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ICDP 11/2024

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against the Death Penalty**

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North-South Prize  
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SARIA PREMIO

*René Cassin*

**Statement by the International Commission against the Death Penalty: USA: A last-minute temporary stay on the execution of Robert Roberson during an execution spree**

The International Commission against the Death Penalty (ICDP or Commission) continues to be seriously concerned about the fate of 57-year-old Mr. Robert Roberson, while noting the temporary restraining order by a Travis court judge issued some 90 minutes before his execution, scheduled for 17 October 2024 by authorities in Texas. He has faced the death penalty for 20 years for a crime that reportedly never happened. Reports suggest that a Travis County judge issued the last-minute temporary restraining order following a rare subpoena issued by a panel of the Texas House of Representatives for Mr. Roberson, in the hope that authorities would have to send him to appear at a hearing on 21 October.

A bipartisan group of 86 Texas legislators, dozens of medical and scientific experts, attorneys have all reportedly called for Mr. Roberson to be pardoned.

Mr Roberson was sentenced to face the death penalty, more than 20 years ago, in 2003 for the death of his two-year-old daughter, Nikki, after doctors and an autopsy report reportedly found that she died from “shaken baby syndrome” (SBS). Medical experts have, reportedly, since determined that she died from severe viral and bacterial pneumonia that doctors failed to diagnose. Despite three new expert reports showing Nikki died of pneumonia, and the call from legislators and experts stating that his conviction was based on outdated science, before authorities gained a proper understanding of SBS, no court has been willing to consider the evidence that clears Mr. Roberson of any crime.

Sadly for Mr Roberson, an appeals court in 2023 ruled that there was insufficient evidence to overturn his death penalty conviction and the Supreme Court declined to hear his case. His last-minute appeals for clemency have been denied by the Texas Court of Criminal Appeals (TCCA) on 11 October 2024. Interestingly, the TCCA recently granted relief in another, non-capital case involving the discredited SBS hypothesis, which was also used to convict Mr. Roberson. More recently, on 15 October, the Anderson County Circuit Court, turned down Mr Roberson’s appeal for a stay to his execution.

Reports reaching ICDP suggest that Mr Roberson’s lawyers also argued that his behaviour in the hospital, seen as “flat,” was misjudged, as it was a manifestation of his autism, diagnosed in 2018, and not of his guilt, as the police understood.

Mr Roberson’s tragic situation comes within a context of a worrying increase of executions, including five executions in a seven day period between 20 and 26 September. Some reports attribute this increase of the use of capital punishment to the influence of election cycles with studies suggesting that elected officials hesitate to grant clemency or overturn sentences, fearing electoral repercussions. Of the 20 people who have been executed in 2024, seven have been carried out since 20 September. They include:

- Derrick Dearman, 36, whose execution was carried out yesterday, 17 October, by authorities in Alabama by lethal injection.
- 61-year-old Garcia Glen White’s execution was carried out on 1 October, by authorities in Texas by lethal injection.



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- Alan Miller, 59, was executed on 26 September by nitrogen hypoxia, the second by this controversial method of execution, by authorities in Alabama.
- Emmanuel Littlejohn, 52, was executed by authorities in Oklahoma, on the same day, by lethal injection despite a recommendation from the state's parole board to commute his sentence to life in prison without parole.
- 55-year-old Marcellus Williams was executed on 24 September by authorities in Missouri by lethal injection despite substantial concerns regarding the lack of DNA evidence linking him to the crime. His conviction was based largely on witness testimony, which has since been called into question. The local prosecutor who sought to overturn the death sentence raised serious issues of constitutional violations, including racial bias in jury selection and failure to present mitigating evidence.
- On the same day, the execution of Travis Mullis, 38, was carried out by authorities in Texas by lethal injection for the 2008 killing of his infant son after waiving his right to appeal. Reports suggest that he had endured severe abuse from the age of three after being abandoned by his parents, a traumatic upbringing that significantly impacted his life and not in a mental state to face the death penalty.
- Freddie Owens, 46, was executed by authorities in South Carolina on 20 September, the first execution in the state after a 13-year moratorium due to difficulties in obtaining lethal injection drugs. His execution was carried out despite his attorneys' claims that crucial scientific evidence was lacking and that his conviction relied heavily on testimony from a co-defendant.

"I join ICDP Commissioners in expressing our deep concern at the recent surge of seven executions since 20 September in the United States. The circumstances surrounding the people, including Mr Roberson, who face the death penalty or those people whose executions have been carried out are a stark reminder of the inherent cruelty of the death penalty, the ever-present risk of an innocent person being executed, and why it must be opposed in all forms. There is no place for the death penalty in the USA in the 21<sup>st</sup> century and by continuing carrying out executions, the states carrying out executions are showing a preference for meting out the failed, antiquated method of violent vengeance to solve crime, rather than forgiveness and the chance of redemption," said ICDP President Judge Navi Pillay.

#### Background

The International Commission against the Death Penalty is currently composed of 26 Commissioners of high international standing following highly respected careers in public service and representing all regions of the world. The Commission acts with total independence under the leadership of President Judge Navi Pillay. The Commission promotes the abolition of capital punishment in law in States that observe a de facto moratorium on the use of the death penalty and promotes moratoriums on executions in States that retain capital punishment.

ICDP works with the United Nations and other international and regional organizations, governments and nongovernmental organizations to advocate for worldwide abolition of the death penalty. The work of ICDP is supported by a geographically diverse Support Group of 24 Member States who are committed to the abolition of the death penalty. Its Secretariat is based in Madrid and is responsible for the day-to-day work of the Commission.