

URGENT ACTION

FLORIDA CONDUCTS FIRST US EXECUTION OF 2014

Askari Abdullah Muhammad, aged 62, was executed on 7 January for a prison murder committed in 1980. He had a long history of serious mental illness, including diagnoses of paranoid schizophrenia. He had been on death row for nearly four decades.

Askari Abdullah Muhammad, formerly known as Thomas Knight, was executed in Florida after the US Supreme Court had rejected his final appeal for a stay. One of the Justices had dissented on one of the issues raised, writing that he would have stayed the execution to consider the constitutionality of executing someone after he had been held for so long on death row. Askari Abdullah Muhammad, who had a long history of serious mental illness, was sentenced to death in 1975 for the murder in July 1974 of Sydney and Lillian Gans near Miami. That death sentence was overturned in 1988, but he was again sentenced to death in 1996. Meanwhile, in 1983, he had received a death sentence for the murder of a prison guard, James Burke, in October 1980. It was this sentence that was just carried out.

On 18 November 2013, the Florida Supreme Court issued a stay of execution until 27 December and remanded the case to the trial-level court for an evidentiary hearing on Florida's revised execution protocol issued in September 2013. In this protocol, the state Department of Corrections has replaced pentobarbital, the first drug in its three-drug procedure, with midazolam hydrochloride. The first drug is supposed to induce unconsciousness before the other two drugs are injected. Among other things, lawyers for Askari Abdullah Muhammad challenged the efficacy of midazolam hydrochloride.

After conducting a hearing on 21-22 November, the trial court issued an order finding that midazolam hydrochloride was a drug approved by the Federal Drug Administration (FDA) and routinely used as a pre-anaesthetic sedative and an anaesthetic in minor surgical procedures. The judge found that the high dosage used in Florida's lethal injection protocol would induce unconsciousness, respiratory arrest and eventually death. The lawyers appealed to the Florida Supreme Court which upheld the judge's ruling on 19 December. The state Supreme Court also rejected the claim that the lethal injection protocol was unconstitutional because the manufacturer of midazolam hydrochloride opposed its use in executions and had written to the Florida Department of Corrections to this effect. The state Supreme Court found that the company's opposition was irrelevant to the matter.

The Florida Supreme Court also rejected the claim that Askari Abdullah Muhammad's mental illness should bar him from being executed. He is the first person to be put to death this year in the USA, and the 1,360th since judicial killing resumed in the country in 1977. Florida accounts for 82 of these executions, behind only Texas, Virginia and Oklahoma.

Many thanks to those who sent appeals. No further action is required from the UA network.

This is the first update of UA 321/13. Further information: www.amnesty.org/en/library/info/AMR51/080/2013/en

Name: Askari Abdullah Muhammad
Gender m/f: m

Further information on UA 321/13 Index: AMR 51/002/2014 Issue Date: 8 January 2014

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