

United States Mission to the OSCE



Session 5: Rule of Law II

Right of Reply on capital punishment

As prepared for delivery by Ambassador Guest
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Moderator,

On behalf of my delegation, I'd like to thank those delegations who spoke to the issue of capital punishment for their constructive comments.

The United States is, of course, aware of the controversy surrounding the use of capital punishment – an issue that continues to be debated, with intensity, across our country. Our country has a long history of focus on the fundamental right to be treated fairly and justly under the law. That is why we have such a strong system of due process, and accused persons have the right to be tried by an impartial and unbiased jury of their peers, regardless of their socioeconomic or political standing. For us, capital punishment is a measure of last resort. It is sparingly used, only for particularly heinous crimes, and only after due process has been exhausted.

I would note that capital punishment is not prohibited under any international law, nor does it violate any OSCE commitments. The International Covenant on Civil and Political Rights recognizes its legitimacy, and our Constitution has vested individual states with the authority to take decisions on this matter. Hence, it is the right of the United States to support or oppose such a matter, and the individual states that make up our nation, and the people who reside within those states, are allowed to decide whether to resort to capital punishment.

As with all democracies, the United States Government draws its power from the consent of its citizens, and only by their voice can the death penalty be abolished. In the United States, we have no elite that can declare capital punishment a taboo subject for popular discussion and decision, even if public opinion polling shows considerable support for capital punishment in some circumstances.

Thank you.