



EUROPEAN UNION

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EU statement on the death penalty in the US

The EU opposes the use of capital punishment in all cases and under all circumstances, and calls for a global moratorium as a first step towards its universal abolition, in line with resolutions adopted by the United Nations General Assembly in 2007, 2008 and on 21 December 2010.

It is therefore with deep regret that the EU has learnt that Mr Manuel Valle is due to be executed in the State of Florida on 6 September 2011. The EU notes with great concern that there may not have been any clemency procedures undertaken in the case of Mr Valle. The United States Supreme Court has stated that executive clemency is the “fail-safe” in the criminal justice system, to provide the opportunity for remedy or relief which is not provided by the judiciary. The EU considers the execution of a person who has not received a meaningful clemency process contrary to widely accepted human rights norms, including the International Covenant on Civil and Political Rights (ICCPR). Its art. 6, para 4 states: “Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence”. Taking account of these factors, the EU calls for a stay of Mr Valle’s execution until a proper clemency proceeding can be conducted.

Furthermore, the EU takes note of the fact that Mr Valle has spent 33 years on death row. The EU is of the opinion that long periods of time under the constant threat of death can lead to severe mental trauma for inmates subjected to such conditions.

The EU also strongly holds that where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering, in line with international standards, including ICCPR and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which the United States is a party. Therefore, the EU seeks re-assurances that, if Mr Valle is to be executed, after having access to due clemency procedure, the drug selected for lethal injection is widely recognised as not inflicting severe pain or suffering. It should not be the responsibility of Mr Valle to prove that this is not the case.

The EU also deeply regrets the execution of Mr Robert Jackson in the State of Delaware on 29 July 2011. On 2 August, on behalf of the EU, the High Representative Catherine Ashton expressed regret that the execution has broken the de-facto moratorium on the use of capital punishment that had been in place in Delaware since November 2005. The EU also urges the re-establishment of the de facto moratorium.

While we are aware of the suffering of the victims of violent crime and their families, we recall that with capital punishment, any miscarriage of justice, from which no legal system is immune, represents an irreversible loss of human life. The EU believes that the abolition of the death penalty is essential to protect human dignity and to the progressive development of human rights. The EU considers capital punishment cruel and inhuman. Furthermore, it has not been found to act as a deterrent. While the EU fully respects the democratic process of other countries, the concern for human integrity and human dignity, which has inspired us to abolish capital punishment, obviously applies to all human beings.

The EU trusts that the Government of the United States of America will ensure that the appropriate authorities in the State of Florida and in the State of Delaware will be informed of this statement.

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

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

**Iceland continues to be a member of the EFTA and the European Economic Area.