



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

January 2, 2018

Ms. Agnes Callamard
Special Rapporteur on extrajudicial, summary,
or arbitrary executions

Ms. Elina Steinerte
Vice-Chair of the United Nations Working Group
on Arbitrary Detention

Dear Ms. Callamard and Ms. Steinerte:

Thank you for your letter dated November 3, 2017, regarding the then-pending execution of Mr. Rubèn Ramírez Cárdenas. Please find the U.S. response attached.

Sincerely,

 *on behalf of*

Jason R. Mack
U.S. Deputy Permanent
Representative to the UN Human
Rights Council

OHCHR REGISTRY

- 2 JAN 2018

Recipients: *SPB*

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SUBJECT: U.S. Response to special procedures mandate holders regarding execution of Mr. Ruben Ramirez Cardenas

Thank you for your letter dated November 3, 2017, regarding the then-pending execution of Mr. Rubèn Ramírez Cárdenas. The Department of State's Bureau of International Organization Affairs passed your letter to the Governor of Texas and the Chair of the Texas Board of Pardons and Paroles on the afternoon of November 3, 2017.

As your letter notes, Mr. Ramírez Cárdenas was sentenced to death for the 1997 murder of his 16-year-old cousin.

As you are aware, the International Covenant on Civil and Political Rights recognizes the authority of States Parties to impose the death penalty, when imposed in accordance with applicable provisions of that Covenant, notably Article 6, and when carried out pursuant to a final judgment rendered by a competent court.

The United States Supreme Court has upheld the use of the death penalty for the most serious crimes, provided that its use is in accordance with procedural guarantees of the U.S. Constitution and other applicable laws. The U.S. judicial system provides an exhaustive system of protections at the state and federal levels to ensure that implementation of the death penalty is undertaken with exacting procedural safeguards, after multiple layers of judicial review in conformity with the U.S. Constitution and U.S. international obligations.

Most recently, in the case of Mr. Ramírez Cárdenas, the Texas Court of Criminal Appeals denied his final appeals on November 6, 2017, and the Texas Board of Pardons and Paroles denied his request for clemency the same day. The U.S. Supreme Court thereupon denied Mr. Ramírez Cárdenas' last application for a stay of execution and petition for further review, thus allowing the execution to proceed on November 8, 2017.

With regard to the conclusions and recommendations of the Inter-American Commission on Human Rights to which you refer in your letter, we would note that the United States is not a State Party to the American Convention on Human Rights and, accordingly, the Commission only has the authority, as set forth in Art. 20(b) of its Statute, “to make recommendations ... to bring about more effective observance of fundamental human rights.”

With regard to the concerns you have raised regarding the lack of consular notification and the decision of the International Court of Justice (“ICJ”) in the “Avena Case,” the United States takes its international obligations very seriously with respect to consular notification, access, and compliance with the ICJ’s Avena decision. We have continued to engage directly with various U.S. state governments, including Texas in the case of Mr. Ramírez Cárdenas, to reinforce the importance of consular notification and access and to encourage “review and reconsideration,” of the Avena defendants’ convictions and sentences, as the Avena decision requires. We also continue to promote the passage of legislation that would ensure compliance with the Avena decision.

We wish to emphasize our commitment to these international obligations and our strong support for your respective mandates.