



**International Commission
against the Death Penalty**

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Federico Mayor

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Louise Arbour

Robert Badinter

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Statement by the International Commission against the Death Penalty: execution of Ramiro Hernández Llanas in Texas, US

The International Commission against the Death Penalty (ICDP) condemns the execution by lethal injection of Mexican national Ramiro Hernández Llanas (44) in Texas, United States of America (US) on 9 April, 2014.

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

Mr Hernández Llanas was arrested without being informed by authorities in Texas about his right, as a detained foreign national, to seek consular assistance. By the time the Mexican authorities was informed of Mr. Hernández Llanas’ case, he had made a declaration to authorities who had interrogated him. 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 consular assistance when detained.

In 2004, the International Court of Justice (ICJ) ruled that the US Government had violated the Vienna Convention in the case of 51 people sentenced to death, including Mr. Hernández Llanas. In its Avena Judgment, the ICJ further ruled that the US Government should review their sentences to establish whether their defence had been harmed by violations of the Vienna Convention. As the authorities in Texas did not review Mr. Hernández Llanas’ case, his execution is a clear breach of the US’ international legal obligations.

“I would like to reiterate ICDP’s call on the US Congress to enact legislation to implement the ICJ’s Avena Judgement,” said President Mayor.

There were concerns about the quality of the defence that Mr. Hernández Llanas’ received from the court-appointed lawyer at his trial.

According to information ICDP has received, a motion was filed before a federal judge in September 2003 for the reconsideration of Mr Ramiro Hernández Llanas’ mental state. It appears that Mr Hernández Llanas has an intellectual functioning in the ‘mild mental retardation’ range. The United States Supreme Court has ruled that the execution of such individuals violates the US Constitution.

Ramiro Hernández Llanas was charged, in October 1997, with the murder of 49 year-old Glen E; Lich in the city of Kerrville, Texas. On 10 February 2000, a jury found him guilty of the charge. That same day, the Criminal Court of Kerr County sentenced Mr. Hernández Llanas to the death penalty.



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In January 2014, ICDP had condemned the execution, by authorities in Texas, of Mexican national Edgar Tamayo Arias who, like Mr. Hernández Llanas, had been considered among the 51 people in ICJ's Avena Judgement.

So far 18 US states have abolished capital punishment and others are moving in that direction. According to the United Nations, some 160 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 irrevocable and cruel nature of the death penalty and the 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.

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.