



EUROPEAN UNION
DELEGATION TO THE UNITED STATES OF AMERICA

Ref. Ares(2016)4483536 - 17/08/2016

The Head of Delegation

Washington, 17 August 2016
del-usa.001.dir(2016)4963701
HB/JG/df

The Honorable Terry McAuliffe
Governor
Commonwealth of Virginia
State Capitol, 3rd Floor
Richmond, VA 23219

Fax: +1 804 371 6351

Subject: Death Penalty case of Mr. William Charles Morva

Dear Governor,

The European Union takes note of the fact that William Charles Morva, a Hungarian-American dual national, has been sentenced to death and is to be executed sometime in the near future. The EU, represented by its Delegation to the United States, wishes to make an urgent humanitarian appeal on behalf of Mr. Morva on the grounds of evidence of his serious mental illness.

The EU 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. We believe that the elimination of the death penalty is fundamental to the protection of human dignity, and to the progressive development of human rights. By its very nature, the execution of the death penalty means that any miscarriage of justice or failure in its application cannot be reversed. No legal system is immune from error, nor is there any reliable evidence to support the argument that death penalty is deterrent to serious crime.

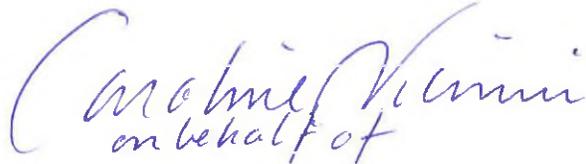
The EU considers that in countries which have not yet abolished the death penalty, this penalty should not be imposed on persons suffering from mental disorder, or mental illness or deficiency. We note with concern that there is evidence to show that Mr. Morva is suffering from severe mental illness. We point out that the standards of assessing intellectual disability and eligibility for execution such as those used in Virginia's justice system have previously been questioned by the US Supreme Court in the case *Atkins v Virginia* (2002). The EU strongly supported Mr. Atkins's position in that case and filed an amicus curiae brief to that effect which was cited by the majority opinion of the Court. We are similarly concerned that the strict standards for determining intellectual development used by the State of Virginia were recently declared invalid by the US Supreme Court in *Hall v Florida* (2015).

The EU strongly believes that the execution of persons suffering from mental illness or mental disorder is contrary to widely accepted human rights norms and is in contradiction to the minimum standards of human rights set forth in several international human rights instruments as well as prohibited in the U.S. Constitution. The EU would also like to point out that there is growing international consensus against the execution of persons with mental illness.

The EU recognises the serious nature of the crime involved, and wishes to express its sincere sympathy to the family and friends of the victim, but we do not believe that the use of the death penalty could bring relief to their suffering.

The European Union respectfully requests your assistance to ensure that Mr. Morva's case is reconsidered in the light of his mental disability.

Yours sincerely,



David O'Sullivan
Ambassador