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REPORT No. 26/14
PETITION 944-11
ARCHIVE

MARK ANTHONY STROMAN
UNITED STATES

Approved by the Commission at its session No. 1980 held on April 4, 2014
150 Regular Period of Sessions

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REPORT No. 26/14
PETITION 944-11
DECISION TO ARCHIVE
UNITED STATES¹
April 4, 2014

Alleged victims: Mark Anthony Stroman

Petitioner: Lydia Brandt and Chaitanya Patel (Reprieve)

Initiation of processing: July 18, 2011

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

I. POSITION OF THE PETITIONERS

1. On July 13, 2011, the Inter-American Commission on Human Rights (the “Inter-American Commission” or the “IACHR”) received a petition from Lydia Brandt and Chaitanya Patel from Reprieve (the “petitioners”) against the United States of America (the “State” or the “United States”) on behalf of Mark Anthony Stroman (the “alleged victim”) who was deprived of his liberty on death row in the state of Texas.

2. According to the petition, on April 4, 2002, the alleged victim was sentenced to death by the 292th Judicial District Court in Dallas County, Texas, for capital murder. The petitioners submit that the case was rushed to completion in under six months, an extraordinarily rushed process by US standards in a capital case. Mr. Stroman’s counsel at trial and during the state and federal habeas corpus proceedings was allegedly ineffective. When alternative federal habeas counsel was appointed, the State reportedly argued and the Court accepted that all new issues were barred from consideration. For these reasons, Mr. Stroman’s writ for habeas corpus in the US federal courts was allegedly unsuccessful. Mr. Stroman was executed by the state of Texas on July 20, 2011.

3. On December 7, 2011, the petitioners sent a communication to the IACHR indicating that they no longer wished to pursue the petition concerning the situation of the alleged victim. They stated that the execution “has prevented, once and for all, the prospect of any of his rights being effectively vindicated” and that “they do not consider there to be any particular issues in the case that it would be in the wider interest for the Commission to consider at this stage.”

II. POSITION OF THE STATE

4. As of the date of this report, the IACHR has not received any observations from the State regarding Mr. Stroman’s petition.

III. PROCESSING BEFORE THE INTER-AMERICAN COMMISSION

5. On July 13, 2011, the Inter-American Commission received the petition, which was transmitted to the State on July 18, 2011. 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.

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.

6. On July 20, 2011, the State informed that it had forwarded the request for precautionary measures to the Governor, Attorney General, and Board of Pardons and Paroles of the State of Texas. On July 22, 2011, the IACHR issued a press release condemning the execution of Mr. Stroman, in which the Commission deplored “the failure on the part of the United States to recognize its requests that the government respect the right of petition of Mark Anthony Stroman.”²

7. On December 7, 2011, 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, and the Rules also provide for the possibility that a petitioner may desist from a petition.

9. In the present case, the petitioners expressly indicated their wish to desist from pursuing the matter before the Commission given that the execution of Mr. Stroman has prevented the prospect of any of his rights being effectively vindicated. 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 petition.

Done and signed in the city of Washington, D.C., on the 4th day of the month of April, 2014. (Signed): Tracy Robinson, President; Felipe González, Second Vice President; José de Jesús Orozco Henríquez, Rosa María Ortiz, and Paulo Vannuchi, Commissioners.

² IACHR Condemns Execution of Mark Anthony Stroman in the United States, July 22, 2011, Press Release No. 74/11.