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USA: True leadership must lead by example -- Mexican national scheduled to die in the US

The USA should respect the rule of law and unconditionally comply with this week's ruling by the International Court of Justice (ICJ), Amnesty International said today in a new report highlighting the case of Osvaldo Torres, a Mexican national denied his consular rights and due to be executed in Oklahoma on 18 May.

In a binding judgment issued on 31 March, the ICJ expressed "grave concern" that Osvaldo Torres had been given an execution date despite its earlier order that the execution be stayed pending its judgment.

The ICJ found that Osvaldo Torres's case was one of three in which the USA had violated every paragraph of article 36 of the Vienna Convention on Consular Relations (VCCR). Under the Convention authorities must inform detained foreign nationals of their right to contact their consulate. The ICJ found that the USA had violated this obligation in 51 of the 52 cases of Mexican nationals on whose behalf Mexico brought its lawsuit.

"The USA has not only violated Osvaldo Torres's consular rights. There are serious questions over his conviction," said Amnesty International. "The prosecution has never alleged that Osvaldo Torres committed the two murders for which he now faces imminent execution, arguing instead that he "aided and abetted" the actual gunman. The evidence to support this theory was weak at the time of the trial and has become weaker since. As such, the execution would breach international safeguards relating to capital cases."

The ICJ decision requires that the USA provide meaningful judicial review of all the cases to determine the impact the violations had on the convictions and sentences.

Osvaldo Torres has a clemency hearing on 7 May. However, the state governor has rejected six out of seven recommendations for clemency made by the Oklahoma parole board since 2001. Last month a Vietnamese national was executed after Governor Brad Henry rejected a unanimous recommendation from the board that the prisoner's life be spared.

In its judgment, the ICJ rejected clemency review as a satisfactory method to provide effective reconsideration of the cases of foreign nationals whose consular rights were violated.

"There is no room for further excuses or delays. The USA must act to remedy these serious violations of the Vienna Convention," Amnesty International said. "It should acknowledge the binding force of the judgment by the International Court of Justice and confer with Mexico on its full implementation."

For more information, please see "USA: Osvaldo Torres, Mexican national denied consular rights, scheduled to die" <http://web.amnesty.org/library/Index/ENGAMR510572004>

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