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Institution: Inter-American Commission on Human Rights
Title/Style of Cause: James Willie Brown v. United States
Doc. Type: Decision on Precautionary Measures
Dated: 18 November 2002
Citation: Brown v. United States, Inter-Am. C.H.R., OEA/Ser.L/V/II.117, doc. 1 rev. 1, Ch. III, para. 89 (2002)

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89. On November 18, 2002 the Commission authorized precautionary measures in favor of James Willie Brown. According to the petition requesting the measures, in July 1981 James Brown was found guilty in the state of Georgia for the May 15, 1975 murder of Brenda Watson. The petition also alleged that the United States was responsible for violating Mr. Brown's rights under Articles I, XV, XVIII and XXVI of the American Declaration by imposing capital punishment on Mr. Brown without providing him with a fair trial, by detaining Mr. Brown on death row for an excessive period. In addition the petition indicated that Mr. Brown's clemency hearing was scheduled for November 18, 2002 and his execution was scheduled for November 19, 2002. In its November 18, 2002 communication to the United States, the Commission informed the State that if Mr. Brown 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. Brown'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 November 19, 2002 the State informed the Commission that the U.S. Mission to the OAS was coordinating with the State of Georgia 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 from the Petitioners on September 6, 2002 that Mr. Brown's execution had been stayed pending further litigation.