

The OSCE Secretariat bears no responsibility for the content of this document and circulates it without altering its content. The distribution by OSCE Conference Services of this document is without prejudice to OSCE decisions, as set out in documents agreed by OSCE participating States.

PC.DEL/1436/23
19 October 2023

ENGLISH
Original: RUSSIAN

Delegation of the Russian Federation

**STATEMENT BY
MR. ALEKSANDR VOLGAREV, DEPUTY PERMANENT REPRESENTATIVE OF
THE RUSSIAN FEDERATION, AT THE 1447th MEETING OF THE
OSCE PERMANENT COUNCIL**

19 October 2023

On the World Day against the Death Penalty

Mr. Chairperson,

On 10 October, the twentieth anniversary of the World Day against the Death Penalty, established in 2003, was observed.

In Russia, a comprehensive moratorium on capital punishment has been in place for even longer – since 1999. Since then – that is, for 24 years – Russian courts have not sentenced anyone to death. The Criminal Code stipulates alternative forms of punishment, ranging from lengthy prison sentences to life imprisonment. As a result of the moratorium in our country, a constitutional and legal regime has been established, under which an irreversible process to abolish the death penalty has been set in motion, with account taken of Russia’s international commitments. In 2009, the Constitutional Court of the Russian Federation confirmed this understanding.

Despite the fact that capital punishment is not implemented in Russia, we do not support forcing other countries to legally abolish it. We believe that it is important to be guided by the cultural, historical, legal and other aspects of a State’s development.

Mr. Chairperson,

One of the most important issues here is the manner in which the death penalty is carried out, and more specifically, its humaneness: the drugs and methods that are used and ensuring that there is no additional suffering amounting to torture. The relevance of this aspect is confirmed by the fact that the World Coalition Against the Death Penalty has for the second year in a row emphasized the relationship between capital punishment and torture.

The situation in the United States of America remains alarming in that respect. Judicial proceedings with a trail of torture and enhanced interrogation techniques have been going on for decades against five Guantánamo Bay prisoners, for whom the prosecution seeks the death penalty. At the same time, even openly biased non-governmental organizations (NGOs) recognize the partisanship of the military commission that will have to make this judgment. This is not to mention the fact that the US Government

has been ignoring calls from international bodies, including the Office for Democratic Institutions and Human Rights, to finally close down the Guantánamo Bay detention camp.

In the United States itself, 27 states and the federal courts impose the death penalty. As of 11 October, 20 prisoners have been executed in the country since the beginning of the year. The most recent was on 10 October. The executions have been carried out by lethal injection of pentobarbital, midazolam and etomidate. Those sentenced to such injections have repeatedly tried to argue before the Supreme Court of the country that these drugs are inhumane: their use involves risk and suffering, which is in direct contravention of the US Constitution.

It is indicative that the technical inefficiency of lethal cocktails, along with the problem of their supply, has forced the executioners to return to old methods of execution – firing squad, the electric chair or even the odious gas chambers. For example, in Alabama, following the unsuccessful attempt to execute Kenneth Eugene Smith by injection in 2022, a decision has been made to carry out his death sentence using pure nitrogen. There are historic parallels here with the notorious methods employed in Nazi Germany.

International organizations and human rights advocates have emphasized the inhumanity of these methods. This has been repeatedly reaffirmed in various formats in our Organization, including at the OSCE Ministerial Council in Tirana in 2020. The participating States reached consensus that they “must safeguard the rights, and protect the human rights, of all persons deprived of their liberty, including those facing the death penalty, in accordance with their international obligations”. Also in the context of the existence of the Guantánamo Bay detention camp and the inhumane conditions of the “forever prisoners” there, another provision of this document, which the United States persistently ignores, remains relevant as well. Namely, to “respect the safeguards concerning the liberty, security and dignity of the person and ensure that prolonged incommunicado detention and secret places of detention and interrogation are abolished, with the understanding that such detention can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment”.

Moreover, given the inhumanity of the methods of enforcement, the risk of miscarriages of justice in sentencing is of concern. No system in the world is infallible. However, in this case, the price of a mistake is many times higher – it could result in the unjustified deprivation of life. The figures for the United States are shocking: the US-based NGO Death Penalty Information Center reports that 195 people sentenced to death since 1973 have been subsequently exonerated. And these are only the identified and proven cases. It is anyone’s guess how many innocent people have died at the hands of the US justice system. The vast majority of those sentenced to death and then exonerated are black or Hispanic. Studies have repeatedly confirmed that the colour of the accused’s skin plays no small part in the imposition of the death penalty, including those wrongly convicted. Human rights activists from the Information Center have succeeded in proving the innocence of 106 black people, that is, more than 50 per cent of all the defendants sentenced to death and subsequently exonerated.

A recent study by a group of US academics led by Frank Baumgartner, a professor of political science at the University of North Carolina, published in early October of this year attests to these dangerous tendencies. Once again, this confirms the correlation between systemic racism in society, the acceptability of the death penalty, and racially tinged sentencing. I should like to quote directly from the study: “The application of the death penalty throughout modern times in the US has been inextricably linked to race, racial fear, and racial animus. It is indeed the modern form of lynching, and it reflects the same underlying racial attitudes as were so expressed in times gone by.”

In view of all of the foregoing comments, we reiterate our appeal to the US Government to comply strictly with its international obligations, to eliminate the routine use of torture, ill-treatment and punishment of prisoners, and to remember the value of human life of all persons without exception.

Thank you for your attention.