

URGENT ACTION

DELAWARE GOVERNOR GRANTS CLEMENCY

The Governor of the US state of Delaware has commuted the death sentence of Robert Gattis to life imprisonment without the possibility of parole, three days before the prisoner was due to be executed after nearly 20 years on death row.

Robert Gattis was scheduled to be put to death by lethal injection on 20 January for the murder of his girlfriend Shirley Slay in May 1990. On 15 January, the Delaware Board of Pardons announced that, by four votes to one, it was recommending to Governor Jack Markell that he commute Robert Gattis's death sentence to life imprisonment without the possibility of parole. Among other things, it said that if "even half" of what had been presented to it about his abusive childhood and its effects on him was true, that was enough to warrant mercy.

In a statement issued on the morning of 17 January, Governor Markell announced that he would commute the death sentence to life without parole on the condition that Robert Gattis "forever drop all legal challenges to his conviction and sentence, as commuted", and that he would be kept in a maximum security prison for the "remainder of his natural life". Among those who had appealed for clemency were 25 former judges and prosecutors, dozens of faith leaders, and a number of mental health professionals.

Governor Markell said that he had given "great weight" to the "unusual and perhaps historic" decision of the Board, which had "thoroughly reviewed" the clemency petition, studied the historical record in the case, and "carefully listened" to statements from both parties, as well as from Robert Gattis himself. Governor Markell had said that his own review of the case had led him to conclude that "moving forward with the execution of Mr Gattis is not appropriate under the totality of the circumstances". He agreed with the majority on the Board which had concluded that the mitigating evidence was "sufficiently substantial" to warrant clemency. He said that Robert Gattis's family background was "among the most troubling I have encountered".

Governor Markell said that his decision was among "the most difficult I have had to make in all my year in public office", but he believed it to be correct "under the circumstances". He said that he realized that the decision "may cause pain to the family and friends of Shirley Slay", and for that "I deeply apologize".

Amnesty International, which opposes the death penalty unconditionally in all cases, welcomes the fact that Robert Gattis is no longer facing execution. The organization will continue to campaign for an end to any use of the death penalty in the USA and elsewhere. In recent years, the number of executions in the USA has declined, the US Supreme Court has excluded certain categories of offender and crime from the scope of the death penalty, annual death sentencing rates have declined to about a third of their levels in the mid-1990s, and executive clemency seems to have become a greater possibility than it once was, at least in some states. From 1977 to 1998, for example, there were 36 executive commutations on humanitarian grounds. From 1999 to January 2012 there were 234. Taking out the blanket or multiple commutations implemented by governors in New Mexico (1986), Ohio (1991), New Jersey (2007), and Illinois (2003 and 2011), the figure for 1977 to 1998 is 23 and the figure for 1999 to 2012 is 40.

The decisions since 2007 to abolish the death penalty in New Jersey, New Mexico and Illinois, and the decision in November 2011 of the Oregon governor to impose a moratorium on executions in his state, are all signs, hopefully, of more progress to come towards bringing the USA into line with the global trend against the death penalty.

No further action by the UA Network is requested. Robert Gattis's legal team have expressed their thanks and appreciation for Amnesty International's action in support of clemency for their client.

This is the second update of UA 5/12. For more information see: <http://www.amnesty.org/en/library/info/AMR51/006/2012/en>

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Name: Robert Gattis

Gender m/f: m

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