

# Texas executes British citizen despite international protests

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The state of Texas put to death British citizen John “Jackie” Elliott on Wednesday despite pleas for clemency from the British foreign secretary, home secretary and 100 members of Parliament. Elliott, who maintained his innocence to the end, had no comment before lethal chemicals were pumped into his veins at the execution chamber in Huntsville, Texas. He became the 296th person, and the sixth foreign national, executed in the state since the US Supreme Court reinstated the death penalty in 1976.

Elliott, 42, was born to American parents in Suffolk, England and possessed dual US/British citizenship. He was sentenced to death for the rape and murder of 18-year-old Joyce Munguia in 1986. His lawyers said that new evidence had emerged since his trial which might have exonerated him.

Elliott had always contended he was convicted solely on the basis of the testimony of police informers covering their own guilt. In the days leading up to his execution, his defense team discovered 40 police reports identifying other key suspects, which they claim were suppressed by the prosecution.

Elliott’s attorneys asked a Texas appeals court to halt the execution to allow for DNA testing which was never conducted at trial. The DNA evidence reportedly does not directly involve Elliott, but other suspects in the case. Conservative MP John Grummer, who represents the British constituency where Elliott was born, commented: “The latest evidence, uncovered in the past two or three days, is there is a further witness who points the finger at the very person who accused him [Elliott] and who otherwise would have been in the dock, and on whose evidence the whole case stood.”

Grummer also said Elliott’s original lawyer never defended a criminal case and that the forensics expert who testified against Elliott was subsequently exposed

as a fraud.

The appeals court refused to consider the new DNA evidence on Tuesday, and failed to overturn his conviction. On Wednesday, Elliott’s execution day, the Texas Board of Pardons and Parole rejected his final plea for clemency and he was put to death. John Elliott’s mother and brother presented a written appeal to Prime Minister Tony Blair’s 10 Downing Street office, asking Blair to intervene on his behalf and asking him to raise the issue personally with President Bush. It has not been reported that Blair, who met with Bush in the US on January 31 on the impending war against Iraq, pursued the issue.

The US has come under increasing criticism for its execution of foreign nationals. Last August 14, Texas put to death Mexican Javier Suarez Medina, 33, despite international protests and a direct appeal from Mexican President Vicente Fox. Thirteen nations joined with Mexico to file a “friend of the court” brief with the US Supreme Court on Suarez Medina’s behalf, arguing that Texas authorities failed to advise him of his right to contact the Mexican consulate after his arrest, a right protected by the 1963 Vienna Convention on Consular Relations (VCCR).

On February 5, the day of John Elliott’s execution, the International Court of Justice, known as the World Court, ruled that the US must temporarily stay the execution of three Mexican citizens on death row—Cesar Fierro, Roberto Ramos and Osvaldo Torres Aguilera. The court called for the delay while it investigated whether the 3, and 48 other Mexicans on death row, were afforded their consular rights.

The United States has consistently refused to abide by such rulings. In 1999 the World Court ruled that the US had violated international law by not informing a German citizen of his right to consular assistance.

Walter LaGrand was executed in Arizona on March 3, 1999, in violation of this ruling.

According to the Death Penalty Information Center, as of February 1 there were 112 foreign nationals on death row across the US, including 36 in California, 25 in Texas and 22 in Florida. Twenty have been put to death since 1976. DPIC reports that in only seven cases of foreign nationals who received death sentences can it be proven that authorities fully complied with Article 36 of the 1963 VCCR, which requires that foreign citizens be informed “without delay” of their consular rights.

On February 3, Amnesty International issued a new report, “Texas—In a World of Its Own as 300th Execution Looms.” The report noted that with John Elliott’s execution, and another four scheduled to die by lethal injection this month, Texas will have put to death 300 people since it reinstated capital punishment in 1982, more than any other state and more than a third of the 829 executed nationwide since the reinstatement of the death penalty.

According to Amnesty’s report: “Texas’ death penalty system is marred by widespread geographic disparities, issues of innocence, racial bias, and the shameful practice of executing juvenile offenders” and that the state’s “capital punishment system exemplifies the findings that have emerged in recent studies conducted in Maryland and Illinois that reveal that the death penalty is determined by geographic lottery”—in other words, whether or not a defendant receives a death sentence is determined in large measure by where the case is tried.

On January 11, Illinois Governor George Ryan commuted the death sentences of all of the state’s 167 death row prisoners, reducing the majority of them to life in prison. Ryan said the state’s capital punishment system was “broken” and plagued by prosecutorial misconduct, confessions coerced through torture and other abuses. Since the state reinstated the death penalty, 17 death row inmates have been exonerated.

Ryan was responding to growing popular opposition to capital punishment—both within the US and internationally—and the fear within sections of the ruling establishment that the barbaric practice is being discredited, along with the entire criminal justice system in America.

Since 1987 in Texas, seven death row inmates have

been released after evidence of their innocence emerged. But Texas authorities have said they have no intention of calling a moratorium on executions or submitting the death penalty system in the state to examination. George W. Bush—who presided over more than 150 executions as Texas governor—maintains that no innocent men were put to death under his administration.

The refusal of Texas authorities to stay John Elliott’s execution—despite international protests, and in the face of new evidence—is indicative of the state’s merciless drive to keep the death machine rolling.



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