



EUROPEAN UNION
DELEGATION TO THE UNITED STATES OF AMERICA

The Head of Delegation

Washington, DC
del-usa.dir(2015) 3905244

The Honorable Greg Abbott
Governor of Texas
State Capital
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Dear Governor,

The European Union takes note of the fact that Bernardo Aban Tercero, a Nicaraguan national, is to be executed in the State of Texas on Wednesday 26 August 2015. The EU, represented by its Delegation in the United States, wishes to make an urgent humanitarian appeal on behalf of Mr Tercero, whose mental illness has not been fully taken into account during his sentencing.

The EU is opposed to the use of capital punishment under all circumstances and accordingly aims at its universal abolition, seeking a global moratorium on the death penalty as a first step. We believe that the elimination of the death penalty is fundamental to the protection of human dignity, and to the progressive development of human rights. We believe that any miscarriage of justice, or failure of the judicial system in the application of the death penalty, represents an irreparable loss of human life. No legal system is immune from error, nor is there any reliable evidence to support the argument that the death penalty is a deterrent to serious crime.

The EU considers that in countries which have not yet abolished the death penalty, this penalty should not be imposed on persons suffering from a mental disorder. We note with concern that there is evidence to suggest that Mr Tercero is intellectually disabled. While his original defence team chose not to raise this issue, his current defence lawyers had a team of forensic psycho-therapists evaluate Mr Tercero over several sessions in prison and they concluded that he does have a significantly "low normal" comprehension level. A team of three mental health experts was also sent to Nicaragua to verify his assertions of mental illness, childhood abuse and depravation, all of which they confirmed. This traumatic childhood has arguably had a significant and destructive effect on Mr Tercero's life, leaving him with mental illness and a diminished intellectual competence, meaning he was psychological damaged at the time of the offence.

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The EU strongly believes that the execution of persons suffering from a mental disorder is contrary to widely accepted human rights norms and is in contradiction to the minimum standards of human rights set forth in several international human rights instruments, as well as being prohibited by the US Constitution.

The EU recognises the serious nature of the crimes involved, and wishes to express its sincere sympathy to the surviving family and friends of the victims, but we do not believe that the use of the death penalty can ever be justified.

Taking account of these factors, the European Union respectfully urges you, Governor, to exercise all powers vested in your office to commute the sentence of Mr Tercero and grant him relief from the death penalty.

Sincerely,



David O'Sullivan