



## United States Mission to the OSCE

# **Response to the EU and Others Regarding the Executions of Edgar Tamayo Arias in Texas and Dennis McGuire in Ohio**

As delivered by Political Counselor Christopher Robinson  
to the Permanent Council, Vienna  
January 30, 2014

The United States respects the concerns of the European Union and others expressed here today, but reminds the Permanent Council that the International Covenant on Civil and Political Rights, to which the United States is a party, provides for the imposition of the death penalty for the most serious crimes when carried out pursuant to a final judgment rendered by a competent court, and accompanied by appropriate procedural safeguards and the observance of due process. This includes the right to seek pardon or commutation of sentence in all cases. The imposition of the death penalty, in appropriate circumstances, has also been upheld by the United States Supreme Court.

On January 22, 2014, the State of Texas executed Edgar Tamayo Arias, following his conviction for the murder of a Houston, Texas, police officer in 1994. Mr. Tamayo was a Mexican national subject to the International Court of Justice's *Avena* decision. The Department of State urged authorities in Texas to delay Mr. Tamayo's execution in order to provide an opportunity for the review of Mr. Tamayo's conviction and sentence required under the *Avena* decision. The Department regrets Texas' decision to proceed with Mr. Tamayo's execution without that review and reconsideration, and remains committed to working to uphold our international obligations under the *Avena* judgment. For further information about the case of Mr. Tamayo, I would kindly refer you to the January 23, 2014, statement by Department of State Deputy Spokesperson Marie Harf.

On January 17, 2014, the State of Ohio executed Dennis McGuire, who admitted to raping and killing a pregnant woman in 1989. Media report that Mr. McGuire's family has sued the State of Ohio and the manufacturers of the drugs used in his execution, seeking to enjoin further use of the protocol employed in Mr. McGuire's case.

We recognize that there is intense public discussion and debate on the issue of the death penalty both within and among nations. While we respect the views shared by persons who seek to abolish capital punishment or to impose moratoriums on its use, the ultimate decision regarding this issue must be addressed through the domestic democratic processes of the individual States and be consistent with their obligations under international law.

Thank you, Mr. Chairman.