



Auswärtiges Amt

Auswärtiges Amt, 11013 Berlin

The Honorable Jeremiah W. Nixon
Governor of the State of Missouri
216 State Capitol
P.O. Box 720
Jefferson City, MO 65102
United States of America

Markus Löning

Federal Government Commissioner for
Human Rights Policy and
Humanitarian Aid

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Berlin, September 30, 2013

Dear Governor Nixon,

I am the Human Rights Commissioner of the German Federal Government, and as part of my role I maintain regular contact with the European Union bodies concerned with human rights protection, including the European Commission.

I am writing to you to express concern over the possibility that your state may be using the anesthetic agent Propofol in lethal injection executions. The German Federal Government like all other states of the European Union is opposed to the death penalty as a matter of principle.

European Council Regulation (EC) 1236/2005 aims to prevent the export of specified goods that were designed for or could be used for capital punishment. The export of these kinds of goods - listed in the Annex III - is subject to prior authorization. Such authorization shall not be granted where there are reasonable grounds to believe that these goods might be used for capital punishment [EC 1236/2005 Chap. III, Art. 6(2)].



Human Rights

I want to alert you to the fact that any use of Propofol in an execution will trigger strong political pressure to list this anesthetic in Annex III. The European Commission has banned the export of other barbiturates following the use of these compounds in lethal injections in the United States. The use of Propofol would almost certainly lead to strict export controls. Subsequently there would also be a severe shortage of Propofol in the United States for medical purposes.

Therefore I would strongly urge you to refrain from using Propofol in executions in your state.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Markus Löning', with a stylized flourish at the end.

Markus Löning

Federal Government Commissioner for Human Rights Policy and Humanitarian Aid

cc. US Secretary of State
Fresenius Kabi



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The Honorable Rick Perry
Governor of the State of Texas
State Insurance Building
1100 San Jacinto
Austin, Texas 78701
United States of America

Markus Löning

Federal Government Commissioner for
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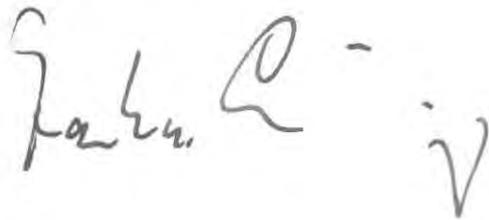


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