



## United States Mission to the OSCE

# Response to the European Union's Statement on the Death Penalty

As prepared for delivery by Chargé d'Affaires Carol Fuller  
to the Permanent Council, Vienna  
October 29, 2009

We want to thank the European Union for its expression of concern regarding the death penalty in the United States.

The use of the death penalty in the United States is a decision of democratically elected governments at the federal and individual State levels and is not prohibited by international law. Capital punishment does not violate any OSCE commitments. The people of the United States, acting through their freely elected representatives, have chosen, in most States, not to abolish the death penalty.

In terms of the specific case of Mr. Romell Broom, because of the failed execution attempt and calls from civil society, procedures are currently under executive review. We would like to note that Mr. Broom was convicted of raping and murdering a 14-year-old girl.

The U.S. judicial system provides exhaustive protections to ensure that the death penalty is not applied in an extra-judicial, summary, or arbitrary manner. The U.S. Supreme Court has repeatedly held that capital punishment itself does not violate the U.S. Constitution. However, capital punishment may only be carried out subject to the extensive due process and equal protection requirements and after exhaustive appeals.

Madame Chair, the issue of the imposition of the death penalty continues to be the subject of vigorous and open discussion among the American people.

Thank you, Madame Chair.