

URGENT ACTION

UNLAWFUL EXECUTION OF MEXICAN NATIONAL IN USA

Mexican national Rubén Cárdenas Ramírez was executed in Texas late on 8 November, in violation of international law. In addition to the Mexican government's efforts, UN experts and the Inter-American Commission on Human Rights had called for a stay of execution.

Rubén Cárdenas Ramírez was executed in Texas late on 8 November in violation of international law. He was charged with the murder of his cousin, 16-year-old Mayra Laguna, in 1997. As a Mexican national, he had the right to contact the Mexican consulate for assistance "without delay" after his arrest (article 36 of the Vienna Convention on Consular Relations-VCCR). He was not advised of this right. He was interrogated and eventually confessed in the absence of consular assistance and without a lawyer to advise him. In 2004, the International Court of Justice (ICJ) ruled that the USA violated the VCCR in the case of Rubén Cárdenas Ramírez, and ordered the USA to provide judicial "review and reconsideration" of his conviction and sentence to determine if he had been prejudiced by the VCCR violations. In 2008, the US Supreme Court ruled that although the ICJ decision "constitutes an international law obligation" on the USA, it was "not automatically binding domestic law" and the authority for implementing it rested with Congress. Congress has not passed implementing legislation.

On 6 November, two UN experts, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Vice-Chair of the Working Group on Arbitrary Detention, called for the execution to be halted saying that if it went ahead it would be "tantamount to the arbitrary deprivation of life", and the USA would be "in breach of its obligations under the International Covenant on Civil and Political Rights, which are binding on all levels of government and public authorities". The following day the Inter-American Commission on Human Rights called for a stay of execution and reiterated its call from nearly a decade ago for Rubén Cárdenas Ramírez's death sentence to be vacated and that he be granted a new trial with all due process protections ensured.

Appeals to the courts to allow modern DNA testing of evidence from the crime were unsuccessful. The execution was delayed by some four hours past its 6pm scheduled time while final appeals were considered. After the US Supreme Court refused to stay the execution it went ahead at shortly after 10pm and the prisoner was pronounced dead at 10.26pm.

In a tweet, Mexican President Enrique Peña Nieto said (translated from Spanish): "I express my firm condemnation of the execution of the Mexican Rubén Cárdenas Ramírez in Texas, which violates the decision of the International Court of Justice. My deepest condolences to the relatives."

There have been 23 executions in the USA this year, seven in Texas. Texas accounts for 545 of the 1,465 executions nationwide since 1976 when the US Supreme Court upheld revised statutes.

No further action by the UA Network is requested. Many thanks to all who sent appeals.

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