



## United States Mission to the OSCE

# **Response to the European Union's Statement on the Death Penalty in the United States**

As delivered by Ambassador Ian Kelly  
to the Permanent Council, Vienna  
June 10, 2011

Thank you, Mr. Chairman.

We want to thank the European Union for its expression of concern regarding the death penalty in the United States.

As we've stated many times before, 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 chosen, in most States, not to abolish the death penalty.

In terms of the specific case noted, in May 2009 a petition was filed with the United States Supreme Court asking for a full review - in a lower court - of evidence that appeared to exculpate Troy Davis, who was convicted in 1991 for 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 Davis a chance to present new evidence. Upon full review, the federal judge ruled that this evidence did not demonstrate Davis's innocence. Mr. Davis then appealed for a hearing in the Supreme Court. On March 28, 2011 this final appeal was denied, though the state of Georgia has yet to set a date of execution.

The U.S. judicial system provides exhaustive protections to ensure that the death penalty is not applied in an extra-judicial, summary or arbitrary manner. The U.S. Supreme Court has repeatedly held that capital punishment itself does not violate the U.S. Constitution. However, capital punishment may only be carried out subject to extensive due process and equal protection requirements, and after exhaustive appeals.

Mr. Chairman, the issue of the imposition of the death penalty continues to be the subject of vigorous and open discussion among the American people.

Thank you, Mr. Chairman.