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Institution: Inter-American Commission on Human Rights
File Number(s): Petition 396-04
Title/Style of Cause: Marlin Gray v. United States
Doc. Type: Decision on Precautionary Measures
Dated: 10 May 2004
Citation: Gray v. United States, Petition 396-04, Inter-Am. C.H.R.,
OEA/Ser.L/V/II.122, doc. 5 rev. 1, Ch. III, para. 47 (2004)

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47. On May 10, 2004, the Commission granted precautionary measures in favor of Marlin Gray in the context of petition P396-04, which alleged violations of Mr. Gray's rights under Article I of the American Declaration of the Rights and Duties of Man. According to the petitioners, Mr. Gray was sentenced to death on December 3, 1992 in the state of Missouri, and they challenged Mr. Gray's death sentence before the Commission on the basis that the state did not restrict the application of the death penalty to crimes of exceptional gravity and that Mr. Gray did not personally commit the murder for which he was condemned but rather was convicted as an accomplice. Further, the petitioners indicated that Mr. Gray had exhausted all domestic remedies and that Missouri was expected to set an execution date in the very near future. In view of these circumstances, the Commission asked the United States to take the urgent measures necessary to preserve Mr. Gray's life pending the Commission's investigations into the allegations in his petition, on the basis that Mr. Gray's execution would render any eventual decision by the Commission ineffective and cause him irreparable harm. On June 30, 2004, the State informed the Commission that its request had been forwarded to the Attorney General of Missouri. On November 9, 2004, the petitioners informed the Commission that on October 4, 2004, the U.S. Supreme Court rejected a petition for a writ of certiorari filed on Mr. Gray's behalf and that an execution date could be set at any time. In light of this information, on November 16, 2004 the Commission reiterated its request to the United States for precautionary measures in favor of Mr. Gray. On November 24, 2004, the State again informed the Commission that its request had been submitted to the Governor and Attorney General of Missouri.