



United States Mission to the OSCE

Response to the EU statement concerning the case of Warren Lee Hill

As delivered by Ambassador Ian Kelly
to the Permanent Council, Vienna
February 14, 2013

Thank you, Mr. Chairman.

As we have consistently noted, international law does not prohibit the death penalty or otherwise require imposition of a moratorium on executions with a view toward its abolition. The International Covenant on Civil and Political Rights (ICCPR), to which the United States is a party, provides for 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.

Warren Lee Hill, Jr., was convicted and sentenced to death in Georgia for the 1990 murder of a fellow, inmate Joseph Handspike, in a County Correctional Institute where Mr. Hill was already imprisoned for an earlier murder.

Mr. Hill's conviction was affirmed by the Supreme Court of Georgia in 1993 and the United States Supreme Court subsequently declined to review that decision. Mr. Hill thereupon pursued a succession of state and federal *habeas corpus* proceedings, including consideration of his "mental retardation" claims by the U.S. Court of Appeals for the Eleventh Circuit. The Court of Appeals ruled on rehearing en banc in 2011 that the Georgia Supreme Court decision to deny those claims was not contrary to established federal law, and the U.S. Supreme Court declined to review that decision on June 4, 2012 and August 31, 2012. While the Georgia Supreme Court granted a temporary stay of execution on July 23, 2012 to review procedures regarding a change in the method of execution by lethal injection, it denied further review of his "mental retardation" claim. The Georgia Supreme Court ruled against Mr. Hill's procedural claims on February 4 and dissolved the previous stay of execution. Mr. Hill continues to pursue review by the U.S. Supreme Court.

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

Thank you, Mr. Chairman.