

October 9, 2018

Governor Edmund G. Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814

RE: Kevin Cooper
Case 12.831
United States
Compliance with recommendations

Excellency:

I have the honor to address you in my capacity as President of the Inter-American Commission on Human Rights (IACHR) and as Rapporteur for the United States of America and on the Rights of Afro-descendants of the IACHR.

As President of the IACHR, I presided over a working meeting regarding Case 12.831 Kevin Cooper held between the United States and the petitioner on October 2, 2018, during the 169th Period of Sessions of the IACHR in Boulder, Colorado. The IACHR published Merits Report No. 78/15 in this case on October 28, 2015. During this working meeting, I received updated information regarding the case of Mr. Kevin Cooper, who is currently on death row in California following judicial proceedings that, according to the Merits Report, did not meet international standards of fair trial and due process.

I am aware that your Excellency is currently considering Mr. Cooper's clemency petition, which is based on information provided by the petitioner following the publication of Merits Report No. 78/15. In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, I call upon your Excellency as a matter of urgency to take all of the measures available to comply with the recommendations of the IACHR.

1. Grant Kevin Cooper effective relief, including the review of his trial and sentence in accordance with the guarantees of due process and a fair trial enshrined in Articles I, II, XVIII and XXVI of the American Declaration.
2. Review its laws, procedures, and practices to ensure that people accused of capital crimes are tried and, if convicted, sentenced in accordance with the rights established in the American Declaration, including Articles I, II, XVIII, and XXVI thereof.
3. Ensure that the legal counsel provided by the State in death penalty cases is effective, trained to serve in death penalty cases, and able to thoroughly and diligently investigate all mitigating evidence.
4. Given the violations of the American Declaration that the IACHR has established in the present case and in others involving application of the death penalty, the Inter-American Commission also recommends to the United States that it adopt a moratorium on executions of persons sentenced to death.

I remind your Excellency that carrying out the execution of Mr. Cooper would constitute a grave and irreparable violation of the fundamental right to life under Inter-American human rights standards.

Please accept, Excellency, the assurances of my highest consideration.



Margarete May Macaulay
President of the Inter-American Commission on Human Rights

cc H.E. Carlos Trujillo, Ambassador and Permanent Representative of the Permanent Mission of the United States of America to the Organization of American States
cc Norman Hile, Representative of Mr. Kevin Cooper