

PUBLIC

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Further information on EXTRA 54/02 (AMR 51/117/2002, 18 July 2002) - Death penalty / Legal concern

USA (Texas) Javier Suárez Medina (m), aged 33, Mexican national

Mexican national Javier Suárez Medina was executed in Texas on 14 August, in violation of international law. He was sentenced to death in 1989 for the murder of Lawrence Rudy Cadena, a police officer, in 1988.

In his final statement before being killed, Javier Suárez Medina said: "I'd like to apologize to the Cadena family for whatever hurt and suffering I've caused them. I sincerely ask in your heart to forgive me." Members of the police officer's family were among the witnesses to the execution.

After the execution, Javier Suárez Medina's lawyer said: "Javier told me to be sure and express his profound thanks for the support of the Mexican government and the prayers of the Mexican people. I know that he was also intensely grateful for all of the efforts made on his behalf by the international community. Most of all, Javier wanted to convey his deepest remorse to the Cadena family. One of his main concerns - regardless of whether his sentence was carried out - was that the family of Officer Cadena know that he is grieving with them. Javier specifically asked that it be made known to the Cadena family that he deeply regrets the crime and the suffering that they've endured, and that he really wants the family to find closure and peace."

Despite knowing from the time of his arrest that Javier Suárez Medina was a Mexican national, the Texas authorities never informed him of his right, under the Vienna Convention on Consular Relations, to contact his consulate for assistance. In June 2001, the International Court of Justice found that the USA had breached its Vienna Convention obligations in the case of two German nationals, and must allow review and reconsideration of similar cases.

The execution of Javier Suárez Medina went ahead despite appeals from many quarters for a reprieve or commutation, including from the United Nations High Commissioner for Human Rights, the UN Sub-Commission on the Promotion and Protection of Human Rights, the Inter-American Commission on Human Rights, the European Union, and the American Bar Association. The governments of 16 individual countries either sent appeals for clemency or joined Mexico in signing on to an *amicus curiae* (friend of the court) brief urging the US Supreme Court to halt the execution and hold a full hearing to resolve the legal implications of the treaty violation in this case. The countries were Argentina, Brazil, Chile, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Panama, Paraguay, Poland, Slovenia, Spain, Switzerland, Uruguay and Venezuela.

On 13 August, the Board of Pardons and Paroles voted 17-0 against recommending clemency, and Governor Rick Perry refused to intervene, despite a personal appeal from President Vicente Fox of Mexico. In his statement, Governor Perry said: "Today I denied requests for a 30-day stay of execution to Javier Suarez Medina. I have reviewed all of the information presented to me - including the issue of the international treaty. My staff has met with Mexico government officials to hear their

concerns about this case, and I have talked with Mexican President Vicente Fox about the matter. I respect the sovereignty of Mexico and its laws, and I know that President Fox recognizes the sovereignty of US and Texas law."

Following the execution, President Fox cancelled a planned trip to Texas in late August during which he had been scheduled to meet President Bush and Governor Perry. A spokesman for President Fox was quoted as saying: "This decision is an unequivocal signal of rejection of the execution. It would be inappropriate, in these lamentable circumstances, to go ahead with the visit to Texas... Mexico is confident that the cancellation of this important presidential visit will contribute to a strengthening of the respect by all states for the rule of international law".

Forty-two people have been executed in the USA this year, bringing to 791 the number of executions carried out nationwide since the United States resumed judicial killing in 1977. Of these executions, 277 have been carried out in Texas.

No further action by the UA Network is requested. Many thanks to all who sent appeals.