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Institution: Inter-American Commission on Human Rights
Title/Style of Cause: Javier Suarez Medina v. United States
Doc. Type: Decision on Precautionary Measures
Dated: 29 July 2002
Citation: Suarez Medina v. United States, Inter-Am. C.H.R., OEA/Ser.L/V/II.117, doc. 1 rev. 1, Ch. III, para. 85 (2002)

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85. On July 29, 2002 the Commission authorized precautionary measures in favor of Javier Suárez Medina. According to the petition requesting the measures, Mr. Suárez Medina was a Mexican national who was convicted of capital murder in the State of Texas in May 1989 for the 1988 shooting of an undercover Dallas police officer. The petition alleged that the United States was responsible for violations of Articles I, II, XVIII, XXIV, XXV, and XXVI of the American Declaration of the Rights and Duties of Man because Mr. Suárez Medina was not notified of his right to communicate with Mexican consular officials and to have them notified of his detention, because the prosecution was permitted during the penalty phase of Mr. Suárez Medina's trial to introduce testimony concerning an unadjudicated offense that Mr. Suárez Medina's was alleged to have committed, and because Mr. Suárez Medina spent more than 13 years on death row and was scheduled for execution on 14 occasions during that time. The petition also indicated that Mr. Suárez Medina's execution was scheduled to take place on August 14, 2002. In its July 29, 2002 communication to the United States, the Commission indicated that if Mr. Suárez Medina 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. Suárez Medina'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 Texas and the Office of the Legal Advisor in the Department of State to provide a response to the petition as soon as possible. The Commission subsequently received information that Mr. Suárez Medina's execution remained scheduled to take place on August 14, 2002. Therefore, in a communication to the State dated August 13, 2002 the Commission reiterated its July 29, 2002 request for precautionary measures with a request for information on an urgent basis. The Commission subsequently received information that Mr. Suárez Medina's execution proceeded as scheduled on August 14, 2002.