

URGENT ACTION

NEBRASKA CONDUCTS FIRST EXECUTION SINCE 1997

The US state of Nebraska carried out its first execution in 21 years on 14 August, and the first by lethal injection. The 60-year-old prisoner, Carey Dean Moore, had been on death row for nearly four decades. He did not seek clemency and had given up his appeals.

This was the first execution in Nebraska since December 1997 and the first by lethal injection. The execution went ahead on 14 August but had last minute legal challenges regarding the drugs used in the execution. Fresenius Kabi USA, a manufacturer of two of the four drugs – cisatracurium besylate and potassium chloride – that the Nebraska Department of Correctional Services (NDCS) planned to use, filed a lawsuit on 7 August, in the US District Court, seeking a temporary restraining order (TRO) to suspend the execution on behalf of the company. Fresenius Kabi said that while it “takes no position on capital punishment”, it “opposes the use of its products for this purpose and therefore does not sell certain drugs to correctional facilities”.

On 10 August, the District Court judge refused to issue a TRO. He said that it had not been proved that the drugs in the possession of the NDCS were manufactured by Fresenius Kabi, and that the claim that the company’s reputation would be harmed was “speculative”. On the other hand, he said that the state would be “greatly and irreparably harmed” if he granted the relief sought, given the “public interest” component. He emphasised the fact that in the November 2016 elections, Nebraska voters were asked whether they wanted to repeal or maintain a law passed by the legislature in 2015 which abolished the death penalty. The electorate voted to reinstate the death penalty. The judge concluded that “any delay now is tantamount to nullifying Nebraska law, particularly given the rapidly approaching expiration of two of the drugs and the total absence of any feasible alternatives”. On 13 August, the US Court of Appeals for the Eighth Circuit refused to overturn the decision.

The execution used, in this order, diazepam, fentanyl citrate, cisatracurium besylate and potassium chloride. The NDCS said that the first of the drugs was injected at 10.24am, and Carey Dean Moore was pronounced dead 23 minutes later at 10.47am. An Associated Press journalist reported that on three occasions, during the lethal injection process, prison officials closed a curtain that prevented witnesses from seeing parts of the execution.

Amnesty International opposes the death penalty unconditionally, regardless of the crime or the method of execution chosen by the state. There have been 1,481 executions in the USA since the US Supreme Court upheld new capital statutes in 1976. There have been 16 executions in the USA this year.

Thank you to all those who sent appeals. No further action is requested from the UA network.

This is the first update of UA 136/18. Further information: <https://www.amnesty.org/en/documents/amr51/8811/2018/en/>

Name: Carey Dean Moore

Gender m/f: m

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