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The USA must abide by International Court of Justice order on death penalty cases

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The USA must live up to its stated commitment to the United Nations and abide by yesterday's order of the International Court of Justice by ensuring that no Mexican national is executed pending the Court's final judgment in the case brought against the USA by the Government of Mexico, Amnesty International said today.

"Last September, President Bush told the United Nations General Assembly that his country wants the UN to be 'effective' and 'respected'," Amnesty International noted, also recalling that in his State of the Union address last month the President berated the leadership of Iraq for showing "utter contempt for the United Nations".

"Surely now the USA will do nothing to undermine the International Court of Justice, the principal judicial organ of the United Nations system," Amnesty International said.

Yesterday, the Court unanimously adopted an order requiring the USA to "take all measures necessary" to prevent the execution of three Mexican nationals facing execution in the near future. In a historic decision on 27 June 2001, involving German nationals put to death in the United States in 1999, the Court ruled that such orders for provisional measures are legally binding.

"Last March, we were told by Secretary of State Powell that the Bush administration will work with governments, international institutions and non-governmental organizations to 'bring human rights performance into compliance with international norms'," Amnesty International recalled. "The USA must now ensure that it applies this stated commitment to its own conduct in this case."

Oswaldo Torres Aguilera, on death row in Oklahoma, and César Roberto Fierro Reyna and Roberto Moreno Ramos, both in Texas, are among 51 Mexican nationals under sentence of death in the USA. Last month the Mexican government brought a case on all their behalves before the International Court of Justice (ICJ), accusing the USA of systematically violating its international obligations under the Vienna Convention on Consular Relations (VCCR). This treaty, which the USA ratified unconditionally in 1969, obliges officials to inform foreign nationals

promptly upon arrest of their right to contact their consulate for assistance.

"Most of the more than 100 foreign nationals on death row in the United States were denied this right. At least 15 have been executed without notification of their consular rights upon arrest, in violation of international law," Amnesty International said.

Background

The United States of America was the first country to exercise the dispute settlement mechanism of the VCCR, by bringing an action against Iran at the ICJ following the 1979 seizure of the US Embassy in Tehran. The United States argued that the Vienna Convention conferred rights on individuals, the violation of which constituted a grave violation of consular practice and acceptable standards of human rights. In its final judgment, the International Court held that Iran had violated the Vienna Convention and other international obligations by failing to permit consular access to the hostages. The Court ordered the Iranian authorities to make reparations to the United States.

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