



United States Mission to the OSCE

Response to European Union's Statement on the Death Penalty in the United States

As delivered by Ambassador Ian Kelly
to the Permanent Council, Vienna
December 9, 2010

We want to thank the European Union for its expression of concern regarding the death penalty in the United States and note that a similar appeal on behalf of Mr. Stephen West was sent to the Governor of the State of Tennessee by the European Union Delegation to the United States on November 4, 2010.

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 many States, not to abolish the death penalty.

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 extensive due process and equal protection requirements and after exhaustive appeals.

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

The European Union can be assured that the United States Government will ensure that the appropriate authorities in the State of Tennessee are informed of its statement.