

DEATH PENALTY INFORMATION CENTER

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EXECUTION WITH INTERNATIONAL IMPLICATIONS NEARS CRISIS STAGE

Execution Set for May 18 Challenges U.S. Compliance with World Court and International Law

WASHINGTON, DC – Just weeks after the International Court of Justice (ICJ) in the Hague ordered the United States to review the cases of 51 Mexican foreign nationals on death row because they were denied their right to seek consular assistance following their arrest, the scheduled May 18th execution of Osvaldo Torres in Oklahoma presents the U.S. with a critical decision about its compliance with international treaties and human rights standards. Oklahoma's Board of Pardon and Parole has recommended Torres's case for clemency by the Governor, but this same Governor has rejected such recommendations in the past.

“This is the first test of the U.S.'s willingness to comply with the World Court's ruling by halting Mr. Torres's scheduled execution until a thorough review has been completed,” said Richard Dieter, Executive Director of the Death Penalty Information Center. “If the Governor does not stop this execution, then surely the courts must step in. Our standing in the international community could be put at further risk if this ruling is ignored.”

Two weeks after the March 31st ICJ ruling, President George W. Bush called Mexican President Vicente Fox to discuss possible next steps regarding the 51 Mexican foreign nationals on death row in the U.S. At that time, Fox said he believed the U.S. would comply with the World Court order. As the execution date for Torres remained in place, Mexico later restated its concern about U.S. compliance with the order and issued a statement reading, “The government of Mexico calls upon U.S. federal authorities to immediately take measures intended to protect the life of Osvaldo Torres, complying with the order of the World Court.”

Torres's hearing before the Oklahoma Board of Pardon and Parole took place last week and included testimony from Carlos de Icaza, Mexican Ambassador to the United States. Icaza told the board that Mexico opposed Torres's execution because he was not the shooter and had no record of violence. He also emphasized that Oklahoma officials violated international law set

forth in the 1963 Vienna Convention on Consular Relations, which requires that foreign nationals charged with crimes be advised of their right to contact their consulates. The Board's recommendation for clemency is now before Oklahoma Governor Brad Henry for consideration. Since taking office, Henry has rejected each of the three clemency recommendations made by the Board, including a January 2004 recommendation to commute the sentence of Vietnamese foreign national Hung Thahn Le. Le, who also claimed he was denied consular assistance, was executed on March 23.

In addition to those on death row in Oklahoma, Mexican foreign nationals awaiting the U.S. response to the ICJ's ruling are on death rows in Arizona, Arkansas, California, Nevada, Ohio, Oregon, and Texas. With the exception of Torres, none of these remaining foreign nationals are scheduled for execution in the coming months.

For more information about this case and the ICJ ruling, please contact Mexico's counsel Sandra Babcock at (612) 871-5080 or international death penalty expert Mark Warren at (613) 278-2280.

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