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State Board of Pardons and Paroles  
2 Martin Luther King, Jr. Drive, SE  
Suite 458, Balcony Level, East Tower  
Atlanta  
Georgia 30334-4909  
USA

6 July 2007

Dear Chairperson Hunt,

**Re: Troy Anthony Davis, execution set for 17 July**

I am writing on behalf of the 2.2 million members of Amnesty International worldwide to appeal for the commutation of the death sentence of Troy Anthony Davis, whose execution is scheduled for 17 July 2007 in Georgia. Troy Davis has been on death row in Georgia for more than 15 years for a murder he maintains that he did not commit.

As you may be aware, Amnesty International is an organization that is unconditionally opposed to the death penalty. While we campaign for abolition of this punishment worldwide, we also seek to ensure respect for international law and standards governing the use of the death penalty in the diminishing number of countries which still retain it.

Amnesty International believes that the execution of Troy Davis would contravene the international safeguard prohibiting the execution of those condemned prisoners whose guilt remains in doubt. The standard articulated in this common sense safeguard is guilt based upon "clear and convincing evidence leaving no room for an alternative explanation of the facts". The evidence on which the State of Georgia is seeking to execute Troy Davis is far from clear and convincing, as most of the witnesses who testified against him at trial have since recanted or contradicted their original testimony amidst claims that some of it had been made under duress. These recantations coupled with new testimony pointing to another man as the possible gunman have left substantial room for an alternative explanation of the crime for which Troy Davis is facing lethal injection.

Please allow me to express Amnesty International's sympathy for the family and colleagues of Officer Mark Allen McPhail whose murder in August 1989 lies at the heart of this case. In seeking clemency, Amnesty International is in no way seeking to excuse this police officer's death or to downplay the undoubted suffering it will have caused. We do not question the state's duty to bring to justice the perpetrators of violent crime.

While Amnesty International opposes all executions regardless of questions of the guilt or innocence of the condemned prisoner, to execute a man who may not have committed the crime in question should surely give even strong supporters of the death penalty pause for thought.

As Chief Justice Rehnquist of the United States Supreme Court wrote in 1993, "It is an unalterable fact that our judicial system, like the human beings who administer it, is fallible." That the

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US capital justice system is not immune from error has been shown by the more than 100 cases of wrongful convictions that have been uncovered over the past three decades. That trial witnesses can sometimes be unreliable has been shown by those numerous cases in which such testimony played a part in the conviction of capital defendants later found to be innocent of the crime for which they were condemned to death.

While the judicial system has succeeded in uncovering some of these errors, it is indisputable that others have been revealed as much by chance as by the system itself. In other words, the judicial system, as sophisticated as it may be, cannot guarantee to remedy all mistakes. This is not least because of the legal hurdles that a death row inmate in the United States must overcome to be granted a hearing on post-conviction evidence. In Troy Davis's case, the unravelling of the trial testimony used against him has not been the subject of a post-conviction judicial hearing, and his normal avenues of judicial remedy have now been exhausted.

The power of executive clemency is not constrained in the way that the courts are, and exists precisely as a means to remedy errors or inequities which the judiciary has proved unwilling or unable to reach. Again, in the words of Chief Justice Rehnquist, "History shows that executive clemency is the traditional 'fail-safe' remedy for claims of innocence based on new evidence".

People in the USA have begun to recognise that the capital justice system can make lethal errors, one reason why public support for this punishment has decreased substantially in recent years, to the extent that some polls are now registering majority support for a moratorium on executions. Public knowledge about the potential for error in capital cases is far greater now than it was at the time that Troy Davis was put on trial.

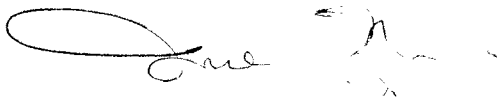
Apparently reflecting this general downturn in public support for the death penalty, capital juries in the USA are passing far fewer death sentences than they were at the time that a Georgia jury sentenced Troy Davis to death. In light of this increasing reluctance to pass the ultimate sentence, coupled with the state of the prosecution's evidence as it now stands in this case, one has to question whether a jury would vote to sentence Troy Davis to death if he were tried today.

In his State of the State address in January this year, Governor Sonny Perdue said of Georgia that "We've made great strides, but we can – and will – do even more – through passionate, progressive, principled leadership that uses facts – not fantasy – as the basis for decision making."

I urge you to take a principled stand on the clemency request of Troy Davis, and to recognize that the facts with which the jury was presented nearly 16 years ago have fallen into considerable doubt. To allow this execution to proceed would be to knowingly countenance an irrevocable injustice.

I appeal to you and the other members of the State Board of Pardons and Paroles to vote for clemency and to commute the death sentence of Troy Davis, and to allow him and his family to pursue his claim of innocence, something that he will not be able to do from beyond the grave.

Yours sincerely,



Irene Khan  
Secretary General