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Institution: Inter-American Commission on Human Rights
Title/Style of Cause: Humberto Leal Garcia v. United States
Doc. Type: Decision on Precautionary Measures
Dated: 30 January 2007
Citation: Leal Garcia v. United States, Inter-Am. C.H.R., OEA/Ser.L/V/II.130, doc. 22 rev. 1, Ch. III, para. 47 (2007)

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47. On January 30, 2007, the IACHR granted precautionary measures in favor of Mexican citizen Humberto Leal García, who was deprived of liberty in a detention center in the state of Texas, waiting for a date for be set for carrying out the death penalty. The precautionary measures were submitted in the context of a petition alleging violation of the rights enshrined in Articles I, XXV, XXVI, and XVIII of the American Declaration, which is being processed before the Commission. The petition alleges, inter alia, violations of due process, that Mr. Leal García was not informed of the right to consular assistance, and that he was subjected to inhuman conditions of detention. The petition also alleges that lethal injection is a method of execution that causes extreme and unnecessary suffering, and that the pardon procedure provided for in the state of Texas is incompatible with Article XXVI of the American Declaration. The Commission asked the United States to adopt the measures necessary to preserve the life and physical integrity of Mr. Leal García, so as not to impede the processing of his claim before the inter-American system. By a communication of March 29, 2007, the United States reported having transmitted the IACHR's request to the Governor, Attorney General, and the Texas Pardon and Parole Board. The Commission continues to monitor the beneficiary's situation.