



EUROPEAN UNION
DELEGATION TO THE UNITED STATES OF AMERICA

The Head of Delegation

Washington, 11 August 2010
D(2010) 790 BW/fh

Subject: Death Penalty - The Case of Mr. Holly Wood

Dear Governor,

The European Union takes note of the fact that Mr Holly Wood is to be executed in the State of Alabama on 9 September 2010. The European Union, represented by the Delegation of the European Union to the United States, wishes to make an urgent humanitarian appeal concerning Mr Wood.

The European Union recognises the exceptionally grave nature of the crime in question. Nevertheless, the European Union is opposed to the death penalty in principle, as it believes that the elimination of the death penalty is fundamental to the protection of human dignity and to the progressive development of human rights.

The European Union considers that in states which have not as yet abolished the use of capital punishment the death penalty should not be imposed on persons suffering from a mental disability. The European Union is aware that the judicial authorities in Alabama concluded that Mr Wood did not meet the legal definition of mental retardation. Nevertheless, the European Union notes with concern the expert testimonies to the effect that Mr Wood suffers from a number of serious mental deficiencies which we believe amount to mental disability worthy of clemency under your powers of relief.

In *Atkins v Commonwealth of Virginia*, the United States Supreme Court ruled that the execution of persons with mental retardation violated the US Constitution. Along similar lines, the EU considers that the execution of persons with mental disorders is contrary to widely-accepted human rights norms and is in contradiction of the minimum standards of human rights set forth in several international instruments. Among these are the United Nations Economic and Social Council Resolution 1996/15 on the safeguards guaranteeing protection of the rights of those facing the death penalty, as well as Resolution 2005/59 of the United Nations Commission on Human Rights which specifically urges all States that maintain the death penalty "Not to impose the death penalty on a person suffering from any mental or intellectual disabilities or to execute any such person".

Governor Bob Riley
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

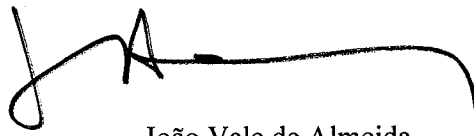
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We therefore respectfully urge you, Governor, to take these factors into account and to commute the sentence of Mr Wood to life imprisonment.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line that ends in a small hook.

João Vale de Almeida
Ambassador

Cc: Sonny Reagan, Chief Legal Advisor, Legal Office of Governor Riley