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United States Mission to the OSCE

Right of Reply Regarding the Death Penalty

As Delivered by Political Officer Christine Harper
to the Permanent Council, Vienna
May 14, 2020

In response to the statements issued by the European Union, Norway, the Russian Federation, and the United Kingdom, the United States would like to exercise our Right of Reply.

International law does not prohibit capital punishment, and each country – and in the case of the United States, each state in the union as well as our federal government – may make its own choice on this matter. The decision on whether or not to use capital punishment must be addressed through the domestic democratic processes of individual countries. In our case, the American people, acting through their elected representatives at both the federal and state level, enact the laws authorizing, limiting, or abolishing capital punishment.

Let us recall that the International Covenant on Civil and Political Rights specifically recognizes the authority of countries to impose capital punishment for “the most serious crimes,” in accordance with the law in force at the time of the commission of the crime, when carried out pursuant to a final judgment rendered by a competent court and in accordance with the applicable provisions of the Covenant, including requisite safeguards and fair trial guarantees. The U.S. judicial system provides exhaustive protections to ensure that capital punishment is only imposed and carried out subject to extensive constitutional and legal protections and requirements, and after exhaustive appeals at both the federal and state levels.

We reaffirm our longstanding position on the legality of capital punishment when imposed and carried out in a manner consistent with a state’s international obligations. The United States is committed to complying with our Constitution, other domestic laws, and our international obligations, and we encourage other countries that employ capital punishment to comply with their international obligations as well.

Thank you, Mr. Chair.