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Institution: Inter-American Commission on Human Rights
File Number(s): Petition 1246-05
Title/Style of Cause: Jaime Elizalde Jr. v. United States
Doc. Type: Decision on Precautionary Measures
Dated: 1 November 2005
Citation: Elizalde v. United States, Petition 1246-05, Inter-Am. C.H.R.,
OEA/Ser.L/V/II.124, doc. 5, Ch. III, para. 41 (2005)

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41. On November 1, 2005, the Commission granted precautionary measures in favor of Jaime Elizalde, Jr. in the context of petition P1246-05, which alleged violations of Mr. Elizalde's rights under Article I of the American Declaration of the Rights and Duties of Man. According to the petitioners, Mr. Elizalde was sentenced to death in the state of Texas on April 2, 1997, and they challenged his punishment before the Commission based upon alleged deficiencies in language translation during his trial, discrepancies in ballistics evidence presented at trial, and Mr. Elizalde's mental capacity to be subjected to capital punishment. The Petitioners also claimed that, with the exception of a pending petition for a stay of execution, Mr. Elizalde had exhausted available domestic remedies and his execution was scheduled to take place on November 2, 2005. In view of these circumstances, the Commission asked the United States to take the urgent measures necessary to preserve Mr. Elizalde's life pending the Commission's investigations into the allegations in his petition, on the basis that Mr. Elizalde's execution would render any eventual decision by the Commission ineffective and cause him irreparable harm. On November 2, 2005, the State informed the Commission that its request had been forwarded to the Governor, Attorney General and Department of Corrections of the state of Texas for their consideration. On October 31, 2005, the Petitioners informed the Commission that Mr. Elizalde had been granted a 90 day stay of execution to January 31, 2006.