



## **United States Mission to the OSCE**

### **Response to the EU statement concerning the case of Manuel Pardo in Florida**

As delivered by Ambassador Ian Kelly  
to the Permanent Council, Vienna  
December 13, 2012

We are aware of the European Union's concerns regarding the death penalty in the United States and the case of Manuel Pardo, in particular.

As the United States has consistently noted, international law does not prohibit the death penalty.

Manuel Pardo, a former police officer, was convicted and sentenced to death on nine counts of first-degree murder based on five separate killing episodes in Florida between January and April 1986. The Supreme Court of Florida affirmed his conviction and sentence in 1990 and also affirmed the denial of post-conviction relief as well as habeas corpus relief in 2006. The U.S. Court of Appeals also denied federal habeas corpus relief in 2009 and the United States Supreme Court declined to review both his conviction and sentence in 1991 and the denial of federal habeas relief in 2010. Most recently, the Florida Supreme Court affirmed further denials of relief on December 4, 2012, a U.S. District Court denied a stay of execution on December 10, 2010, and the U.S. Supreme Court denied Mr. Pardo's petition for further review and application for a stay of execution on December 11, 2012.

The United States Supreme Court has upheld the use of the death penalty for the most serious crimes provided that its use is in accordance with procedural guarantees of the U.S. Constitution and other applicable laws. The U.S. judicial system provides an exhaustive system of protections to ensure that the death penalty is imposed subject to exacting procedural safeguards, after multiple layers of judicial review, in conformity with the United States' obligations under international law.

We recognize the intense debate on the issue of the death penalty both within and among nations. While we respect the views shared by persons who seek to abolish capital punishment or to impose moratoriums on its use, the ultimate decision regarding this issue must be addressed through the domestic democratic processes of individual States.

Thank you, Mr. Chairman.