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Oklahoma Governor Commutes Death Sentence of Mexican National

by LADB Staff

Category/Department: Mexico

Published: 2004-05-19

Citing a recent ruling by the International Court of Justice (ICJ), Oklahoma Gov. Brad Henry commuted the death sentence of Mexican national Osvaldo Torres Aguilera, who had been scheduled for execution on May 18. The ICJ, based in The Hague, Netherlands, ruled in late March that US states must commute the death sentences of 51 Mexican nationals because their rights were violated at the time of their arrests. The ICJ ruled that the Mexican nationals should have been given access to consular authorities from their country when they were detained (see SourceMex, 2004-04-14).

Henry said his decision to reduce Torres Aguilera's sentence to life in prison was partly a response to a letter from the US State Department urging him to abide by US commitments under the Vienna Convention, which include recognition of ICJ decisions. The governor made the decision to commute Torres' sentence despite advice from Jennifer Miller, chief of criminal appeals at the Oklahoma attorney general's office. Miller had argued that Oklahoma was not bound by the ICJ ruling. "We are bound by the United States Supreme Court. That is the law of our land," Miller said.

Henry said other factors influenced his decision to spare Torres' life, including a vote by the Oklahoma Court of Criminal Appeals to grant Torres an indefinite stay of execution earlier in the week. He also cited circumstances related to the crime in which Torres was implicated. The governor said Torres had received the death sentence even though he did not pull the trigger in the 1993 murders of two people in Oklahoma City.

Testimony at his trial showed that a US citizen, George Ochoa, was the shooter. Ochoa is also on death row. "It is important to remember that the actual shooter in these horrific murders was also sentenced to death and faces execution," Henry said. "Osvaldo Torres will spend the rest of his life behind bars for his role in this deplorable crime."

President Vicente Fox said he was gratified by the decision of the Oklahoma governor. "We are pleased that this occurred and now we can take care of the cases of other Mexicans in the same situation," Fox told reporters in Poland. "It looks like it sets a precedent in the right direction."

The Fox government, however, is not likely to find a sympathetic response in Texas and other states where Mexican nationals are awaiting execution. Texas Gov. Rick Perry recently was quoted as saying the ICJ ruling would have no bearing on the fate of Cesar Fierro Reyna and Roberto Moreno Ramos, who are on death row. "[The World Court] has no jurisdiction or standing in Texas," Perry said. (Sources: Notimex, 05/12/04, 05/13/04; Agencia de noticias Proceso, Spanish news service EFE, Associated Press, The Chicago Tribune, 05/13/04; Copley News Service, 05/13/04, 05/14/04; The Herald-Mexico City, El Independiente, El Universal, El Sol de Mexico, Reuters, 05/14/04)