



United States Mission to the OSCE

Right of Reply on Death Penalty

As delivered by Political Counselor Elisabeth Rosenstock-Siller
to the Permanent Council, Vienna
October 8, 2020

In response to the statements issued by the European Union, the United States would like to exercise our *Right of Reply*.

International law does not prohibit capital punishment, and each country – and in the case of the United States, each state in the union as well as our federal government – may make its own choice on this matter. The decision on whether or not to use capital punishment must be addressed through the domestic democratic processes of individual countries. In our case, the American people, acting through their elected representatives at both the federal and state level, enact the laws authorizing, limiting, or abolishing capital punishment.

Let us recall that the *International Covenant on Civil and Political Rights* specifically recognizes the authority of countries to impose capital punishment for “the most serious crimes,” in accordance with the law in force at the time of the commission of the crime, when carried out pursuant to a final judgment rendered by a competent court and in accordance with the applicable provisions of the Covenant, including fair trial guarantees. The U.S. judicial system provides exhaustive protections to ensure that capital punishment is only imposed and carried out subject to extensive constitutional and legal protections and requirements, and after exhaustive appeals at both the federal and state levels.

Let’s examine the case of Keith Dwayne Nelson. In September 1999, Nelson told an associate he wanted to kidnap a woman and torture, rape, electrocute, kill, and bury her. Nelson said that he wanted to do this because he was going back to prison for other charges and that he wanted to go back for something big. In October 1999, Nelson told an acquaintance that he wanted to kidnap, rape, torture, and kill a young girl he had seen. Shortly thereafter, Nelson kidnapped a 10-year-old girl rollerblading in front of her home and raped her, strangled her to death with a wire, and buried her behind a church. On October 25, 2001, Nelson pleaded guilty to the kidnapping and unlawful interstate transportation of a child for the purpose of sexual abuse which resulted in death, and he was sentenced to death. His conviction and sentence were affirmed on appeal, and his claims for collateral relief were denied by every court that considered them. Nelson was executed on August 28, 2020.

For horrific cases such as this one, society must send a strong signal that such heinous acts are not allowed. We reaffirm our longstanding position on the legality of capital punishment when imposed and carried out in a manner consistent with a state’s international obligations. The United States is committed to complying with our Constitution, other domestic laws, and our

international obligations, and we encourage other countries that employ capital punishment to comply with their international obligations as well.

Thank you, Mr. Chair.