



## German Presidency of the Council of the European Union

### **661<sup>st</sup> Meeting of the Permanent Council**

**19 April 2007**

## Statement of the European Union on the Death Penalty

The EU reiterates its longstanding and active opposition to the death penalty in all circumstances. As declared on many occasions and recently on the occasion of the Third World Congress against the Death Penalty in Paris in February 2007 and at the 4th session of the Human Rights Council in March 2007, we consider that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights.

While we are aware of the suffering of the victims of violent crime and their families, we strongly believe that capital punishment tends to further a casual attitude to the right to life. The EU wishes to stress that in our view the death penalty does not serve as an effective deterrent, and any miscarriage of justice, which is inevitable in any legal system, would be irreversible.

We remain particularly concerned by the imposition of the death penalty in cases of persons suffering from mental or intellectual disabilities and consider this practice contrary to widely accepted human rights norms. We urge states not to impose the death penalty in such cases.

It is therefore with deep regret that the EU has learned that Mr. James Lee Clark was executed on 11 April 2007 in the State of Texas. Mr. Clark had been examined twice in 2003 and was diagnosed as mentally retarded. Moreover, Mr. Clark was found to have several adaptive behaviour deficits. On 4 April the EU made appeals to the

appropriate authorities in the State of Texas to grant Mr. Clark relief from his death penalty but regrettably this appeal had no effect.

While aiming for the universal abolition of the death penalty the EU seeks a moratorium in all countries, which retain capital punishment, as a first step towards this end. The EU is therefore concerned about an imminent breach of the de-facto moratorium in the State of Nebraska. The EU has learned that Mr. Carey Dean Moore is to be executed on 8 May 2007. This would be the first execution in that state for more than 9 years. In light of the recent developments and debate on this issue, the EU wishes to encourage the appropriate authorities in the State of Nebraska to continue the moratorium on the death penalty and urges them to grant clemency to Mr. Moore.

The EU trusts that the competent authorities in the States of Texas and Nebraska will be informed of this statement.

On a related matter, the EU welcomes Ukraine's recent decision to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aims at the abolition of the death penalty. This is a confirmation of Ukraine's consistent stance for the abolition of the death penalty.

The Candidate Countries Turkey, Croatia and the former Yugoslav Republic of Macedonia\*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, and Serbia, EFTA countries Iceland and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this statement.

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\* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.