



The Most Reverend Desmond M Tutu, O.M.S.G. D.D. F.K.C.
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Chairman James E. Donald
Georgia State Board of Pardons & Paroles
2 Martin Luther King, Jr. Drive, SE
Suite 458, Balcony Level, East Tower
Atlanta, GA 30334

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Re: Troy Davis

Dear Chairperson Donald and Members of the Board

I write to urge you to commute the death sentence of Troy Anthony Davis. I would like to echo my concerns, expressed in a letter to the Board of Pardons and Paroles on June 26, 2007, in which I also appealed for clemency for Mr. Davis. Since my first letter was sent, Mr. Davis has faced three execution dates, each stayed, and is now expected to face a fourth execution date very soon.

First, I would like to acknowledge the terrible tragedy which occurred in 1989 when Police Officer Mark Allen MacPhail was murdered in Savannah, Georgia in the line of service. It is crucial that justice be served and that the perpetrator of his murder be held to account. However, in the pursuit of justice, it is also crucial that a further injustice is not committed. In countries that still retain the death penalty, United Nations guidelines hold that, "Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts." With seven of the nine original witnesses having recanted or contradicted their trial testimony and a new eyewitness account pointing to an alternative suspect, there appears to be too much room for doubt of Mr. Davis' guilt. The lack of scientific or physical evidence further compounds the difficulty of knowing exactly what happened on the night of the crime.

It was welcome news in 2009 when the United States Supreme Court agreed to give Mr. Davis an evidentiary hearing. However, the burden was incredibly high, directing Mr. Davis to "clearly establish innocence." This was a very difficult feat for a person with no physical evidence at his disposal and who had to rely on witnesses that the federal court did not find credible, despite their credibility being pivotal to his conviction twenty years ago. I urge authorities that oversee death penalty process in

the United States to heed the fact that 138 individuals having been exonerated since 1973. Further, the leading cause of wrongful convictions has been faulty eyewitness identifications, a central issue in Mr. Davis' case.

Mr. Davis may have a difficult time definitively proving that he is innocent; however, he has established "reasonable doubt" that he is guilty. For the sake of a robust and fair justice system that is intent on not making any mistakes, especially with human life at stake, I urge you to grant clemency to Mr. Davis. Justice can be achieved without execution and an irreversible injustice can be avoided should you choose the path of mercy. Commendably, in 2007, the Board of Pardons and Paroles stayed Mr. Davis' first execution date and stated that it "will not allow an execution to proceed in this State unless and until its members are convinced that there is no doubt as to the guilt of the accused." I appeal to you to apply this wisdom today.

Thank you for your attention and kind consideration.

God bless you.

A handwritten signature in black ink, appearing to read "Desmond M. Tutu". The signature is written in a cursive style and is followed by several horizontal, overlapping strokes that extend to the right, likely representing a flourish or a signature line.

Archbishop Emeritus Desmond M. Tutu