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Session: Hundred Twenty-Second Regular Session (23 February – 11 March 2005)
Title/Style of Cause: Stephen Mobley v. United States
Doc. Type: Decision on Precautionary Measures
Dated: 28 February 2005
Citation: Mobley v. United States, Petition 187-05, Inter-Am. C.H.R.,
OEA/Ser.L/V/II.124, doc. 5, Ch. III, para. 42 (2005)

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42. On February 28, 2005, the Commission granted precautionary measures in favor of Stephen Mobley in the context of petition P187-05, which alleged violations of Mr. Mobley's rights under Article I of the American Declaration of the Rights and Duties of Man. According to the petitioners, Mr. Mobley was sentenced to death in the state of Georgia on February 16, 1994, and they challenged his punishment before the Commission based upon allegations that the prosecution presented false testimony during the sentencing phase of Mr. Mobley's trial and that, as a consequence, the reliability of Mr. Mobley's death sentence was undermined and he had been denied the right to adequate representation and to make an adequate defense. The Petitioners also indicated that Mr. Mobley has exhausted domestic remedies available to him and that his execution was scheduled to take place on March 1, 2005. In view of these circumstances, the Commission asked the United States to take the urgent measures necessary to preserve Mr. Mobley's life pending the Commission's investigations into the allegations in his petition, on the basis that Mr. Mobley's execution would render any eventual decision by the Commission ineffective and cause him irreparable harm. On March 1, 2005, the State informed the Commission that on February 28, 2005, a letter was submitted to the Governor, Attorney General and State Board of Parole and Pardons of the state of Georgia for their consideration, informing them of the Commission's request. The Commission subsequently received information indicating that Mr. Mobley's execution took place as scheduled on March 1, 2005.