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USA: Texas execution violates international law

"The execution of José Ernesto Medellín Rojas by the state of Texas is a violation of international law," said Amnesty International today. "It undermines the authority of the International Court of Justice (ICJ) which had ruled in favour of a stay of execution."

One of the US Supreme Court Justices, hearing the last-minute appeal for a stay of execution yesterday, said that to allow the execution to go forward would leave the USA "irremediably in violation of international law and break our treaty promises". The appeal was lost by 5 votes to 4 and the execution took place shortly afterwards.

It followed worldwide appeals for Medellín's death sentence to be commuted, including from the United Nations Secretary-General, who had called on states to respect the decisions and orders of the International Court of Justice.

This is the 1,116th execution in the USA since judicial killing resumed there in 1977. Texas accounts for 410 of them. There have now been 17 executions in the USA this year, five of them in Texas.

Amnesty International unconditionally opposes the use of the death penalty in all cases and under any circumstances, since it violates the right to life and by its very nature constitutes cruel, inhuman and degrading punishment.

Background

On 4 August 2008 the Texas Board of Pardons and Paroles unanimously voted against recommending that the state governor commute the death sentence or a grant a reprieve. A last-minute appeal to the US Supreme Court on 5 August 2008 was unsuccessful. Shortly afterwards, the execution was carried out, just before 10pm, about four hours later than it had been scheduled.

On 16 July 2008 the ICJ ordered the United States "to take all measures necessary" to ensure that José Ernesto Medellín Rojas and 4 other Mexicans were "not executed... unless and until these five Mexican nationals receive review and reconsideration." The Inter-American Commission on Human Rights has also issued "precautionary measures" calling on Texas not to execute José Medellín until the Commission has ruled on his petition asserting that he was deprived of a fair trial.

On 25 March 2008, in *Medellín v. Texas*, the Supreme Court unanimously found that the ICJ's decision "constitutes an international law obligation on the part of the United States."

José Medellín was sentenced to death in 1994 for his part in the murders of two girls, 14-year-old Jennifer Ertman and 16-year-old Elizabeth Pena, in Houston in 1993. José Medellín was never advised by Texas authorities of his right as a detained foreign national to seek consular assistance, as required under article 36 of the Vienna Convention on Consular Relations (VCCR).

Amnesty International's [Urgent Action](#), issued in July 2008, resulted in hundreds of people sending

appeals to Texas from around the world, see