

**From the President**

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Dear Governor

**URGENT: Dale Leo Bishop**

The Law Society is the professional body representing more than 138,000 solicitors in England and Wales. It is concerned to see the independence of the legal profession, the rule of law and human rights upheld throughout the world.

The Law Society holds no position on the retention or abolition of the death penalty in the domestic law of any country, but urges strict compliance with international law.

The Law Society is deeply concerned for Dale Leo Bishop who is scheduled for execution on 23 July 2008. Mr Bishop had no intent that the victim, Marcus Gentry, be killed. We understand that all parties – including the State of Mississippi – agree that Mr Bishop's co-defendant, Jessie Johnson, who was sentenced to life without parole, was the man who actually killed Mr Gentry.

We are also deeply troubled by the failures of Mr Bishop's trial and post-conviction legal representation. We are informed that Mr Bishop's trial lawyers missed the major fact that he suffers from serious mental illness, thus allowing him to waive his right to a sentencing jury in spite of the adverse affect that his illness has on his capacity to make rational decisions. It is also reported that Mr Bishop's post-conviction attorneys did not use evidence that he has suffered from psychiatric problems since the age of four, and that he had undergone horrific trauma when he was young, despite having witness statements and documents showing that this was the case.

Finally, we are extremely concerned that Mississippi's Lethal injection Protocol uses less anaesthetic than all but four states, raising the risk that Mr. Bishop will be conscious when the paralytic drugs suffocate him to death; does not require any qualifications or training of the persons taking part in the executions; assigns a non-medical correctional official to determine when the prisoner can be given the paralytic drug and has no contingency plan in case IV access cannot be obtained.

In this context we remind you that Article 7 of the UN Commission on Human Rights Resolution 2005/59:

*"Urges all States that still maintain the death penalty:*

*(c) Not to impose the death penalty on a person suffering from any mental or intellectual disabilities or to execute any such person"*

In his report to the fifth session of the Human Rights Council in March 2008, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions concluded that:

*"the death penalty can only be imposed in cases where it can be shown that there was an intention to kill which resulted in the loss of life".*

Further, Articles 5 and 9 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty (1984) provide that:

*(5) "Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings."*

*(9) "Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering."*

On behalf of the Law Society I respectfully urge you to commute the death sentence of Dale Lee Bishop or at least grant a temporary reprieve and ask the Parole Board to study the case in order to make a recommendation for or against a commutation to life imprisonment without parole.

Thank you for your kind consideration.

Yours sincerely



Paul Marsh  
President

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