



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

# **Response to World Day Against the Death Penalty and the EU statement concerning the cases of Eric Robert and Donald Moeller in South Dakota**

As delivered by Acting Deputy Chief of Mission Christopher Midura  
the Permanent Council, Vienna  
October 15, 2012

The United States recognizes that October 10 was World Day Against the Death Penalty. We are aware of the participating States' concern regarding the use of the death penalty in the United States. As the United States has consistently noted, international law does not prohibit the death penalty or otherwise require imposition of a moratorium on executions.

The International Covenant on Civil and Political Rights (ICCPR), to which the United States is a party, provides for imposition of the death penalty for the most serious crimes when carried out pursuant to a final judgment rendered by a competent court, and accompanied by appropriate procedural safeguards and the observance of due process. This includes the right to seek pardon or commutation of sentence in all cases. The imposition of the death penalty, in appropriate circumstances, has also been upheld by the United States Supreme Court.

In the specific cases cited, Eric Robert was serving an 80-year sentence in South Dakota when he and an accomplice killed a prison guard by beating him with a lead pipe during a failed escape. Robert pleaded guilty to first-degree murder and was sentenced to death. On August 15, the South Dakota Supreme Court affirmed the sentence. As the South Dakota Supreme Court noted, "This was not merely an escape attempt on the spur of the moment where events spiraled out of control. Here the record reflects that Robert had been planning his escape attempt, which included the murder of a corrections officer, for well over one month. His planning stage included obtaining the lead pipe eventually used to kill [the guard]."

Donald Moeller was convicted in South Dakota of kidnapping, raping, and slashing to death nine-year-old Becky O'Connell in May 1990 and was sentenced to death. On June 4, the U.S. Supreme Court denied Moeller's petition for a writ of certiorari.

We recognize that there is intense public discussion and 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 and be consistent with their obligations under international law.

Thank you, Mr. Chairman.