



United States Mission to the OSCE

Response to the EU Statement on the Use of the Death Penalty in the United States

As delivered by Chargé d'Affaires, a. i. Gary Robbins
to the Permanent Council, Vienna
October 13, 2011

We note the European Union's expression of concern regarding the use of the death penalty in the United States.

The use of the death penalty in the United States is a decision of democratically elected governments at the federal and individual state levels. It is not prohibited by international law. Nor is capital punishment inconsistent with any OSCE commitments. The people of the United States, acting through their freely elected representatives, have enacted laws, at the federal level and in the majority of—but not all—states which authorize the death penalty for the most serious crimes, such as murder.

The United States is a party to the International Covenant on Civil and Political Rights (ICCPR), which specifically recognizes the ability of countries to impose the death penalty for the most serious crimes, carried out pursuant to a final judgment rendered by a competent court and in accordance with appropriate safeguards and observance of due process. The U.S. judicial system provides exhaustive protections to ensure that the death penalty is not applied in an extra-judicial, summary, or arbitrary manner, and that its imposition does not constitute cruel or unusual punishment, as prohibited by the United States Constitution. The U.S. Supreme Court has repeatedly held that capital punishment itself does not violate the U.S. Constitution. However, capital punishment may only be carried out subject to extensive due process and equal protection requirements, and after exhaustive appeals.

Mr. Chairman, the issue of the imposition of the death penalty continues to be the subject of vigorous and open discussion among the American people, a discussion that has grown even more robust recently.

Thank you, Mr. Chairman.