



Geneva, 20 December 2013

## **Statement by the International Commission against the Death Penalty: imminent execution of Edgar Tamayo Arias**

The International Commission against the Death Penalty (ICDP) strongly condemns the setting of an execution date for the Mexican national Edgar Tamayo Arias by authorities in the US state of Texas. The execution, which is scheduled for 22 January 2014, would constitute a clear breach of domestic and international law.

Edgar Tamayo, 46, was sentenced to death without having been informed about his right to seek consular assistance as required by Article 36 of the Vienna Convention on Consular Relations to which the US is a State Party. Executing Edgar Tamayo would be a violation of international law as it constitutes a clear breach of the 2004 Avena Judgement by the International Court of Justice (ICJ). Edgar Tamayo was initially sentenced to death in October 1994 for the fatal shooting of a police officer in January the same year.

In 2008, following medical examination Edgar Tamayo was diagnosed with "mild mental retardation". The execution of such individuals has been determined by the US Supreme Court to violate the US Constitution.

"ICDP deplores the death sentence against Edgar Tamayo Arias in violation of domestic and international law. We urge the authorities not to execute Edgar Tamayo. ICDP also calls on the US Congress to enact legislation to implement the ICJ's Avena judgement". said Federico Mayor, President of ICDP.

Eighteen states in the USA have now abolished capital punishment and others are moving in that direction. ICDP welcomes the fact that since 2000, the numbers of executions and death sentences have steadily declined as more States repeal capital punishment and courts and juries are increasingly likely to seek alternatives to the death penalty. Furthermore, according to the United Nations, some 150 countries from all regions have abolished the death penalty or do not execute. These nations are recognizing that modern justice systems can protect the public from crime without the cruelty of executions and the risk of executing an innocent person.

ICDP calls on the government of Texas to introduce an immediate moratorium on executions as a first step towards abolition in line with UN General Assembly Resolutions adopted in 2007, 2008, 2010 and 2012 and to initiate an independent and comprehensive study on the use of capital punishment.

Federico Mayor  
President of the International Commission  
against the Death Penalty

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## 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 17 states from all regions of the world that are committed to abolition of the death penalty. Its secretariat is based in Geneva.