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Institution: Inter-American Commission on Human Rights
Session: Hundred and Fourteenth Regular Session (25 February – 15 March 2002)
Title/Style of Cause: Abu-Ali Abdur' Rahman v. United States
Doc. Type: Decision on Precautionary Measures
Dated: 7 March 2002
Citation: Abdur' Rahman v. United States, Inter-Am. C.H.R., OEA/Ser.L/V/II.117, doc. 1 rev. 1, Ch. III, para. 79 (2002)

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79. On March 7, 2002 the Commission authorized precautionary measures in favor of Abu-Ali Abdur' Rahman, formerly James Jones. According to the petition requesting the measures, Mr. Abdur' Rahman was a 51-year-old man suffering from Borderline Personality Disorder and Post-traumatic Stress Disorder and was sentenced to death in July 1987 for the murder of a drug dealer. The petition also alleged that Mr. Abdur' Rahman was deprived of a fair trial, and that since he was mentally ill his execution would constitute cruel, infamous and unusual punishment. In addition, the petition indicated that Mr. Abdur' Rahman was scheduled to be executed in the state of Tennessee on April 10, 2002. In its March 7, 2002 communication to the United States, the Commission indicated that if Mr. Abdur' Rahman was executed before the Commission had an opportunity to examine the allegations in his petition, any eventual decision would be rendered moot in respect of the availability of potential remedies and irreparable damage would be caused to Mr. Abdur' Rahman. Accordingly, the Commission requested that the State take precautionary measures to stay Mr. Abdur' Rahman's execution pending the Commission's investigation of the allegations in his petition, and requested an urgent response to its communication. In a communication dated March 13, 2002 the State informed the Commission that the U.S. Mission to the OAS was coordinating with the State of Tennessee and the Office of the Legal Advisor in the Department of State to provide response to the petition as soon as possible. The Petitioners subsequently informed the Commission that on March 28, 2002 the Tennessee Board of Pardons and Paroles voted 6-0 against recommending that the Tennessee Governor grant Mr. Abdur' Rahman clemency, and that Mr. Abdur' Rahman remained subject to execution on April 10, 2002. Consequently, in a note to the State dated April 5, 2002 the Commission reiterated its March 7, 2002 request for precautionary measures. Mr. Abdur' Rahman's execution was subsequently stayed by the US Supreme Court.