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Institution: Inter-American Commission on Human Rights
Title/Style of Cause: Anthony Green v. United States
Doc. Type: Decision on Precautionary Measures
Dated: 29 July 2002
Citation: Green v. United States, Inter-Am. C.H.R., OEA/Ser.L/V/II.117, doc. 1 rev. 1, Ch. III, para. 84 (2002)

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84. On July 29, 2002 the Commission authorized precautionary measures in favor of Anthony Green. According to the petition requesting the measures, Mr. Green was an African American convicted in October 1998 in Charleston County, South Carolina of the 1987 armed robbery and murder of a Caucasian woman, Susan Babich. The petition alleged that the United States was responsible for violations of Articles I, II, XVIII and XXVI of the American Declaration of the Rights and Duties of Man in connection with the criminal proceedings against Mr. Green, because the prosecution relied upon unadjudicated charges during the penalty phase of Mr. Green's trial, because the death penalty in South Carolina is imposed in a racially discriminatory manner, and because of the length of time that Mr. Green spent on death row. The petition also indicated that Mr. Green's execution was scheduled to take place on August 23, 2002. In its July 29, 2002 communication to the United States, the Commission indicated that if Mr. Green was executed before the Commission had an opportunity to examine his case, any eventual decision would be rendered moot in respect of the efficacy of potential remedies, and he would suffer irreparable damage. Consequently, the Commission requested that the United States take precautionary measures to preserve Mr. Green's life pending the Commission's investigation of the allegations in his petition, and asked for an urgent response to its request. In a note dated August 1, 2002 the State informed the Commission that the U.S. Mission to the OAS was coordinating with the State of South Carolina and the Office of the Legal Advisor in the Department of State to provide a response to the petition as soon as possible. Subsequently the Commission received information that Anthony Green's execution remained scheduled to take place in the State of South Carolina on August 23, 2002. Therefore, in a note dated August 21, 2002 the Commission reiterated its July 29, 2002 request for precautionary measures. The Commission subsequently received information that Mr. Green's execution proceeded as scheduled on August 23, 2002.