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**STATEMENT BY  
MR. ALEKSANDR VOLGAREV, DEPUTY PERMANENT REPRESENTATIVE OF  
THE RUSSIAN FEDERATION, AT THE 1492nd MEETING OF THE  
OSCE PERMANENT COUNCIL**

17 October 2024

**In connection with the World Day against the Death Penalty**

Mr. Chairperson,

Established in 2003, the World Day against the Death Penalty was observed on 10 October. In the Russian Federation, this form of punishment has not been applied since 1999 as a result of the moratorium that was introduced then. In 2009, the Russian Constitutional Court ruled that it was out of the question to impose the death penalty, citing the “sustainable guarantees of human rights” that had crystallized after the lengthy moratorium and also invoking a legal framework aimed at abolishing the death penalty as an exceptional form of punishment. Our country’s unshakeable stand on this matter is confirmed in a report by the President of the Constitutional Court of the Russian Federation published in June of this year: “The Constitutional Court ... is and remains convinced that reinstating the imposition and application of the death penalty is inadmissible under the current Constitution.”

Although capital punishment is not used in Russia, we do not support foisting its legislative abolition on other countries. We believe that it is important to be guided by the cultural, historical and legal context and other circumstances in the development of States.

Mr. Chairperson,

In those countries where the death penalty is still administered, it should very much be an exceptional measure, and not turn into torture, abuse or degrading treatment.

In that regard, of particular concern is the situation in the United States of America, where the death penalty is to this day enshrined in the legislation of 27 states and, what is more, its use keeps on increasing. This is being flagged by numerous non-governmental organizations that are active in the field of human rights, even by such biased ones as Amnesty International. A recent report points to how the number of executions carried out is steadily growing. There were 24 executions in 2023, a 30 per cent rise from the previous year and also 50 per cent higher than in 2021. As at 1 October of this year, according to the website [deathpenaltyinfo.org](http://deathpenaltyinfo.org), capital punishment had been meted out to 19 inmates over the past nine months in the United States. An additional eight people are set to be executed before the year is out. There are quite often cases where the death penalty is applied to persons diagnosed with severe mental illness, which in the

criminal justice systems of many countries is a mitigating circumstance that can even result in the person concerned being recognized as insane and his or her sentence being remitted.

Especially troubling are the methods used to carry out the death penalty. Widespread use is made of so-called lethal injections that not infrequently lead to prolonged suffering for inmates during the execution. An instructive example in this regard was the attempt to execute Thomas Eugene Creech in the state of Idaho in February of this year. Eight times – and each time unsuccessfully – they tried to set up an intravenous drip so as to inject him with the drug pentobarbital. He was subsequently taken back to his cell, since the time allocated for the administration of the lethal injection had expired. It is telling that, just a few days before, this inmate’s lawyers had filed a complaint with the Supreme Court of the United States arguing that insufficient information was available about the origin of the drug. However, that did not stop the sentence from being carried out.

The ineffectiveness of such lethal injections, along with the fact that many pharmaceutical companies refuse to supply the drugs in question, has forced correctional officials to “invent” new means of putting people to death. An experimental method of execution was tested on a human being for the first time in the state of Alabama in January of this year. Thus, in the city of Atmore there, inmate Kenneth Eugene Smith was executed using pure nitrogen. He died of “nitrogen asphyxiation” and “hypoxia”, his agony lasting more than 20 minutes. Even hard-boiled prison wardens admitted that, more than anything else, it was like a scene out of a horror film.

Significantly, back in the autumn of 2023, a number of US Jewish organizations had protested against execution by means of nitrogen, pointing to how it was unacceptable that the practices from Nazi Germany for putting people to death using gas should be replicated in contemporary America.

Relevant international organizations have also expressed themselves on the inadmissibility of such methods. In particular, in January of this year, United Nations High Commissioner for Human Rights Volker Türk stressed that “this novel and untested method of suffocation by nitrogen gas may amount to torture, or cruel, inhuman or degrading treatment.” He was seconded by Peter Stano, a spokesperson for the European External Action Service: “According to leading experts, this method is a particularly cruel and unusual punishment, in addition to the fact that the inmate was already subjected to a failed execution attempt in November 2022.”

However, on this score, too, the United States has demonstrated its disregard for the opinion of the international community. A further execution by means of gas was carried out in September this year, again in the state of Alabama.

Mr. Chairperson,

The problem with capital punishment lies not only in the inhuman and inhumane methods used to implement it. The cost of a miscarriage of justice is incredibly high here – higher than in any other situation – since what is at stake are human lives. Various studies have found that up to 10 per cent of death verdicts subsequently prove to be flawed. One of the most recent egregious episodes occurred this year in the state of Missouri, where an inmate was executed who turned out to be innocent in the light of newly discovered circumstances. Significantly, it was a black man who fell victim to the justice system.

Researchers have repeatedly pointed to a racial imbalance among those executed and those on death row. As can be seen from the data of non-governmental organizations, Blacks and Hispanics make up around 30 per cent of the US population, yet they account for more than half of those sentenced to death. This ties in with the death penalty being in force chiefly in southern states with their long history of slavery.

According to an expert from the organization Missourians to Abolish the Death Penalty, the reluctance of the authorities of that state to eliminate capital punishment can be linked to the tradition of “racial terror lynchings” that went on there for many years. We quote: “And so you see this culture of fear, this culture of hate that’s embedded in certain parts and areas. And that’s how you end up with these types of sentencing.”

Mr. Chairperson,

On several occasions we have highlighted how the barbaric methods for administering punishment used by the United States run counter to its international obligations. In particular, to the provisions of the 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This has also been reaffirmed in various formats within the OSCE framework, including at the Ministerial Council meeting held in Tirana in 2020. The participating States reached consensus there that they “must safeguard the rights, and protect the human rights, of all persons deprived of their liberty, including those facing the death penalty, in accordance with their international obligations”.

Unfortunately, it would be a long shot to suppose that the US authorities have the goodwill to do away with amoral practices of putting people to death. Nevertheless, we once again urge the United States to comply strictly with its international obligations, to eradicate torture and other cruel forms of treating and punishing prisoners, and to be mindful of the value of human life in the case of all people without exception.

Thank you for your attention.