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**STATEMENT BY MR. ALEXANDER LUKASHEVICH,  
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION, AT THE  
1296th MEETING OF THE OSCE PERMANENT COUNCIL  
VIA VIDEO TELECONFERENCE**

17 December 2020

**Capital punishment in the United States of America**

Mr. Chairperson,

We are extremely concerned about the fact that death sentences continue to be carried out in the United States of America. Since July this year, when this punishment was reinstated at the federal level, ten more people have been executed in the country, including two just last week. Thus, on 10 December, the sentence of Brandon Bernard was carried out, despite a request for commutation of the sentence to life imprisonment. Alfred Bourgeois was executed on 11 December.

Three more federal death sentences, including one pronounced against a woman, are scheduled to be carried out by 20 January.

We would note that such a wave of federal executions goes against the traditions of the United States itself: usually during the transition between presidents, federal death sentences are not enforced, in case the future Head of State has a different stance on such practices. The last time a condemned person was executed in the transition period was back in the 1890s under President Grover Cleveland.

In addition to federal executions, similar sentences continue to be carried out in 28 states. According to the non-governmental organization Death Penalty Information Center, seven people were executed in five states – Texas, Georgia, Alabama, Montana and Tennessee – in 2020 alone. At least 14 more people are scheduled to be executed in the United States in 2021.

Meanwhile, capital punishment is becoming less popular in the country. A Gallup poll in June revealed that 40 per cent of US citizens consider the death penalty to be morally unacceptable. This level of disapproval of executions is the highest in 20 years.

Recent initiatives by US lawmakers are also highly unlikely to increase public acceptance of this form of punishment. At the end of November, the US Department of Justice reauthorized federal executions by injection or “in the manner prescribed by the law of the state in which the sentence is imposed”. And a number of states use methods that are far from humane. In Alabama, for example, electrocution or asphyxiation with nitrogen are allowed. The second method evokes chilling historical parallels. Utah has a

law which states that a condemned person faces a firing squad if no lethal injection drugs are available on the day of execution. These changes will enter into force on 24 December.

It is well known that federal death sentences in the United States have long been delayed precisely on humanitarian grounds. For example, in November 2019, Judge Tanya Chutkan of the US District Court for the District of Columbia halted the execution of four convicted persons because she disapproved of the method by which they were to be put to death. The issue was about the injection of pentobarbital, which the judge considered to be excessively painful. This, by the way, is how all those sentenced to death this year have been executed – with the exception of Nicholas Sutton, who died in the electric chair in Tennessee in February. Now, with the innovations of the US Department of Justice, the executioners have a free hand.

We would recall that ill-treatment or torture during administration of the death penalty is unacceptable and must be ruled out altogether. In support of this we may invoke the Eighth Amendment to the US Constitution, which states that “cruel and unusual punishments [shall not be] inflicted”. The provisions of the recent Ministerial Council decision on the prevention and eradication of torture and other cruel, inhuman or degrading treatment or punishment are particularly relevant in that regard. The decision clearly states that the rights of those sentenced to death must be safeguarded.

Article 2 of the US Constitution [*recte*: the second paragraph of the preamble to the US Declaration of Independence] also guarantees the right to life. The miscarriages of justice that inevitably occur from time to time when dealing with such complex criminal cases are a flagrant violation of that basic right and rob those who are potentially innocent of their lives. Thus, as reported by the aforementioned Information Center, 172 people sentenced to death have been found innocent since 1973, with five such exonerations occurring this year alone. However, these figures could be much higher, bearing in mind that it is extremely difficult to establish how many people have in fact been wrongly executed.

Unfortunately, the use of the death penalty does nothing to eradicate the long-standing problem of systemic racism. According to US experts and relevant NGOs, notably the aforementioned Death Penalty Information Center and the National Coalition to Abolish the Death Penalty, the application of the death penalty in the United States has clear racist overtones. Thus, of the total number of people executed, African Americans account for more than twice their share of the country’s population. And in some states the risk of their being sentenced to death is three times higher than it is for whites. We would remind you that Brandon Bernard and Alfred Bourgeois, who were executed in December, were black.

We once again call on the US Government to comply strictly with international human rights obligations, including protection from torture.

Thank you for your attention.