

URGENT ACTION

WOMAN FACING IMMINENT EXECUTION IN GEORGIA

Kelly Gissendaner, a 47-year-old woman, is due to be executed in Georgia on 29 September. She was convicted in 1998 of the murder of her husband, Douglas, in 1997. She has accepted responsibility for her role in the crime. Her co-defendant, who actually killed Douglas Gissendaner, is serving a life sentence.

Douglas Gissendaner was murdered on 7 February 1997. **Kelly Gissendaner** and Gregory Owen, with whom she was having a relationship, were charged with the murder. After filing notice of its intent to seek the death penalty, the prosecution offered both defendants plea agreements under which they would plead guilty and receive life in prison without the possibility of parole for 25 years. Gregory Owen accepted the deal and agreed to testify against Kelly Gissendaner. She rejected the plea offer, apparently because she felt she was less culpable than Owen and deserved parole eligibility before 25 years. At her trial, Gregory Owen testified that it had been Kelly Gissendaner who had first raised the idea of the murder, and had given him instructions on how to carry it out. On the night of the murder, Gregory Owen forced Douglas Gissendaner to drive to a remote location where he stabbed the victim before taking items to make it look like a robbery. Kelly Gissendaner was convicted and sentenced to death.

Under the death warrant, the Department of Corrections is to carry out the execution of Kelly Gissendaner between 29 September and 6 October 2015. The Commissioner of Corrections has set the execution for 7pm on 29 September. This is the third execution date Kelly Gissendaner has faced this year. She received a reprieve of a few days in February due to bad weather, and then the rescheduled execution was stopped when a drug to be used in the lethal injection was found to be "cloudy".

The Georgia Board of Pardons and Paroles denied clemency in February 2015. It had been presented with compelling evidence, including from prison personnel, of her rehabilitation and remorse, and her positive role in prison and positive influence on other inmates. Kelly Gissendaner said: "It is impossible for me to put into words the overwhelming sorrow and remorse I feel for my involvement in the murder of my husband, Douglas Gissendaner... Because of my actions, our children lost their beloved father, the Gissendaner family lost their beloved son, brother, and uncle, and our community lost one of its finest citizens.... I would change everything if I could. There are no excuses for what I did. I am fully responsible for my role in my husband's murder". Video statements of Douglas and Kelly Gissendaner's children are available at <http://www.kellyonmymind.com/children/>.

Please write immediately in English or your own language:

- Calling for the execution of Kelly Gissendaner to be immediately halted, and for the Governor to do all in his power and influence to ensure commutation of her death sentence;
- Noting that her co-defendant is serving a life sentence;
- Noting the compelling evidence of Kelly Gissendaner's remorse, rehabilitation and positive role in prison;
- Noting the further suffering that the state is about to inflict on Douglas and Kelly Gissendaner's children.

PLEASE SEND APPEALS BEFORE 29 SEPTEMBER 2015 TO:

Governor Nathan Deal

Office of the Governor, 206 Washington Street, 111 State Capitol

Atlanta, Georgia 30334, USA

Fax: +1 404-657-7332

Email (from USA): <https://gov.georgia.gov/webform/contact-governor-domestic-form>

Email (from outside USA): <https://gov.georgia.gov/webform/contact-governor-international-form>

Salutation: Dear Governor

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Kelly Gissendaner's application for clemency to the Board of Pardons and Paroles included support from a number of correctional officers and others who have come into contact with her over the years she has been on death row. For example, a professor in the theology programme completed by Kelly Gissendaner said of the prisoner: "She has gone back to her painful memories, taken responsibility for them in the present, and showed profound remorse about whom she had been and what she had done... The depth of her spiritual growth in prison has been visible and concrete". A corrections officer who knew Kelly Gissendaner over a 12-year period said: "I have known many inmates and I can honestly say Kelly Gissendaner was one of the most respectful. Even though Kelly was considered the highest security level, I wish all inmates were like her... She helped to make the range less disruptive and more tolerable". A transport officer with the prison who "personally monitored Kelly Gissendaner for seven years" told the Board that she was "exactly the opposite" of a violent inmate, "the type of inmate we need in our institutions... officers appreciated the calming effect she had on problematic inmates". Another officer recalled Kelly Gissendaner's "positive influence with mental health inmates... Ms Gissendaner helped to prevent several suicides by alerting officers about inmates who were self-mutilating or becoming more agitated and destructive... Many officers have reported to me Kelly was a tremendous help to them with some very difficult inmates".

Article 10 (3) of the International Covenant on Civil and Political Rights (ICCPR) states: "The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation". When the US Supreme Court overturned existing death penalty laws in the USA in *Furman v. Georgia* in 1972, one of the Justices wrote: "The penalty of death... is unique in its total irrevocability. It is unique in its rejection of rehabilitation of the convict as a basic purpose of criminal justice. And it is unique, finally, in its absolute renunciation of all that is embodied in our concept of humanity". More than 70 countries have abolished the death penalty for all crimes since 1972 and today 140 countries are abolitionist in law or practice. Recognition under international human rights law of the existence of the death penalty should not be invoked "to delay or to prevent the abolition of capital punishment", in the words of article 6.6 of the ICCPR. According to the expert body established by the ICCPR to monitor its implementation, the UN Human Rights Committee, Article 6 "refers generally to abolition in terms which strongly suggest that abolition is desirable... [A]ll measures of abolition should be considered as progress in the enjoyment of the right to life". Amnesty International opposes the death penalty in all cases, unconditionally.

There have been 20 executions in the USA this year, two of them in Georgia. This brings to 1,414 the number of prisoners put to death across the country since the US Supreme Court upheld revised capital statutes in 1976. Georgia accounts for 57 of these executions. Fifteen women have been executed in the USA since 1976. Kelly Gissendaner would be the first woman to be executed in Georgia since Lena Baker was put to death by electrocution on 5 March 1945.

Name: Kelly Renee Gissendaner
Gender m/f: f

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