

URGENT ACTION

URGE GOVERNOR TO VETO DEATH PENALTY BILL

The Governor of Florida has until mid-June to decide whether to sign or veto a bill which, at least in part, aims to speed up the pace of executions. Such legislation is inconsistent with international human rights standards which seek eventual abolition of the death penalty, and ignores the reality of Florida's high error rate in capital cases.

House Bill 7083, known as the "Timely Justice Act of 2013" (TJA), was passed by the Florida legislature in late April. It is now before Governor Rick Scott, who has not said publicly whether he intends to sign it or not. He has until mid-June to take action. Last week, his spokesperson said that the administration was reviewing the bill and that the governor was interested in hearing "from Floridians about the merits of this legislation".

The TJA is aimed at furthering the "intent of the legislature to reduce delays in capital cases" and to ensure "all appeals and post-conviction actions in capital cases are resolved as soon as possible" after the death sentence is imposed. The bill would require the clerk of the Florida Supreme Court to inform the Governor when a death row inmate's ordinary appeals have been completed. Upon denial of clemency, the Governor will be required to issue an execution warrant within 30 days, directing the prison authorities to execute the prisoner within 180 days.

Proponents of the bill have argued that the long periods prisoners have remained on death row are an injustice to the families of murder victims. Such assertions not only ignore the fact that the vast majority of murders in Florida (as in other states) do not result in death sentences, but also turn a blind eye to the high error rate in capital cases in the state. Florida accounts for more wrongful convictions in death penalty cases than any other US state – 17 per cent of the more than 140 prisoners released from death rows in the USA on grounds of innocence since 1973 are Florida cases. The state that comes second to Florida on this list – Illinois – responded with an execution moratorium and eventual abolition. In contrast, this Florida bill aims at speeding up the pace of executions.

It can take many years to uncover miscarriages of justice, if they are indeed discovered. Eight Florida death row exonerations took more than 10 years after conviction. For example, Juan Roberto Melendez was sentenced to death in 1984 and it took until 2002 for him to be exonerated. Rudolph Holton, sentenced to death in 1986, was exonerated 16 years later. After 14 years on Florida's death row, Frank Smith died of cancer in 2000. DNA evidence testing then exonerated him. Seth Penalver was freed in 2012, 13 years after he was sentenced to death.

Please write immediately in English or your own language:

- Call on Governor Scott to veto the Timely Justice Act on the grounds that it seeks to expedite executions;
- Note that Florida accounts for more discovered wrongful convictions in capital cases than any other state;
- Emphasize that international human rights standards expect governments to work toward abolition of the death penalty, a punishment incompatible with human dignity and which carries the risk of irrevocable error;
- Call on the Governor to support a moratorium on executions in Florida and to work for abolition.

PLEASE SEND OR TELEPHONE APPEALS BEFORE 20 JUNE TO:

[Governor Rick Scott](#)

Office of the Governor, The Capitol,

400 S. Monroe St. Tallahassee, FL 32399-0001, USA

Phone: +1 850-488-7146

Email: Rick.scott@eog.myflorida.com

Salutation: Dear Governor

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

In December 1971, the UN General Assembly affirmed that “in order fully to guarantee the right to life, provided for in article 3 of the Universal Declaration of Human Rights, the main objective to be pursued is that of progressively restricting the number of offences for which capital punishment may be imposed, with a view to the desirability of abolishing this punishment in all countries”. In 1972, in *Furman v. Georgia*, the US Supreme Court handed down a ruling that voided the country’s death penalty laws. Four years later, however, in *Gregg v. Georgia*, the Court approved new capital statutes enacted by various states – including Florida – and executions resumed in 1977. There are currently more than 400 men and women on death row in Florida, where there have been 76 executions since 1977.

Recognition under international law of the existence of the death penalty should not be invoked “to delay or to prevent the abolition of capital punishment”, in the words of article 6.6 of the International Covenant on Civil and Political Rights (ICCPR), which the USA ratified in 1992. In an authoritative interpretation of Article 6 of the ICCPR issued in 1982, the UN Human Rights Committee pointed to the desirability of abolition. Article 6 of the treaty, the Committee said, “refers generally to abolition in terms which strongly suggest that abolition is desirable. The Committee concludes that all measures of abolition should be considered as progress in the enjoyment of the right to life”. In 1995 and again in 2006, after reviewing the USA’s compliance with the ICCPR, the UN Human Rights Committee called on the USA to work towards abolition, including by imposing a moratorium on executions. In 1998, following a mission to the USA, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions called for a moratorium. He noted that “the desirability of abolition has been strongly reaffirmed on different occasions by United Nations organs and bodies in the field of human rights, inter alia by the Security Council, the Human Rights Committee, the General Assembly, and the Economic and Social Council.” Meanwhile, the UN General Assembly has passed resolution after resolution in recent years calling on retentionist countries to adopt a moratorium on executions with a view to abolition, including on the grounds that ending judicial killing “contributes to respect for human dignity and to the enhancement and progressive development of human rights.” Today, 140 countries have abolished the death penalty in law or practice.

Four US states have legislated to abolish the death penalty in the past four years – New Mexico (2009), Illinois (2011), Connecticut (2012) and Maryland (2013), and 18 states are now abolitionist. In a joint statement with the state’s Senate President and the House Speaker, Maryland Governor Martin O’Malley said on 2 May 2013, after signing his state’s abolitionist bill into law, “With the legislation signed today, Maryland has effectively eliminated a policy that is proven not to work. Evidence shows that the death penalty is not a deterrent, it cannot be administered without racial bias, and it costs three times as much as life in prison without parole. Furthermore, there is no way to reverse a mistake if an innocent person is put to death... The Administration will continue to move forward with the things that work to save lives – more effective policing, better technology, information sharing and coordination, and smarter strategies to reduce crime.”

The annual number of death sentences in the USA has declined since its peak in the 1990s. Florida remains one of the states bucking this trend. In 2012, there were 22 death sentences passed in Florida, more than in any year since 1998 and more than 25 per cent of all new death sentences nationally. Amnesty International opposes the death penalty in all cases, unconditionally.

Name: All those on death row in Florida

Gender m/f: Both

UA: 146/13 Index: AMR 51/034/2013 Issue Date: 4 June 2013