



**International Commission
against the Death Penalty**

President

Federico Mayor

Members

Giuliano Amato

Louise Arbour

Robert Badinter

Mohammed Bedjaoui

Ruth Dreifuss

Michèle Duvivier
Pierre-Louis

Hanne Sophie Greve

Asma Jilani Jahangir

Ioanna Kuçuradi

Gloria Macapagal-Arroyo

Rodolfo Mattarollo

Ibrahim Najjar

Bill Richardson

Honorary Member

José Luis Rodríguez Zapatero

Secretariat

Rue Rothschild 20, TL 004
CH-1202 Geneva
Switzerland
Tel: +41 22 908 44 22
Fax: +41 22 908 62 62
asunta.vivo@icomdp.org
info@icomdp.org

www.icomdp.org

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Statement by the International Commission against the Death Penalty: execution of Edgar Tamayo Arias, in Texas, US

The International Commission against the Death Penalty (ICDP) condemns the execution by lethal injection of Mexican national Edgar Tamayo Arias (46) in Texas, United States of America (US) on 22 January 2014.

“Mr. Tamayo’s execution is a clear breach of US and international law”, said Federico Mayor, President of ICDP.

Edgar Tamayo was arrested without being informed by authorities in Texas about his right, as a detained foreign national, to seek consular assistance. Under Article 36 of the Vienna Convention on Consular Relations (Vienna Convention), to which the US is a State Party, foreign nationals must be notified “without delay” of their right to inform their consulate when detained.

The Mexican authorities did not learn of Mr. Tamayo’s case until one week before his trial. As a result, the Mexican authorities were unable to ensure an adequate defense counsel for him. Subsequently, there were concerns about the quality of the defense that Mr. Tamayo received from the court-appointed lawyer at his trial who reportedly failed to present evidence of the defendant’s deprivations and abuse he suffered as a child, his developmental deficits, and a serious head injury he suffered when 17 and its impact on his behavior, including a worsening dependency on alcohol and drugs.

In 2004, the International Court of Justice ruled that the US had violated the Vienna Convention in the case of 51 people sentenced to death, including Mr. Tamayo. In its “Avena judgment,” the court ordered the US to review their sentences to establish whether their defense had been harmed by violations of the Vienna Convention. As the Texas authorities did not review Mr. Tamayo’s case, his execution is a clear breach of the US’ international legal obligations.

Mr. Tamayo, sentenced to death in October 1994 for the fatal shooting of a police officer in January the same year, was diagnosed in 2008 with “mild mental retardation.” The US Supreme Court has determined that their executions violate the US Constitution.

So far 18 US states have abolished capital punishment and others are moving in that direction. According to the United Nations, some 150 countries from all regions have abolished the death penalty or do not execute – having recognized that modern justice systems can protect the public from crime without the death penalty’s cruelty and constant risk of executing an innocent person.

ICDP calls on the authorities in Texas to stop any further executions, to commute all death sentences to terms of imprisonment and declare an official moratorium on executions as a first step towards abolition of capital punishment in line with United Nations General Assembly Resolutions adopted in 2007, 2008, 2010 and 2012.



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ICDP also calls on the US Congress to enact legislation to implement the International Court of Justice's Avena judgment.

Federico Mayor
President of the International Commission
against the Death Penalty

Background

ICDP was founded in Madrid in October 2010. ICDP is composed of 15 persons of high international standing from all regions of the world who act with total independence and neutrality and work under its President Mr. Federico Mayor.

ICDP opposes the death penalty under any circumstances believing that it violates the right to life enshrined in the Universal Declaration of Human Rights. ICDP promotes the abolition of capital punishment in law in those states that observe a de facto moratorium on the use of the death penalty and promotes moratoriums on executions in states that rarely use the death penalty. In states that continue to carry out executions ICDP urges strict adherence to international standards.

ICDP works with the United Nations and other international and regional organizations, governments and nongovernmental organizations to further the abolition of capital punishment worldwide.

The work of the ICDP is supported by a diverse group of 18 states from all regions of the world that are committed to abolition of the death penalty. Its secretariat is based in Geneva.