

URGENT ACTION

FLORIDA GOVERNOR SIGNS DEATH PENALTY BILL

On 14 June, the Governor of Florida signed House Bill 7083, also known as the “Timely Justice Act of 2013”, into law. The bill 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.

Signing the bill into law, Governor Rick Scott said that the legislation “improves the orderly administration of capital punishment in our state”. He accused its opponents of “misrepresentation of elements of the bill”, and asserted that it “does not increase the risk of executions of persons who did not commit murder.” In a letter accompanying his signing of the bill, he pointed to the length of time that prisoners had remained on death row and suggested that such delays before execution were an injustice to the families of murder victims:

“Current death-sentenced inmates in Florida who have exhausted judicial review of their convictions have been on death row for an average of over 22 years. An inmate who has been on death row for 22 years has had a fair opportunity to discover all of the evidence needed to challenge his conviction, especially when the inmate has received the multiple levels of review and the extraordinary due process afforded death-sentenced offenders. For example, I have signed 11 [death] warrants since taking office. For these inmates, the average amount of time on death row has been over 25 years, time that is surely a crushing burden of uncertainty to the victims’ families”.

Governor Scott’s letter did not refer to the fact that Florida already accounts for more of cases of wrongful convictions discovered in capital cases than any other state in the USA. Neither did it refer to the evidence that the US capital justice system is marked by discrimination and arbitrariness. By signing HB 7083 into law, Governor Scott has acted in a manner inconsistent with international human rights standards, which expect governments to work towards abolition. In 1995 and again in 2006, after reviewing the USA’s compliance with the International Covenant on Civil and Political Rights, the UN Human Rights Committee called on the USA to work towards abolition, including by imposing a moratorium on executions.

Governor Scott has also acted counter to the growing recognition in the USA of the fundamentally flawed nature of the death penalty. 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.

The bill requires 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. Representative Matt Gaetz from the Florida House of Representatives and the lead sponsor of the bill, tweeted his thanks to the Governor for signing it, adding “several on death row need to start picking out their last meals”. It is reported that the law will make at least 13 death row inmates immediately eligible for an execution warrant.

Of the 15 executions in the USA in 2013, three have been in Florida. There are 405 inmates on death row there.

It has also been reported that, as of 13 June, the Governor’s office had received 447 phone calls, with 438 opposed to the bill; 14 letters, with 13 opposed; and 14,571 emails, with 14,565 opposed.

No further action is requested. Many thanks to all who sent appeals.

This is the first update of UA: 146/13 Index: AMR 51/034/2013 USA. Further information:

<http://www.amnesty.org/en/library/info/AMR51/034/2013/en>

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