

OEA/Ser.L/V/II.151
Doc. 12
August 15, 2014
Original: English

REPORT No. 80/14
CASE 12.261
ARCHIVE

PHILLIP RAY WORKMAN
UNITED STATES

Approved by the Commission at its session No. 2002 held on August 15, 2014
151 Regular Period of Sessions

Cite as: IACHR, Report No.80/14, Case 12.261. Archive. Phillip Ray Workman. United States.
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REPORT No. 80/14
CASE 12.261
DECISION TO ARCHIVE
PHILLIP RAY WORKMAN
UNITED STATES¹
AUGUST 15, 2014

Alleged victims: Phillip Ray Workman

Petitioner: International Human Rights Clinic (Washington College of Law,
American University)
Tennessee Office of the Federal Public Defender

Initiation of processing: April 3, 2000

Alleged violations: Articles I, XVIII and XXVI of the American Declaration of the Rights
and Duties of Man (the “American Declaration”)

I. POSITION OF THE PETITIONERS

1. On April 3, 2000, the Inter-American Commission on Human Rights (the “Inter-American Commission” or the “IACHR”) received a petition from the International Human Rights Clinic at American University and the Tennessee Office of the Federal Public Defender (the “petitioners”) against the United States of America (the “State” or the “United States”) on behalf of Phillip Ray Workman (“Mr. Workman” or the “alleged victim”) who was deprived of his liberty on death row in the state of Tennessee.

2. According to the petition, Mr. Workman was convicted and sentenced to death in March 1982. The petitioners alleged that domestic courts did not provide him with an opportunity to present new exculpatory evidence which they claim proved Mr. Workman’s innocence. They further claimed that Mr. Workman’s clemency proceedings did not safeguard his rights to due process set forth in the American Declaration; that felony murder does not qualify as a “most serious” crime to which capital punishment can properly be applied; and that Mr. Workman’s time, conditions and treatment on death row have amounted to cruel, infamous and unusual punishment.

II. POSITION OF THE STATE

3. The State opposed the petition on the basis that the claims made by the petitioners would place the Commission in the role of an appeals court contrary to the Commission’s “fourth instance formula,” and because the petition fails to state facts that tend to establish a violation of the American Declaration and is manifestly groundless.

III. PROCESSING BEFORE THE INTER-AMERICAN COMMISSION

4. On April 3, 2000, the Inter-American Commission received the petition, which was transmitted to the State on January 22, 2001. In the same communication the Inter-American Commission granted precautionary measures on behalf of the alleged victim and asked the State to stay the execution until it had the opportunity to examine the merits of the case.

5. On March 3, 2005, the IACHR conducted a public hearing on this case. On March 14, 2006, the Commission adopted Admissibility Report N° 33/06 which was transmitted to the parties on March 21, 2006. On May 16, 2006, the Commission received the petitioner’s additional observations on the merits,

¹ In keeping with Article 17.2.a of the Rules of Procedure of the IACHR, Commissioner James Cavallaro, a U.S. national, did not participate in the deliberations or in the voting on this report.

which were duly transmitted to the State. By letter dated January 22, 2007, received on January 26, 2007, the State presented its response to the petitioners' observations.

6. On May 1, 2007, the IACHR reiterated the request for precautionary measures to the State given that Mr. Workman's execution had been scheduled for May 9, 2007. The state of Tennessee executed Mr. Workman as scheduled.

7. On November 19, 2010, the IACHR received a communication from the petitioners indicating their wish to withdraw the petition.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

8. Article 42 of the Rules of Procedure of the IACHR establishes that, at any time during the proceedings, the Inter-American Commission shall ascertain whether the grounds for the petition still exist; and that if it considers that they do not exist or subsist, it may decide to archive the file. In addition, Article 42.1.b of the Rules of Procedure establishes that the IACHR may also decide to archive a case when the information necessary for the adoption of a decision is unavailable.

9. In the present case, the petitioners expressly indicate their wish to desist from pursuing the matter before the Commission given that Mr. Workman has been executed. In accordance with Article 41 of its Rules, which indicates that a petitioner may desist from a petition at any stage, the IACHR hereby decides to archive the present case.

Done and signed in the city Mexico on the 15th day of the month of August, 2014. (Signed): Tracy Robinson, President; Felipe González, Second Vice President; José de Jesús Orozco Henríquez, Rosa María Ortiz, and Paulo Vannuchi, Commissioners.