



United States Mission to the OSCE

Right of Reply on the Death Penalty

As delivered by Chargé d’Affaires, a.i. Harry R. Kamian
to the Permanent Council, Vienna
October 11, 2018

In response to the statements issued by my esteemed colleagues, I would like to exercise my right of reply.

The United States respects the views of the participating States around this table who advocate for the abolition of the death penalty, or a moratorium on its use. However, we note that international law does not prohibit capital punishment. Rather, each country is entitled to choose the path to take on this policy matter. Indeed, over 50 countries worldwide continue to impose the death penalty for serious crimes, including some OSCE member states. Any decision to eliminate capital punishment must be addressed through the domestic democratic processes of individual countries.

The American people, both at the federal and state level, acting through their freely elected representatives, have enacted, and continue to maintain, laws authorizing the death penalty for the most serious crimes.

The International Covenant on Civil and Political Rights specifically recognizes the authority of countries to impose the death penalty for “the most serious crimes,” in accordance with the law in force at the time of the commission of the crime, when carried out pursuant to a final judgment rendered by a competent court and in accordance with the applicable provisions of the Covenant, including requisite safeguards and fair trial guarantees.

United States law and the U.S. judicial system provide an exhaustive system of protections at both the federal and state levels to ensure that the death penalty is not applied in a summary or arbitrary manner, or in any manner inconsistent with the United States Constitution.

We reaffirm our longstanding position on the legality of the death penalty, when imposed and carried out in a manner consistent with a state’s international obligations. The United States is committed to complying with our Constitution, other domestic laws, and international obligations, and we encourage other countries that employ the death penalty to comply with their international obligations as well.

Thank you, Mr. Chair.

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