



OPEN LETTER TO GOVERNOR OF ALABAMA MS KAY IVEY

**International Commission
against the Death Penalty**

Madrid, 20 February 2018

President

Navanethem (Navi) Pillay

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Governor Kay Ivey
Alabama State Capitol,
600 Dexter Avenue
Montgomery, Alabama 36130
United States of America

Dear Governor Kay Ivey,

We are writing you in our capacity as Commissioners of the International Commission against the Death Penalty (ICDP) to express our serious concern on the case of Mr. Doyle Lee Hamm who is under sentence of death for over 30 years and who has been diagnosed of suffering from an advanced stage of cranial and lymphatic cancer.

Reports reaching us suggest that prison officials cancelled a surgery to remove Mr Hamm's cancerous lesion, which was scheduled for 13 December 2017, and instead, informed him that a death warrant had been issued scheduling his execution for 22 February 2018. We believe that carrying out Mr Hamm's execution, given his serious medical condition, is unconscionable and represents a serious erosion of your state's proud tradition of compassion and of respecting and protecting human dignity.

We note with great interest that on 6 February 2018, Federal District Judge Karon O. Bowdre, chief judge of the United States District Court for the Northern District of Alabama, issued a written opinion staying the execution of Mr Doyle Hamm. This judgment, we have been informed, is to allow Judge Bowdre to appoint an independent medical expert to examine Mr Doyle Hamm. This follows a testimony by Professor Mark Heath, an anaesthesiologist and professor of medicine at Columbia University, who explained to Judge Bowdre that due to Mr Hamm's inaccessible veins, a consequence of his history of cancer and related cancer treatment, there was a high probability that intravenous lethal injection could cause Mr Hamm to be paralyzed and consciously suffocate, leading to 'an agonizing death.' Professor Heath reportedly had visited Doyle Hamm in prison in September 2017 to assess his medical condition.

Following the judgment, we note with concern that, the state filed notice of its appeal to the Court of Appeals, on 7 February, to have the stay of execution lifted.

Madame Governor, the decision of Mr Doyle Hamm's life is in your hands. On 6 February, a clemency petition on behalf of Mr Hamm was filed before you, as Governor of Alabama. Our fellow Commissioner and co-signatory



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to this letter, the former Governor of the state of New Mexico Bill Richardson mentions the difficult process he experienced when he faced your situation: that of signing an execution order. During this process of introspection, he changed from being a supporter of capital punishment to opposing it. He found signing the death penalty abolition bill in March 2009 as the most difficult decision in his life. Governor Richardson did so and now the respect and protection of the right to life and thereby that of human dignity in his state is his long-lasting legacy. In the case of Mr Doyle Hamm, he was 29 years-old at the time of his crime and he is now 61 years-old and seriously ill. He has spent over thirty years, more than half of his life, under sentence of death, awaiting his execution in isolation. We call on you, noting his long imprisonment facing the death penalty and his extremely frail condition following his cancer, to allow Mr Hamm to serve the rest of his life in prison.

We remain at your complete disposal and looking forward to receiving your response.

Please accept the assurance of our highest consideration,

Sincerely,

Judge Navi Pillay
President of the International Commission
against the Death Penalty
Former UN High Commissioner for Human Rights

Ruth Dreifuss,
Vice President of the International Commission
against the Death Penalty
Former President of the Swiss Confederation

Governor Bill Richardson
Commissioner of the International Commission
against the Death Penalty
Former Governor of the US state of New Mexico