

Inauguración de evento paralelo sobre Pena de Muerte
“International Actions with the view to abolishing the death
penalty”

Mr. Didier Burkhalter, President of the Swiss Confederation,
Mr. Jorge Lomónaco Tonda, Permanent Representative of
Mexico to the United Nations,
Mr. Ivan Simonovic, UN Assistant Secretary-General for Human
Rights,
Mme. Ruth Dreifuss, commissioner of the International
Commission against Death Penalty,
Mrs. Alison Hannah, executive director of the ONG Penal Reform
International,
Ambassadors and members of the Support Group,
Ladies and Gentlemen,

It is a great honour for me to welcome you to the first side event
co-organized with the International Commission against Death
Penalty, related to the question of International actions with the
view to abolishing the death penalty.

Before assuming as Minister of Foreign Affairs, I was the
Argentine Ambassador to the United States. As such, I began to
be personally involved with the terrible case of Victor Saldaño, a

fellow countryman in death row in Texas for almost 18 years. I choose to use the few minutes I have to speak about it.

Mr. Saldaño is the only Argentine citizen sentenced to death in the world, and one of our main driving forces to engage projects like the Commission. Since December 26th, 1995, when the Court alerted about Saldaño's detention, Argentine diplomats have been visiting him regularly and have observed the profound mental and physical deterioration as a result of his time in Death Row.

Mr. Saldaño was initially serving a sentence in Huntsville, Texas, where inmates within a maximum security regime were allowed contact, recreation and attendance to religious services.

All this changed in March of 2000 when Mr. Saldaño along with all death row inmates was transferred to the newly built Polunsky Unit.

There, no physical contact or communication between inmates is possible. The isolation is total and extreme. The cells measure 5.4 m² that is a room of 6 by 10 feet including the built in cot, lavatory and toilet. This tiny space is enclosed by a solid door that reinforces the isolation.

Under this regime a year later Mr. Saldaño suffered an abrupt change in his mental aptitude followed by his first suicide attempt. He also experienced a weight loss of over 20 kilos. At the time, disciplinary actions by prison authorities left Mr. Saldaño unable to receive visits, no access to limited recreation or to the prison store and during prolonged periods he was subjected to a cold diet consisting mainly of peanut butter sandwiches.

After his first suicide attempt Mr. Saldaño was transferred to the Psychiatric Hospital for several months. This would be his first of nine hospitalizations. Depression is treated with trazodone and he receives Individualized Treatment Plan for Psychiatry Chronic Care. Mr. Saldaño has attempted suicide in several occasions: cutting arms with razor; self-mutilation and hanging.

Since his first crisis his mental problems never stopped and led him to a self-destructive attitude where he was unable to maintain the most minimal and elemental hygiene and regularly refuses food. During his trial Mr. Saldaño displayed clearly bizarre actions. He refused to change out of his prison garb, he masturbated inside his pants in front of the jury, he was distracted, looked disheveled, smiled inappropriately, moved his

lips without emitting sound and was unable to assist his lawyers in his defense.

For several months he is incoherent and has difficulty understanding simple phrases. Mr. Saldaño has been diagnosed with schizophrenia, since his behavior of hearing voices, smiling in an irrational manner and moving his lips in an intermittent way without emitting any sound, were clear signs of this disorder.

A medical report indicates: “the cell presented total disorder, with feces everywhere; the patient also eats his feces...His overalls and skin, hands and face, had feces smeared everywhere.” Subsequent medical reports reiterate this behaviour and add that he also ingests feces with the bread.

The case contains not only humanitarian aspects shaking the foundations of the U.S. prison system, but also achieved notoriety because the sentence was clearly based on a racial stereotype: the statement for the death penalty presented by the prosecution was based on a psychologist testimony who said – believe it or not- that being Hispanic “was a feature that increased an individual’s predisposition to commit future acts of

violence”. It was just as discriminatory as it sounds; I am not adding a word to the statement.

A petition was filed with the US Supreme Court seeking the reversal of the judgment on the ground that it was based on a racist stereotype. In such petition, my government appeared as *amicus curiae* with the support of other Latin American governments and NGOs focused on this matter. After some judicial ups and downs, the US Supreme Court recognised the mistake and returned the case to Texas for further proceedings. The only positive result of this tragic mistake is that shortly after the death sentence was overturned, it was introduced a bill known as the “Saldaño Act” which prohibits from then on the use of racial stereotypes in criminal proceedings.

Trying to deal with this unfair situation we decided to create a group to monitor the situation and be available for his family. For instance, since his detention, Saldaño`s mother and sister have travelled to Texas to see him several times, not only sponsored by the government, but also accompanied with psychologists to support them.

Mr. Saldaño was re-sentenced to death. By now, his mental condition has shown tremendous signs of deterioration, as an

evidence of how a situation of extreme imprisonment can be defined as torture as well. A new petition for habeas corpus is pending before the Texas federal court. He has also a case against the United States at the Inter-American Commission of Human Rights.

Saldaño is 41 now, and he has spent almost the half of his life waiting to be executed, with the only hope of getting a life-sentence.

The conditions of confinement have worsened with appointment of a new warden since May 2013. I will name him: Gary Hunter. The worsening of the conditions has led Mr. Saldaño to start talking about giving up his appeals.

Under the new Warden only individuals on a list of ten people identified by the inmate are allowed to visit. That would not be a problem for a healthy person, but the administrators rejected Saldaño's list because it was not on their internal form. Last December, the Argentine Consulate officially looked for a Saldaño's family visit, but that was impossible because the prison has simply not responded. The Consul General has written in several occasions to the Warden requesting a meeting and never gotten a response. At this point is beyond any understanding

how Saldaño, who is constantly under medication for his mental condition, should be expected to complete a form by memory with the names, dates of birth, and passport number of the people authorized to visit him.

Both the Mexican and Argentine Consulates have written to Brad Livingston, the Executive Director of the Texas prison system. There is an appointment between the General Consul of Argentina in Houston as well as the General Consul of Mexico in Houston with Mrs. Sharon Howell, General Counsel of the Texas Criminal Department of Justice, set for March 6th in Livingston, Texas to unlock this matters that impinge on Saldaño's situation.

We think there's still a lot to do, and that's one of the reasons why we engage in initiatives like the International Commission against Death Penalty, which has a clear commitment to raise its voice against death penalty worldwide.

Pope Francis said to Saldaño's mother that he is praying for her son, and since Victor Saldaño has become quite devoted at prison, it made a lot of sense to him.

Just as tolerance of slavery, torture and systematic racial discrimination was eradicated in the past, I am confident that we

will witness the abolition of death penalty as the next great step in Human Rights.

Thank you very much.