

URGENT ACTION

FLORIDA EXECUTION GOES AHEAD

Manuel Valle, a 61-year-old Cuban national, was executed on the evening of 28 September in the US state of Florida.

Manuel Valle was executed by lethal injection at Florida State Prison in Raiford, Florida. He had been convicted of the murder of a police officer in 1978 and was 27 years old when first sent to death row. He had spent over three decades under the threat of execution.

Manuel Valle's execution was the first execution carried out in Florida since the state switched from sodium thiopental to pentobarbital as the anaesthetic component of its three-drug lethal injection protocol. Lundbeck, the Denmark-based manufacturer of pentobarbital, has condemned use of its drug in executions and has put in place a programme that would deny distribution of the drug to prisons in US states using lethal injection.

The execution was delayed for three hours while the US Supreme Court considered and ultimately denied Manuel Valle's final appeal seeking a stay of execution on the grounds that an execution following decades of incarceration was a cruel and unusual punishment. In his dissenting opinion, Justice Breyer wrote "I have little doubt about the cruelty of so long a period of incarceration under sentence of death... The commonly accepted justifications for the death penalty are close to nonexistent in a case such as this one."

On 21 September, the Florida Supreme Court denied Manuel Valle's claim that his rights of due process and equal protection had been violated. An appeal had been filed by his lawyers following the US Court of Appeal for the 11th Circuit's decision to deny Manuel Valle's claim that he had been denied access to a meaningful clemency process. The Circuit Court had concurred with the District Court in holding that such a claim could only be heard by a federal court in a civil action. However, his lawyers were barred from engaging in civil litigation by a Florida law which prohibited them from representing their client in this particular matter. On 15 September, the lawyers sought a stay of execution with the Florida Supreme Court, on the grounds that "this prohibition violates [Manuel] Valle's rights of due process and equal protection". On 21 September, the Court denied the claim and refused to issue a stay of execution. In July, it had stayed the execution while it considered questions surrounding lethal injection, lifting the stay one month later.

There have been 37 executions in the USA this year with Manuel Valle being the first person executed in Florida in 2011. There have been 1,271 executions in the USA since judicial killing resumed there in 1977 after almost a decade without them. Florida accounts for 69 of this national total.

No further action is requested from the UA network. Many thanks to all who sent appeals.

This is the third update of UA 225/11 AMR 51/064. Further information:

http://www.amnesty.org/en/ai_search?keywords=ua+225%2F11&op=Search&form_id=search_theme_form&form_token=ec1c50179cadbe356877179c87f6c30c

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