



United States Mission to the OSCE

Right of Reply to the European Union Statement of May 20 with regard to the Death Penalty

As prepared for delivery by Deputy Representative Douglas Davidson
to the Permanent Council, Vienna
May 27, 2004

Thank you, Mr. Chairman.

I would like to take this opportunity to reply to the intervention delivered by the distinguished Ambassador of Ireland on behalf of the European Union last week at the Permanent Council, with regard to the application of the death penalty in the United States.

In that intervention, the EU asserted that the May 18 execution in Texas of Mr. Kelsey Patterson was, and here I shall quote, "contrary to accepted human rights norms including, most recently, Resolution 2004/94 adopted at the recent session of the UN Commission on Human Rights." That resolution, which purported to establish standards on controversial issues that some States have never "accepted" in any context, was not adopted by consensus, but instead required a vote, and passed by a narrow margin with nineteen States voting no and another five abstaining. The United States would observe that such a result, far from even suggesting the existence of an accepted human rights norm, in fact demonstrates that no such norm exists.

Mr. Chairman, The United States is well aware of the European Union's views regarding abolition of the death penalty, as they are stated with some regularity in this forum. We should like to take this opportunity to once again restate our own position, which we have shared with equal regularity -- that the use of capital punishment violates neither international law nor OSCE commitments.

Thirty-eight individual states of our Union make provision for application of the death penalty, in certain cases and with meticulous due process, based upon legislation passed by the duly elected governments of those states. These laws reflect the will of the people, as is appropriate in a democracy.