

Texas executes Mexican citizen in defiance of international law

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The state of Texas executed Ramiro Hernandez-Llanas, a Mexican national, on Wednesday in violation of international law. The Texas Board of Pardons and Paroles denied Hernandez-Llanas clemency and Texas governor Rick Perry refused to grant a last-minute reprieve. The US Supreme Court did not intervene to stop the execution.

Hernandez-Llanas, 44, was convicted in the 1997 beating death of former university professor Glen Rich, 49, who had hired him to work on his ranch near Kerrville, Texas. He also attacked Rich's wife, who survived. Hernandez-Llanas was undocumented at the time, having escaped from a Mexican prison where he had been serving a 25-year sentence for a 1989 murder.

The Mexican government and human rights advocates condemned the racial and cultural stereotyping by Texas prosecutors of Hernandez-Llanas, who came from an impoverished Mexican background. His attorneys also argued that he suffered from severe mental disabilities. A 2002 decision of the US Supreme Court bans execution of the "mentally retarded."

Hernandez-Llanas's death by lethal injection was in direct defiance of a decade-old ruling by the United Nations' International Court of Justice (ICJ), known as the World Court, which requires foreign nationals arrested in any country to be informed in a timely fashion of their right to seek assistance from their countries' consular officials. The court ordered the US to reconsider the conviction of 51 Mexicans, including Hernandez-Llanas.

Hernandez-Llanas was the second Texas prisoner to receive a lethal injection of a new supply of pentobarbital, whose source Texas Department of Criminal Justice have refused to identify (see: "Texas carries out lethal injection with drug from unidentified

source"). Supplies of pentobarbital have been in short supply as European drug makers have stopped selling the sedative in the US market. Texas authorities claim that secrecy about the source of the drug is necessary to protect the provider from threats of violence from opponents of capital punishment.

Hernandez-Llanas was injected with the lethal chemical at around 6:00 p.m. Wednesday local time, strapped to a gurney in the Walls Unit at the Huntsville, Texas, prison. According to witnesses, as the drug took effect he snored loudly twice, then appeared to be sleeping. All movement stopped within seconds, and he was pronounced dead at 6:28 p.m.

The Mexican government released a statement condemning the execution. "This is the fourth case of a Mexican being executed in clear violation of the judgment of the International Court of Justice," the ministry stated. "The government of Mexico expresses its most vigorous protest at the failure to comply."

The Inter-American Commission on Human Rights last week issued "precautionary measures," calling on the United States to halt the execution so that the commission could have time to consider a petition in Hernandez-Llanas's case. It said that by allowing the execution to proceed under these circumstances, the US "seriously contravenes its international legal obligations."

The Mexican government also filed a brief with the US Supreme Court in January, condemning the "defamatory stereotyping of the functional abilities of persons raised in Mr. Hernandez's low socioeconomic, Mexican culture."

The American Association on Intellectual and Developmental Disabilities, together with the Arc of the United States, a community-based organization working with people with intellectual and

developmental disabilities, also called on the US Supreme Court to intervene to stop the execution.

Testing conducted over the past decade showed that Hernandez-Llanas had been assessed as having an IQ in the 50s and 60s. According to information obtained by Amnesty International, experts found, “He suffers from severe adaptive functioning deficits across a range of skill areas including linguistic, academic, conceptual, social, work and domestic.”

At Hernandez-Llanas’s 2000 trial, Texas prosecutors employed the testimony of a discredited psychiatrist, Dr. James Grigson, who rebutted the opinions of mental health experts retained by the defense, pointing to their client’s mental impairment. Grigson claimed that the defendant was a sociopath without a conscience who was likely to pose a “future danger” to society, even in prison. Such a characterization is a prerequisite for obtaining a death sentence in Texas.

Rob Freer of Amnesty International stated, “Testimony like Dr. Grigson’s has been discredited over the years as ‘junk science,’ and he himself was reprimanded and then expelled from the American Psychiatric Association because of his resort to such unscientific testimony in capital trials.”

Prosecutors also relied on the testimony of psychiatrist Dr. Richard Coons during a 2008 hearing. Dr. Coons, who never met the condemned inmate and does not speak Spanish, in bigoted fashion claimed that Hernandez-Llanas’s criminal conduct was appropriate for his “cultural group”—i.e., Mexican and poor.

On the eve of Hernandez-Llanas’s execution, Freer of Amnesty International stated, “Texas is no stranger to injustice when it comes to the death penalty. Here it is again, about to carry out a death sentence secured with highly questionable testimony against someone whose mental disability calls the constitutionality of his execution into serious question.”

Had Hernandez-Llanas been informed of his consular rights upon arrest, it is likely that he would have gained assistance from Mexican authorities in mounting his defense, particularly on the issue of his mental disabilities, in opposition to the unscrupulous methods of the Texas prosecutors.

Like Hernandez-Llanas, the vast majority of the more than 3,000 prisoners on death row across America are from working class and poor backgrounds. Many of them also suffer from mental disabilities that have gone

untreated. Amnesty International writes, “Ramiro Hernandez-Llanas was born into a childhood of abuse and severe poverty in Mexico, with his family living in a cardboard shack next to a rubbish dump on which they would scavenge.”

According to the Death Penalty Information Center (DPIC), as of March 14, 2014, there were 140 foreign nationals on death row in the US. At least 30 foreign nationals have been executed since the US Supreme Court reinstated the death penalty in 1976. Texas has executed 12 of these individuals, including 10 Mexicans, 1 Dominican and 1 Canadian.

Texas governor Perry commented in 2008 on the ICJ’s ruling on consular rights for foreign nationals: “The World Court has no standing in Texas and Texas is not bound by a ruling or edict from a foreign court.” The federal government has done nothing to enforce the provisions of the World Court.

Texas is responsible for 514 of the 1,375 executions carried out in the US since the reinstatement of the death penalty. Governor Perry presided over a staggering 275 of these, while his predecessor as governor, George W. Bush, oversaw 152. Thirty-two of the 50 US states continue to conduct state killings, a barbaric practice condemned by the vast majority of the world’s nations. The execution of foreign nationals is not only in violation of human standards of decency, but in breach of international law.



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