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Prohlášení
Statement
Déclaration

Vienna 12 February 2009

Permanent Council No.750
EU Statement on the death penalty in the USA

Final draft version

The EU has learned that Mr. Edward Nathaniel Bell, a Jamaican national, is to be executed in the state of Virginia on 19 February 2009. The European Union notes that there is evidence that Mr. Bell may suffer from mental retardation. The European Union recalls the United States Supreme Court's judgment in the case of another Virginian inmate, Daryl Atkins, in Atkins versus Virginia, which banned the execution of persons with mental retardation. The European Union underlines the similarity with the case of Mr. Bell.

Furthermore it has come to the attention of the European Union that the Virginian authorities failed to notify Mr. Bell of his right to contact a Jamaican Consulate for assistance at the time of his arrest, as required by the Vienna Convention on Consular Relations, to which the United States, Jamaica and the EU Member States are Parties. The right to consular notification and assistance is intended to redress the inherent disadvantages facing detained foreign nationals in any country. While we recognize that the US criminal justice system provides numerous safeguards to protect the legal rights of those facing criminal charges, consulates provide further humanitarian, protective and legal assistance.

The European Union urges the competent authorities in Virginia to grant Mr. Bell relief from the death penalty.

The European Union is opposed to the use of capital punishment under all circumstances and accordingly aims at its universal abolition, seeking a global moratorium on the death penalty as a first step. The European Union recalls that on 20 November 2008, the United Nations General Assembly adopted a resolution on the death penalty that reaffirms its Resolution adopted in December 2007, which expressly asked all nations that still use the death penalty, to institute a moratorium on executions with a view to abolishing the practice.

We remain particularly concerned by the imposition of the death penalty in cases of persons suffering from mental or intellectual disabilities and consider this practice contrary to widely accepted human rights norms. We urge states not to impose the death penalty in such cases.

In addition, the EU wishes to record its strong condemnation on the execution of Mr. Steve Henley, which was carried out on 4 February, in Riverbend prison in the state of Tennessee. The execution of Mr. Henley ended the de facto moratorium observed by the state of Tennessee pending the Supreme Court of the United States' decision *Baze versus Rees*. The Court's ruling on 16 April 2008 allowed for the resumption of executions by lethal injection in the United States of America. The EU urges the re-establishment of the de facto moratorium on the use of capital punishment in the state of Tennessee.

The EU trusts that the federal authorities will ensure that the competent State authorities are informed of this statement.

The candidate countries TURKEY, CROATIA* and FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, the countries of the Stabilisation and Association Process and potential candidate countries ALBANIA, BOSNIA AND HERZEGOVINA, MONTENEGRO and SERBIA, the European Free Trade Association countries and members of the European Economic Area ICELAND, LIECHTENSTEIN and NORWAY, as well as UKRAINE, the REPUBLIC OF MOLDOVA, ARMENIA and AZERBAIJAN align themselves with this statement.

*Croatia and Former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.