

Texas executes Mexican national despite international protests

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Rejecting international protests and a direct appeal from the president of Mexico, the state of Texas put to death Javier Suarez Medina on Wednesday evening. The 33-year-old Mexican national was pronounced dead at 6:23 p.m. following an injection of lethal chemicals as he was strapped to a gurney in the death chamber at the Huntsville prison facility. Reports from the execution were broadcast live on national Mexican radio.

Mexican President Vicente Fox announced late Wednesday he was canceling a planned trip to Texas to protest the execution. The trip would have taken him to four cities and George W. Bush's ranch in Crawford. A written statement from Fox's office read: "Mexico is confident the cancellation of this important presidential visit will contribute to strengthen the respect of all states of international rights norms and the conventions that regulate relations between nations." Capital punishment is outlawed in Mexico.

Apparently taken off guard by the announcement canceling Fox's trip, a White House statement glibly commented that the two presidents "have an excellent professional relationship and a strong friendship that reflects the deep bonds between the two countries" and that Bush "looks forward to his next meeting with President Fox."

An unprecedented 13 nations had joined with Mexico—including Argentina, Brazil, Chile, Colombia, El Salvador, Guatemala, Honduras, Panama, Paraguay, Poland, Spain, Uruguay and Venezuela—to file a "friend of the court" brief with the US Supreme Court on Suarez Medina's behalf. They argued that authorities failed to advise him of his rights to contact the Mexican consulate after his arrest, a right upheld by the 1963 Vienna Convention on Consular relations, which the United States signed.

The brief also declared that Texas "should not be permitted to damage the United States' relationship with its allies, invite international condemnation, and increase the danger that nationals detained abroad will be denied their time-honored right to consular assistance and protection."

Mary Robinson, UN high commissioner for Human Rights, also sent a letter to Secretary of State Colin Powell calling for clemency, in which she wrote that there were "serious concerns that the trial proceedings in the case had not complied with international human rights standards."

Javier Suarez Medina, a former fast-food worker, was convicted of the 1988 murder of undercover narcotics officer Lawrence Cadena during a sting operation. Although Suarez's lawyers do not dispute that he killed Cadena, they argued that their client did not know he was a police officer, and that he could have avoided the death penalty if he had been given timely legal help with this claim from the Mexican authorities.

Vicente Fox sent a letter to Texas Governor Rick Perry, calling the execution "illegal" because it violated the condemned man's consular rights. "As a consequence of this serious violation," Fox wrote, "Mr. Suarez Medina was not only deprived of the assistance of his country when he needed it, but the Mexican government was also prevented from providing the priority assistance that could have influenced the result of the trial." Fox spoke with Bush by phone on the eve of the execution, urging him to intervene.

The Mexican Senate also took the unusual action of running half-page advertisements in some Texas newspapers earlier in the week urging the Texas governor and parole board to grant clemency and for "suspension of his execution, to allow a more exhaustive evaluation of the case."

All of these protests fell on deaf ears. The Texas Board of Pardons and Paroles voted 17-0 Tuesday to reject a commutation request in Suarez Medina's case, and Governor Perry refused to grant a 30-day reprieve. The Supreme Court rejected his appeal, without comment, and the State Department did not intervene.

Lori Ordiway, chief of the Dallas County district attorney's office, rejected any notion that Texas authorities are bound by international law. She stated that Suarez Medina "was educated here in the United States. He reads and writes and speak the English language. And essentially, even if he had been from Mexico, he's not the kind of candidate contemplated by the Vienna Convention as someone in a foreign land and doesn't understand the laws and procedures and needs assistance from their own country's government."

Texas authorities have in the past made the remarkable claim they were not bound by the 1963 treaty on consular rights because they had not signed it. However, Suarez Medina's attorney Sandra Babcock argued in her client's Supreme Court appeal that "Under the Supremacy Clause of the United States Constitution, this treaty obligation is binding on all individual states, including Texas."

Texas put to death another foreign national, Canadian citizen Stanley Faulder, in June 1999 despite international protests. At the time, George W. Bush was governor of Texas and an aspiring presidential candidate. In November 2000 Bush refused to grant a reprieve to Mexican citizen Miguel Flores, who was denied his consular rights. During his five years as governor, Bush presided over 152 state killings—more than any other governor.

More than two dozen of the 453 inmates on death row in Texas are foreigners, including 18 from Mexico, and at least four Mexican nationals have been put to death in the state since the US Supreme Court reinstated the death penalty in 1976. Of the 791 total executions carried out during this period in the 38 states that permit the death penalty, 277 have been in Texas. These have included not only foreign nationals, but the mentally ill and impaired, and those convicted of crimes committed when they were juveniles.

Forty-one condemned men and woman have been executed nationwide this year. Also sent to his death on Wednesday night was 35-year-old Daniel Basile, in

Missouri, after rejections of his appeals by the Missouri Supreme Court, the 8th Circuit Court of Appeals and the US Supreme Court.



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