



Slovensko predsedstvo EU 2008
Slovenian Presidency of the EU 2008
La Présidence slovène de l'UE 2008

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Slovenian Presidency of the Council of the European Union

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EU statement on the death penalty in the USA

On September 11, 2007 the Ambassadors of the European Union in Washington appealed to the Governor of Kentucky, the Honourable Ernie Fletcher to spare the life of Mr. Ralph Baze, whose execution would have broken a *de facto* moratorium that was in place within the State of Kentucky since 1999.

On 16 April 2008, the United States Supreme Court issued a ruling in Mr. Baze's case which will allow the continued use of lethal injection as practiced by the State of Kentucky. The European Union notes with disappointment the United State Supreme Court's decision in this case and renews its call on Governor Fletcher to commute the sentence of Mr. Baze.

The EU reiterates its longstanding position against the death penalty in all circumstances and accordingly strives to achieve its universal abolition, seeking a global moratorium on the death penalty as the 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.

The EU recalls that on 18 December 2007, the United Nations General Assembly adopted a resolution on a Moratorium on the use of the death penalty, which explicitly calls upon all States that still maintain the death penalty to establish a moratorium on executions with a view to abolishing the death penalty

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The EU recalls that any miscarriage or failure of justice in the application of capital punishment represents an irreparable and irreversible loss of human life. No legal system is immune from mistakes and there is no reliable evidence that the death penalty provides added value in terms of deterrence.

In light of this US Supreme Court decision, we strongly encourage the continuation of the de facto moratorium in place within the United States allowing the ongoing debate on the complex issues involved to be thoroughly deliberated.

It is with deep regret that the European Union has learned that the de facto moratorium, which has been in place in the US during the debate on the use of lethal injections, now has been broken with the execution of Mr. William Lynd on 6 May 2008 in the State of Georgia. On 5 May the EU made an appeal to the appropriate authorities in the State of Georgia to grant Mr. Lynd relief from his death penalty but regrettably this appeal had no effect.

Furthermore, the EU would also like to express concern about two imminent cases of execution in the United States of persons suffering from mental disorders. The EU has learned that Mr. Earl Wesley Berry is to be executed in the State of Mississippi on 21 May 2008. Mr. Berry has been diagnosed with paranoid schizophrenia. We appeal to the appropriate authorities in the State of Mississippi to grant Mr. Berry relief from his death penalty.

The EU has also learned that Mr. Kevin Green is to be executed in the State of Virginia on 27 May 2008. The European Union notes that there is evidence to suggest that Mr. Green has mental retardation, displaying significantly sub-average intellectual functioning. We appeal to the appropriate authorities in the State of Virginia to grant Mr. Green relief from his death penalty.

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Consistent with our stance, the EU trusts that the government of the United States of America will inform the federal states of our call for the immediate establishment of *de facto* and *de jure* moratoria on the use of the death penalty with a view to abolition.

The candidate countries Turkey, Croatia* and the former Yugoslav Republic of Macedonia*, the countries of the Stabilisation and Association Process and potential candidate countries Albania, Bosnia and Herzegovina, Montenegro and Serbia, the European Free Trade Association countries and members of the European Economic Area Iceland, Liechtenstein and Norway, as well as the Republic of Moldova, Armenia and Azerbaijan align themselves with this statement.

* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process

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