the following methods, in addition to lethal injection, during the 1990s: shooting, hanging, electrocution, gassing, stoning, beheading, crushing (under collapsed wall).