

URGENT ACTION

TEXAS CONDUCTS USA'S SECOND EXECUTION OF YEAR

Ivan Cantu, a 50-year-old Hispanic man, was executed in Texas on 28 February 2024. He was convicted and sentenced to death in 2001 for a double murder committed in November 2000. An independent investigation raised serious questions about the reliability of the state's case against him. Final appeals were dismissed, and executive clemency denied.

NO FURTHER ACTION IS REQUESTED. MANY THANKS TO ALL WHO SENT APPEALS.

On 27 February, the Texas Court of Criminal Appeals rejected a final effort by Ivan Cantu's lawyers to persuade the Court to stop his execution and consider new evidence in the case. Noting that the petition claimed that the state had presented "false and misleading testimony" at the trial and that Ivan Cantu's trial lawyers had provided ineffective assistance of counsel, the Court ruled that "we have reviewed the application and find that Applicant has failed to satisfy the requirements of [Texas statutory law]" and "accordingly, we dismiss the application... without reviewing the merits of the claims raised". Also on 27 February, the US Court of Appeals for the Fifth Circuit denied a motion brought by Ivan Cantu's lawyers for authorization to file a successive habeas corpus petition in US District Court. The Fifth Circuit described the legal effort as a "last-minute strategy". Ivan Cantu's lawyers made no appeal to the US Supreme Court, saying that the Fifth Circuit's order left no "viable path forward".

On 27 February, the Texas Board of Pardons and Paroles voted unanimously against a recommendation for clemency, or the 120-day reprieve also requested by his lawyers. This meant that under the Texas system, the Governor was left only with the legal authority to issue a 30-day stay of execution. Those appealing for Governor Greg Abbott to issue a stay included the jury foreman from the 2001 capital trial of Ivan Cantu. An opinion piece by him was published in the Austin American-Statesman newspaper on 27 February 2024. He wrote that having learned that key witness testimony heard by the jury was false or misleading, he now felt "like I was fooled". He continued: "This trial had some fabrication and, in my opinion, the course of investigative action is incomplete". He described himself as a "supporter of capital punishment" and "a proud Texan, conservative, and [I] strongly support the direction our governor has taken in upholding the standards and freedoms we Texans enjoy". He appealed to the Governor to "hand me back the document I signed that confirmed the jury's decision, and delay the execution of Ivan Cantu so further examination can be conducted".

The execution went forward. It was witnessed by two relatives of the murder victims. In his final statement, Ivan Cantu addressed the families of the victims. He said that he wanted them to know that "I never killed" the two victims; "And if I did, if I knew who did, you would've been the first to know any information I would've had that would've helped to bring justice to [them]." He had asked that no witnesses be present on his behalf, but he was accompanied by his spiritual adviser, Sister Helen Prejean.

Ivan Cantu's time of death was recorded as 6:47 pm, local time, about 21 minutes after the lethal injection began. The Collins County District Attorney, the office that prosecuted Ivan Cantu, issued a statement saying that "Ivan Cantu has finally met with justice tonight. My hopeful prayer is for the victims' families, friends, and loved ones for a long-awaited sense of peace".

There have been two executions in the USA this year, bringing to 1,584 the total number of there since 1976 when the US Supreme Court upheld new capital statutes. Texas accounts for 587 of these. On 25 January 2024, Alabama conducted the USA's first execution by nitrogen hypoxia, of Kenneth Smith, whom the state had in 2022 attempted, but failed, to execute by lethal injection (<https://www.amnesty.org/en/documents/amr51/7633/2024/en/>). The execution in Idaho of a 73-year-old man was attempted on the morning of 28 February 2024, but was cancelled after the lethal injection team could not establish an IV line despite multiple attempts to do so. Afterwards, the Director of the Department of Corrections said that in the days ahead, the state's "next steps" would be decided. He explained that efforts to retain experts to "retrofit" the execution chamber to allow for firing squad executions as a secondary method were "ongoing" after initial attempts had failed because those approached so far had "expressed their unwillingness to work on a project related to executions".

Amnesty International opposes the death penalty in all cases and under any circumstances, regardless of the nature of the crime, the characteristics of the offender, or the execution method used. It considers the death penalty a violation of the right to life as recognized in the Universal Declaration of Human Rights and the ultimate cruel, inhuman and degrading punishment.

NAME: Ivan Abner Cantu

THIS IS THE FIRST AND FINAL OUTPUT FOR UA 06/24

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr51/7647/2024/en/>

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