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## USA: Texas cited for defying the Vienna Convention

Human rights groups, law firms and prominent individuals from across North America have signed an open letter to Texas Governor George W. Bush, urging him to halt the imminent execution of Irineo Tristán Montoya, a 29-year-old Mexican citizen facing death by lethal injection in Texas on June 18th.

The open letter challenges Texas officials to live up to their obligations under the Vienna Convention on Consular Relations and calls on the State Governor to ensure that Montoya receives a full and fair clemency hearing. According to the signatories, state officials "routinely violate a binding international treaty, by failing to notify foreign citizens after arrest of their right to contact and obtain crucial assistance from their consulates."

Under the terms of the Vienna Convention, local police must immediately inform arrested foreign nationals of their right to communicate with their consulate. The Convention has been ratified by the United States and some 140 other nations.

Of the current 62 known cases of foreign citizens under sentence of death in the USA, most were effectively denied access to consular assistance-- with disastrous consequences. Last month, 32 US law firms with foreign clients on death row sent a joint letter to the Secretary of State, protesting the violation of their clients' treaty-based rights. Amnesty International is calling upon the US authorities to live up to their international obligations.

On 13 June, Amnesty International learned that the US State Department has asked the Texas authorities to investigate the breach of Montoya's consular rights and report back to the State Department prior to Montoya's execution. To Amnesty International's knowledge, the Texas authorities have so far failed to respond.

Irineo Tristán Montoya was sentenced to death in 1986. According to his supporters, he underwent a lengthy police interrogation without the presence of an attorney or the assistance of the Mexican Consulate. Montoya allegedly signed a four-page confession in English, a language that he did not read, speak or understand.

Montoya was sentenced to death for a crime which occurred when he was just eighteen years old, and is the second foreign national to face execution in Texas in the past few days. A Canadian man, Joseph Stanley Faulder, was scheduled to die on June 13th but received an indefinite stay of execution from a Texas court.

In the Faulder case, Texas officials eventually admitted breaching the Vienna Convention but dismissed the violation as "harmless error". According to the open letter, "Nothing could be further from the truth: if Texas can ignore world law, why should other nations respect the legal rights of foreigners -- including US citizens -- within their borders?."

Amnesty International remains deeply concerned over the continued -- and increasing --use of the death penalty in Texas and over the failure of state officials to provide any meaningful clemency review to condemned prisoners. The organization has described Texas death penalty procedures as a "human rights scandal".

In several recent cases of foreign nationals under sentence of death who were denied their consular rights, the US State Department has apologized to the national's home government, following investigations by state authorities. The State Department has repeatedly emphasized the high importance that the USA attaches to the Vienna Convention.

"Apologies won't prevent this wrongful execution, nor cure violations of a constitutional magnitude." said Bonnie Goldstein, Montoya's attorney. "The United States needs to demonstrate its human rights leadership right here at home, by insisting that Texas honour Irineo Tristán Montoya's basic rights under international law."  
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