



United States Mission to the OSCE

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

As prepared for delivery by Ambassador Ian Kelly
to the Permanent Council, Vienna
May 27, 2010

We want to thank the European Union for its expression of concern regarding the death penalty in the United States and note that similar appeals on behalf of Mr. David Lee Powell were sent to the Governor of the State of Texas and to the Texas Board of Pardons and Paroles by the European Union Delegation to the United States on May 25 and assure the European Union that we will inform the appropriate authorities in the State of Texas of its statement.

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 representative, have chosen, in most 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 the 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.