



## EUROPEAN UNION

### OSCE Permanent Council No. 1267 Vienna, 14 May 2020

#### **EU Statement on Death Penalty in the United States of America**

The European Union welcomes the decision of the US State of Colorado to abolish the death penalty. On March 23, Colorado became the 22nd US State to take this important step. Its decision further encourages the growing trend to abandon capital punishment in the United States, where executions and new death sentences remain near historic lows. Together with twelve other States in the US with a de facto moratorium on executions, the death penalty is not in use on 68% of the territory of the US. This is in line with the trend worldwide, where the number of countries with no executions for at least 10 years has already reached 160.

The European Union reaffirms its strong opposition to the use of the death penalty at all times and in all circumstances. The death penalty violates the inalienable right to life enshrined in the Universal Declaration of Human Rights and is the ultimate cruel, inhuman and degrading punishment. Miscarriages of justice, inevitable in any judicial system, are irreversible. Capital punishment also fails to act as a deterrent to crime.

The release of Paul Hildwin, on March 9, 2020, whose death sentence had been upheld by the Supreme Court in 1989 in a decision which it overruled 26 years later, is the clear demonstration of a major argument against the death penalty – the possibility of error. Paul Hildwin spent nearly 30 years on death row in Florida, and 5 additional years in prison pending retrial for an alleged murder which DNA evidence showed he did not commit.

It was with deep regret that the European Union learnt of the execution of Nathaniel Woods in the US State of Alabama, on March 5, 2020. Nathaniel Woods was sentenced to death in 2005 for the murder of three police officers on June 17, 2004. He was executed despite the fact that he was not the gunman and that serious doubts existed about his role in a crime that was confessed by his co-defendant. The verdict in this case was not unanimous. The possibility of sentencing someone to capital punishment without unanimity increases the risk of innocent persons being sentenced to death.

We therefore welcome that on April 20, 2020, the US Supreme Court banned non-unanimous jury verdicts in cases involving serious offenses. In this ruling, the US Supreme Court took specifically into account the origins of non-unanimity ruling and their potential rooting in racial bias.

The EU will continue its long-standing campaign against the death penalty, including within the OSCE. We call on the two participating States that still maintain the death penalty in law and in practice, as well as on relevant OSCE Partners for Cooperation, to introduce a moratorium on executions as a first step towards full abolition.

The Candidate Countries REPUBLIC of NORTH MACEDONIA\*, MONTENEGRO\*, SERBIA\* and ALBANIA\*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, as well as UKRAINE, ANDORRA and SAN MARINO align themselves with this statement.

\* Republic of North Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.