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Institution: Inter-American Commission on Human Rights  
File Number(s): Petition 1177-04  
Title/Style of Cause: Warren Wesley Summerlin, Jeffery Timothy Landrigan and Richard Michael Rossi v. United States  
Doc. Type: Decision on Precautionary Measures  
Dated: 12 November 2004  
Citation: Summerlin v. United States, Petition 1177-04, Inter-Am. C.H.R., OEA/Ser.L/V/II.122, doc. 5 rev. 1, Ch. III, para. 50 (2004)

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50. On November 12, 2004, the Commission granted precautionary measures in favor of three beneficiaries, Warren Wesley Summerlin, Jeffery Timothy Landrigan and Richard Michael Rossi, in the context of petition P1177-04, which alleged violations of the beneficiaries' rights under Articles I, II, XVIII, and XXVI of the American Declaration of the Rights and Duties of Man. The petitioners claimed that the beneficiaries had been sentenced to death in the state of Arizona and they challenged their death sentences before the Commission on the basis that the beneficiaries had been arbitrarily denied the benefit of a decision of the U.S. Supreme Court that declared as unconstitutional the proceedings under which they had been sentenced to death. The petitioners also indicated that the three beneficiaries were awaiting rulings by the U.S. Court of Appeals for the Ninth Circuit, that the post-conviction consideration of appeals in U.S. death penalty cases is neither orderly nor predictable, and that execution dates could be set on short notice once the Ninth Circuit issued its decision. In view of these circumstances, the Commission asked the United States to take the urgent measures necessary to preserve the three beneficiaries' lives pending the Commission's investigations into the allegations in their petition, on the basis that their executions would render any eventual decision by the Commission ineffective and cause them irreparable harm. On November 30, 2004, the State informed the Commission that its request had been forwarded to the Governor and Attorney General of Arizona.