



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

### **Response to the EU statement concerning the case of Robert Gattis**

As delivered by Ambassador Ian Kelly  
to the Permanent Council, Vienna  
February 2, 2012

We note the declaration by High Representative Catherine Ashton welcoming the decision of Governor Jack Markell of the State of Delaware taken on January 17 to commute the death sentence of Robert Gattis to life in prison. In announcing his decision, Governor Markell explained that he had given great weight to the recommendation of the State's Board of Pardons and thoroughly reviewed "the totality of circumstances" in the case.

We are aware of the EU's 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 with a view towards its abolition. 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.

The death penalty continues to be the subject of open discussion among the American people. We note the actions of the Delaware governor within the context of this broader debate.

Thank you, Mr. Chairman.