

The OSCE Secretariat bears no responsibility for the content of this document and circulates it without altering its content. The distribution by OSCE Conference Services of this document is without prejudice to OSCE decisions, as set out in documents agreed by OSCE participating States.

PC.DEL/332/19
28 March 2019

ENGLISH
Original: RUSSIAN

Delegation of the Russian Federation

**STATEMENT BY MR. ALEXANDER LUKASHEVICH,
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE 1221st MEETING OF THE
OSCE PERMANENT COUNCIL**

28 March 2019

**On the establishment of a moratorium on the death penalty in California,
United States of America**

Mr. Chairperson,

We should like to welcome the decision by the Governor of California Gavin Newsom to impose a moratorium on the death penalty in that state. This step will save the lives of 737 people – almost a quarter of all those sentenced to death in the United States of America.

However, this decision cannot be regarded as final and irrevocable. In terms of legislation, the Governor of California does not have the power to repeal the law on the death penalty, but may refuse to sign death sentences or commute them to life imprisonment. In other words, a moratorium is not a solution to the problem, but simply a reprieve, even if it is a desirable one. We can only guess how the person who will replace Mr. Newsom as governor will behave.

In any case, it is still too early to congratulate our US colleagues, especially if we look at the official reaction from Washington. For example, President Donald Trump criticized the initiative of the Californian leader on Twitter, stating the following: “Defying voters, the Governor of California will halt all death penalty executions of 737 stone-cold killers. Friends and families of the always forgotten victims are not thrilled, and neither am I!”

At the same time, we recall that Russia is not an advocate of imposing the legislative repeal of the death penalty on other countries. In this matter, the cultural, historical, legal and other contexts of the development of States should be the basis.

The methods of execution, what drugs are used to kill and whether additional suffering tantamount to torture is ruled out are key issues.

Given that this form of punishment continues to be employed in 20 US states, the methods of enforcement of sentences in the United States are of particular concern for us.

In the United States, the death penalty is mainly carried out by means of lethal injection. From time to time, untested “killer cocktails” with dubious components are used to carry out sentences in US prisons. They lead to intolerable suffering, and sometimes the execution procedure has to be repeated. Some cases involving the use of untested lethal injections were cited in particular in the 2018 report by the Office for Democratic Institutions and Human Rights entitled “The Death Penalty in the OSCE Area”. The use of such combinations of drugs is also mentioned in the report by Human Rights Watch for 2018. There is also information in this regard that a number of states have resorted to old execution methods – execution by firing squad or the electric chair. The latter, for example, was used in June 2018 for the execution of David Miller in the state of Tennessee.

Furthermore, according to US experts and relevant non-governmental organizations, in particular the Death Penalty Information Center and the National Coalition to Abolish the Death Penalty, the use of the death penalty in the United States has a clear racist slant. Thus, the proportion of African Americans among the total number of persons executed is more than twice their proportion of the country’s population. In some states, the risk of members of this group being sentenced to death is three times higher than it is for the white population. In California, studies show that the chances of being sentenced to death for killing a member of the white race are three times higher than for the same act committed against an African American, not to mention the case of Latino Americans where the risk is four times higher.

We once again call on the US Government to respect its international commitments to prevent the torture and cruel treatment or punishment of prisoners. We hope that the decision by the Governor of California will serve as an example to other states in the country as well.

Thank you for your attention.