

Commentary: A sad day for human rights in Texas

By: Carlos González Gutiérrez / Posted: 12:36 p.m. Monday, November 06, 2017



An execution date for Ruben Cárdenas-Ramírez, a Mexican national challenging his murder conviction, was set for Wednesday.

Wednesday could be a sad day for those of us who believe in human rights. If Ruben Cárdenas-Ramírez, a Mexican national, faces his scheduled execution, another battle to preserve the right to life and justice will be lost.

For the government of Mexico this is not an issue about culpability or innocence, but about respect for human rights and due process. Because we hold these principles as unalienable rights, Mexico has displayed a solid legal strategy to assist Cárdenas-Ramírez and 57 other Mexican nationals who are facing the death penalty in the United States.

Since the beginning of his case — Cárdenas-Ramírez was charged in the 1997 rape and murder of his 16-year-old cousin in South Texas — he was denied the right to due process of law, as he was not granted prompt access to consular assistance. Mexico presented Cárdenas-Ramírez's case to the International Court of Justice, along with those of other Mexican nationals sentenced to death in the United States. In 2004, the court decided in the Case Concerning Avena and Other Mexican Nationals. The judgment stated that the U.S. breached its obligations under international law by not notifying Mexican authorities about the arrest of 51 of its nationals, thus denying them the right to consular assistance from their government.

In 2010, at the request of the government of Mexico, the Inter-American Commission on Human Rights issued its opinion on the matter. The commission recommended that the government of Texas cancel the execution of Cárdenas-Ramírez and provide him with a new trial. Furthermore, Cárdenas-Ramírez's case was included in the Mexican government's Capital Legal Assistance Program, which provides highly specialized legal assistance for Mexicans facing the death penalty in the United States.

Through legal and diplomatic channels, Cárdenas Ramírez's lawyers have requested that Texas authorities consider their client's claim of innocence and allow a new DNA test to be conducted. Additionally, the government of Mexico has repeatedly requested that Texas honor U.S. international commitments and abide by international law.

Despite all efforts, an execution date was fixed for Wednesday. In response, the government of Mexico and many other countries, as well as international organizations and civil society, have petitioned Texas authorities for clemency on behalf of Cárdenas-Ramírez. The Consulate General of Mexico in Austin delivered over 20 petition letters from Mexican federal and state authorities to the governor of Texas and the Texas Board of Pardons and Paroles. The petition has been echoed by other nations that firmly oppose the death penalty.

Mexico stands against the execution of Ruben Cárdenas-Ramírez and any other person facing the death penalty. According to the Office of the United Nations High

Commissioner for Human Rights, capital punishment undermines human dignity. It has an irrevocable nature, posing an unacceptable risk of executing innocent people. There is no evidence proving that the death penalty serves as a deterrent to crime. Furthermore, it has been deemed to be a form of torture or cruel, inhuman or degrading punishment, given the extreme conditions prisoners endure for many years while waiting in death row.

The government of Mexico firmly believes in the fundamental nature of the right to life. For this reason, we consider that capital punishment constitutes one of the most essential violations of human rights. Like many countries, Mexico opposes capital punishment. Wednesday will be a day of grieving. Nonetheless, we will continue tirelessly protecting our nationals.

González Gutiérrez is the consul general of Mexico in Austin.