

EXTERNAL (for general distribution)

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Further information on EXTRA 59/94 (AMR 51/80/94, 7 October 1994) and follow-up (AMR 51/85/94, 19 October 1994) - Death penalty

USA (Texas)

Mario Márquez

Mario Márquez, of Mexican origin, is scheduled to be executed in Texas on 17 January 1995.

Mario Márquez was sentenced to death for the murder of his wife and niece. According to his attorneys, the murder took place "during an outburst of jealous anger towards his wife".

His attorneys claim that Márquez is mentally retarded and brain damaged and that neither evidence which would have shown this, nor evidence relating to his background was presented to the jury which sentenced him to death. Appeals courts have refused to consider this information as grounds for review of his death sentence, saying that this is procedurally barred as it should have been presented at trial.

According to his attorneys, Márquez' childhood was one of poverty and extreme deprivation. He was one of 16 children, and his father routinely carried out "violent fits of torture", beating him with boards, sticks, and fists from an early age. Occasionally he whipped him with a horsewhip, and on several occasions bound his hands and legs and hung him from a pole or tree and horsewhipped him until he was unconscious. At age 12 his parents separated and abandoned him, and he was left to care for several younger children for a period of at least a year, before they were taken into custody of the local county authorities. Márquez, however, was left alone to take care of himself.

Amnesty International opposes the death penalty in all cases as a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights.

An additional concern to the organization is that the execution of Mario Márquez may be in contravention of United Nations Economic and Social Council (ECOSOC) resolution 1989/64, adopted in May 1989, which recommends "eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence".

BACKGROUND INFORMATION

Amnesty International is deeply concerned at the number of executions being carried out in the USA in general, and in Texas in particular. Of the 257 executions carried out in the USA since the death penalty was resumed in the mid 1970s, 85 have been carried out in Texas. The method of execution is lethal injection.

In Texas the governor may commute a sentence of death only if she receives a favourable recommendation from the Board of Pardons and Paroles. The Board consistently refuses to hold full clemency hearings in death penalty cases, and apart from a number of commutations granted in the 1980s as the result of two key court rulings, the Board has never recommended clemency in any death penalty case in recent years. Governor Richards will be leaving office on 17 January 1995, and will be replaced by George W Bush.

As of 20 July 1994 there were 385 prisoners under sentence of death in Texas. The most recent person to be executed in Texas was Raymond Kinnamon, on 11 December 1994.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in English if possible:

- expressing deep concern that Mario Márquez is scheduled to be executed in Texas on 17 January 1995;
- urging the Board of Pardons and Paroles to recommend that Governor Richards grant clemency to Mario Márquez;
- expressing concern that the jury which sentenced Mario Márquez to death was given no information about his reported mental retardation or brain damage, or his background;
- expressing concern that the execution of Mario Márquez may be contrary to the United Nations ECOSOC resolution mentioned above;
- expressing opposition to the death penalty in all cases;
- citing arguments against the death penalty - for example, pointing out that detailed research in the USA and other countries has provided no evidence that the death penalty deters crime more effectively than other punishments, and in the USA research studies show that the death penalty is imposed disproportionately on the poor, on the mentally ill or retarded, as well as on minorities and those without adequate legal representation.

Appeals from Mexican citizens residing in countries outside Mexico to Mexican officials/embassies in those countries urging them to appeal to the Texas authorities on behalf of Mario Márquez would be particularly welcome.

APPEALS TO

Texas Board of Pardons and Paroles
 Executive Clemency Unit
 Texas Department of Criminal Justice
 Pardons and Paroles Division
 PO Box 13401
 Austin, TX 78711, USA
Faxes: + 1 512 467 0945
Telephone: +1 512 406 5852
Telegrams: Pardons/Paroles Board, Austin, Texas, USA
Salutation: Dear Board Members

COPIES 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

The Letters Editor
Austin-American Statesman
 Box 670
 Austin, TX 78767, USA
Fax: +1 512 445 3679

and to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.