



United States Mission to the OSCE

Response to EU Statement on Death Penalty in the USA

As delivered by Ambassador Ian Kelly
to the Permanent Council, Vienna
September 22, 2011

Thank you, Mr. Chairman.

We note the European Union's and Switzerland's expression of concern regarding the use of the death penalty in the United States.

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. Nor does capital punishment violate any OSCE commitments. The people of the United States, acting through their freely elected representatives, have enacted laws, at the federal level and in the majority of states, which authorize the death penalty for the most serious crimes, such as felony murder, generally when carried out in aggravating circumstances. And we disagree with the assertion that the death penalty has not been found to act as a deterrent.

In terms of the specific case noted, a petition was filed in May 2009 with the United States Supreme Court asking for a full review - in a lower court - of evidence that appeared to exculpate Troy Davis, convicted in 1991 of the shooting of an off-duty police officer in Savannah, Georgia. This request was granted, and a hearing was conducted in the federal district court in Savannah, giving Mr. Davis a chance to present new evidence.

Upon full review, the federal judge ruled that this evidence did not demonstrate Mr. Davis's innocence. Mr. Davis then appealed for a hearing in the United States Supreme Court, which was denied on March 28, 2011. After a clemency hearing by the Georgia Board of Pardons and Paroles on September 20, the Board denied him clemency. The sentence in this case was carried out on September 21 in accordance with Georgia State law.

Mr. Chairman, the imposition of the death penalty continues to be the subject of vigorous and open discussion among the American people. The United States assures the EU that we will inform the appropriate authorities in the State of Georgia of its statement.

Thank you, Mr. Chairman.