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Institution: Inter-American Commission on Human Rights
File Number(s): Petition 607-04
Title/Style of Cause: Troy Albert Kunkle v. United States
Doc. Type: Decision on Precautionary Measures
Dated: 7 July 2004
Citation: Kunkle v. United States, Petition 607-04, Inter-Am. C.H.R.,
OEA/Ser.L/V/II.122, doc. 5 rev. 1, Ch. III, para. 49 (2004)

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49. On July 7, 2004, the Commission granted precautionary measures in favor of Troy Albert Kunkle in the context of petition P607-04, which alleged violations of Mr. Kunkle's rights under Articles I, XVIII, XXV and XXVI of the American Declaration of the Rights and Duties of Man. The petitioners claimed that Mr. Kunkle was sentenced to death in the state of Texas on February 26, 1985 and they challenged his sentence before the Commission on the basis that he had been on death row since January 17, 1986, that he was not provided with adequate legal representation in the investigation and presentation of mitigating evidence at trial, and that the domestic courts had failed to grant Mr. Kunkle discovery or an evidentiary hearing in order to prove the factual basis for his constitutional claims. The petitioners also indicated that Mr. Kunkle was scheduled to be executed on July 7, 2004. In view of these circumstances, the Commission asked the United States to take the urgent measures necessary to preserve Mr. Kunkle's life pending the Commission's investigations into the allegations in his petition, on the basis that Mr. Kunkle's execution would render any eventual decision by the Commission ineffective and cause him irreparable harm. On July 13, 2004, the State informed the Commission that its request had been forwarded to the Governor, Attorney General and Board of Pardons and Parole of Texas. In a subsequent note dated August 8, 2004, the State informed the Commission that on July 7, 2004, the U.S. Supreme Court issued a stay of Mr. Kunkle's execution pending the disposition of his petition for a writ of certiorari before that Court, and that, if his petition was denied, under Texas law Mr. Kunkle would receive 30 days notice of the new execution date.