

PUBLIC

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**Further information on UA 317/06 (AMR 51/177/2006, 24 November 2006) and update (AMR 51/178/2006) – Death penalty / Legal concern**

**USA (Florida)                      Angel Nieves Diaz (m), aged 55**

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Angel Nieves Diaz was executed by lethal injection in Florida on the evening of 13 December. He had been sentenced to death in 1986 for the murder during a robbery of bar manager Joseph Nagy in Miami.

The execution went ahead despite the fact that a key witness from the trial had recanted his testimony. About an hour before the scheduled execution time, the Supreme Court rejected his final appeal, which had raised this issue as well as challenging the constitutionality of Florida's lethal injection procedures.

In his final statement, Angel Diaz maintained his innocence of the murder: "The state of Florida is killing an innocent person. The state of Florida is committing a crime, because I am innocent. The death penalty is not only a form of vengeance, but also a cowardly act by humans. I'm sorry for what is happening to me and my family who have been put through this."

The execution required 34 minutes and two doses of the drugs to kill Angel Diaz. The execution team apparently applied the second dose when heart monitors indicated that Angel Diaz was not dying. One of his lawyers who was present at the execution said: "Obviously there was something very wrong here. It looked like Mr Diaz was in a lot of pain. He was gasping for air for 11 minutes. This is a big deal. This is a problem."

According to reports, during the lethal injection, Angel Diaz was seen to grimace, cough, and shudder. Sixteen minutes into the execution, members of the execution team communicated by telephone. Six minutes later Angel Diaz's body was seen to jolt suddenly. A member of the execution team again made a phone call. A few minutes later, over half an hour after the execution began, a doctor wearing a blue hood to cover his face entered the execution chamber to check Angel Diaz's vital signs. He returned a minute later, checked the vital signs again and nodded to a member of the execution team. It was then announced to the witnesses that the execution has been carried out. Reports indicate that members of Angel Diaz's family were seen to be very distressed at what they had witnessed, that one of them passed out, and that medical help had to be called.

The authorities claimed that the need for the second dose had been anticipated and was because the prisoner had liver disease which slowed the effects of the lethal chemicals. Governor Jeb Bush reportedly stated that "a pre-existing medical condition of the inmate was the reason tonight's procedure took longer than recent procedures carried out this year."

This is the 53<sup>rd</sup> execution to be carried out in the USA this year, bringing to 1,057 the number of people put to death in the USA since judicial killing resumed there in 1977. Florida accounts for 64 of these executions.

**No further action by the UA Network is requested. Many thanks to all who sent appeals.**