



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
March 15, 2018

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

As noted, on January 18, the State of Texas executed Anthony Shore for the sexual assaults and murders of Laurie Tremblay, Maria Del Carmen Estrada, Diana Rebollar, and Dana Sanchez, between 1986 and 1995. On January 30, the State of Texas executed William Rayford for the 1999 murder of Carol Lynn Thomas Hall, a crime committed while he was on parole for the 1986 murder of Gail Rayford. On February 1, the State of Texas executed John David Battaglia for the 2001 murders of his young daughters, 9-year-old Faith and 6-year-old Liberty. On February 22, the State of Florida executed Eric Branch for the 1993 rape and murder of Susan Morris.

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. Any decision to eliminate capital punishment must be addressed through the domestic democratic processes of individual countries.

The American people, both at the federal level and in the majority of our individual states, 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.

Thank you, Mr. Chair.