

Another Botched Execution Re-ignites Death Penalty Debate

Oklahoma botched last night's execution of Clayton Lockett by using a new, untested lethal injection protocol. While execution officials had pronounced Lockett unconscious, he was awake minutes later, writhing and breathing heavily. In apparent pain, he fought the restraints that locked him to the gurney. As he continued to twitch and call out, "Man" and "Something's wrong," officials closed the shutters to block viewers from witnessing an execution gone horribly wrong.

Officials halted the execution. Lockett died of a heart attack within the hour.

The latest bungled execution is a tragic reiteration of Ohio's execution of Dennis McGuire, who was put to death in January with a new two-drug combination that had never been tested. What McGuire's attorneys had argued prior to his execution came true: the drug combination caused their client to experience "air hunger" in his struggle to breathe. "I watched his stomach heave. I watched him try to sit up against the straps on the gurney. I watched him repeatedly clench his fist. It appeared to me he was fighting for his life but suffocating," McGuire's daughter, Amber McGuire, is reported to have said.

Oklahoma and Ohio's experiments with new, untested lethal injection protocols are real-life — or real-death — demonstrations of what can go wrong when states are allowed to execute people using untested and dubious execution methods.

The majority of the 32 death penalty states in the U.S. and the U.S. federal government use lethal injection as the primary means to execute prisoners. Governments have traditionally used a three-drug combination to put people to death. But now, they are resorting to new combinations because the drugs needed for the three-drug injection are difficult to obtain. The drugs' sources are drying up, caused by foreign government regulations, European Union restrictions placed on the supply, and drug corporations' positions.

As these drugs have become increasingly harder to obtain, states have begun using other drugs to administer a lethal dose. In turn, pharmaceutical companies have refused to supply these drugs for execution purposes in the U.S.

Now, states like Oklahoma and Ohio are turning to questionable sources—including compounding pharmacies selling drugs that are not FDA-approved—to get the drugs they need to execute people. Obtaining execution drugs that are outside of federal regulation increases the risk of tampering and reduced drug efficacy; this increases the probability of cruel or inhuman treatment or punishment during an execution, a violation of the U.S. Constitution's Eighth Amendment.

Moreover, several states have passed secrecy laws to conceal the identities of their drug suppliers, thus allowing states to withhold critical information from detainees and their families who seek assurances about the drugs' quality and effectiveness. The attorney for Charles Warner, a second man to be executed by Oklahoma last night, had criticized the suppression of information earlier on Tuesday. "Because the issue of secrecy in lethal injection has not been

substantively addressed by the courts, Clayton Lockett and Charles Warner will be executed without basic information about the experimental combination of drugs used in their deaths,” attorney Madeline Cohen said in a statement, according to news accounts. “Despite repeated requests by counsel, the state has refused, again, and again, to provide information about the source, purity, testing and efficacy of the drugs to be used.”

U.S. states have faced challenges with lethal injection because of the clamp down on the drug supply. Lethal injection in the U.S. has now turned into a cat-and-mouse game, with states attempting to procure execution drugs from an international community determined to keep the drugs out of the states’ possession, leading states to turn to untested and uncharted drug protocols as alternatives.

The gruesome deaths of Lockett and McGuire are visible, horrific testimonials that lethal injection violates the Eighth Amendment. “No one should die the way my dad did, no matter the circumstances,” said McGuire’s daughter, according to reports.

The Advocates for Human Rights submitted a [shadow report](#) to the United Nations Human Rights Committee, detailing how the death penalty in the U.S. violates [basic human rights](#), including the right to be free from cruel, inhuman, or degrading treatment or punishment. [The Advocates was there](#), at the Committee’s 100th session in Geneva, Switzerland in March, when the Committee took the U.S. to task on the death penalty and other issues. In its [concluding observations](#), the Committee urged that measures be taken to ensure that the death penalty is not carried out in a racially biased or erroneous manner and that lethal injection drugs come from legitimate sources.

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