



United States Mission to the OSCE

Right of Reply on World Day Against the Death Penalty

As delivered by Chargé d'Affaires Katherine Brucker,
to the Permanent Council, Vienna
October 19, 2023

The United States appreciates the European Union raising this issue. International law does not prohibit capital punishment, nor is capital punishment in contravention of OSCE commitments. The judicial system in the United States provides a system of protections at the state and federal levels intended to ensure that implementation of the death penalty is undertaken, after multiple layers of judicial review, in conformity with the U.S. Constitution and U.S. international obligations. The use of capital punishment remains the subject of serious discussion and close examination in the United States, as evidenced by the fact that 23 States and the District of Columbia have abolished the death penalty and three other States have a moratorium on it.

On July 1st, 2021, U.S. Attorney General Merrick B. Garland imposed a moratorium on all federal executions pending review of certain Justice Department capital case policies and procedures. No federal executions will be scheduled while the reviews are pending. This moratorium, however, does not suspend the use of the death penalty for state criminal offenses, as that is a decision left to democratically elected governments at the state level. As such, any moratorium on the use of the death penalty by particular states as sentences for state criminal offenses would have to be issued separately by each of the states that choose to employ capital punishment.

We reaffirm our longstanding opposition to the use of the death penalty after trials that do not respect fair trial guarantees, or for crimes that do not meet the “most serious crimes” threshold for capital punishment, as required under international law.

###