

EXTERNAL (for general distribution)

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Appeals from Mexican citizens are considered to be particularly useful.

3 September 1992

Further information on EXTRA 48/92 (AMR 51/63/92, 7 May 1992) and follow-ups AMR 51/67/92 of 12 May 1992 - Death Penalty

USA (Texas): Ricardo ALDAPE GUERRA, Mexican

Ricardo Aldape Guerra is scheduled to be executed by the state of Texas, USA, on 24 September 1992. A previous execution date set for 12 May 1992, was postponed a day before the execution, pending further hearings on his case. He has exhausted most avenues of legal appeal, and this date is considered to be extremely serious.

Ricardo Aldape Guerra, a Mexican undocumented worker, was sentenced to death on 4 October 1982 for the murder of a white police officer, James Harris. Officer Harris was shot as he approached the car in which Aldape Guerra and a companion, Roberto Carrasco Flores, were travelling, after entering the USA illegally to look for work. Both men fled and were subsequently involved in a shootout with police during which Carrasco Flores was killed and Aldape Guerra alone was arrested for murder. According to his defence counsel, there are strong doubts as to whether Aldape Guerra actually fired the shot which killed Officer Harris, and Aldape Guerra himself has denied shooting the officer. Although both men were armed, the murder weapon and Officer Harris' service revolver were found on Flores, and there was no forensic evidence to link Aldape Guerra to the murder. He was convicted on the basis of eye witness testimony (challenged by the defense), and the prosecution's theory that the two men swapped their weapons. Aldape Guerra was aged 20 at the time of the crime.

Aldape Guerra's lawyers have argued that community prejudice against Mexican undocumented migrant workers jeopardized his right to a fair trial after there was substantial pretrial publicity in Houston, where the crime occurred. On appeal, two judges on the Texas Court of Criminal Appeals felt the state's evidence was insufficient to uphold Aldape Guerra's conviction and death sentence. However, Aldape Guerra's conviction was affirmed. In a letter to Governor Richards of Texas, on 8 May 1992, President Carlos Salinas de Gortari of Mexico issued a formal appeal for clemency on his behalf. The execution was postponed on 11 May 1992.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/telephone calls/express and airmail letters:

- urging the Board of Pardons and Paroles to convene a clemency hearing to consider the case of Ricardo Aldape Guerra;
- appealing to the Board to recommend that the Governor grant clemency to Ricardo Aldape Guerra by commuting his death sentence;
- urging the Board to look into allegations that pretrial publicity and anti-Mexican prejudice may have jeopardized Aldape Guerra's right to a fair trial;
- referring to doubts raised as to whether Aldape Guerra actually fired the shot which killed officer Harris.

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APPEALS TO:

Texas Board of Pardons and Paroles
8610 Shoal Creek Boulevard, PO Box 13401
Capitol Station
Austin, TX 78711-3401
USA

Telegrams: Texas Board Pardons/Paroles, Austin, TX 78711, USA
Faxes: + 1 512 406 5231
Telephone: + 1 512 406 5852
Salutation: Dear Board Members

COPIES OF YOUR APPEALS TO:

The Honorable Ann Richards
Governor of Texas
Office of the Governor
PO Box 12428, Capitol Station
Austin, TX 78711
USA

Faxes: + 1 512 463 1849
Salutation: Dear Governor Richards

The Letters Editor
Austin-American Statesman
Box 670
Austin, TX 78767
USA

Faxes: + 1 512 445 3679

The Letters Editor
Houston Chronicle
801 Texas Avenue
Houston, TX 77002
USA

Faxes: + 1 713 220 7868

and to the Mexican ambassador, and to diplomatic representatives accredited to the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY, TO ARRIVE BY 23 SEPTEMBER 1992.