



EUROPEAN UNION
DELEGATION TO THE UNITED STATES OF AMERICA

The Head of Delegation

Washington, 17 September 2010
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The Honorable
Robert F. McDonnell
Governor
Commonwealth of Virginia
Office of the Governor
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, Virginia 23219
Fax: (804) 371-6351

**Subject: Demarche on probable execution of one prisoner on death row in the
Unites States. Ms. Teresa Lewis (VIRGINIA, US)**

Dear Governor McDonnell,

The European Union takes this opportunity to make an urgent appeal on behalf of Ms. Teresa Lewis who is scheduled to be executed in the Commonwealth of Virginia on September 23, 2010. We wish to inform you of the opposition of the European Union to the use of capital punishment under all circumstances; accordingly, the EU seeks universal abolition of the death penalty, calling for a global moratorium on the death penalty as a first step.

We fully appreciate the serious nature of the crime that lies at the heart of this matter, and want to express our sincere sympathies to the surviving family and friends of the victims. However, we do not believe their loss will be mitigated by the death of Ms. Lewis.

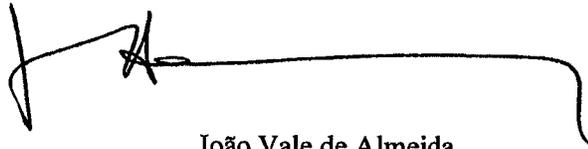
To be very clear, we are seeking a simple commutation of the sentence. We believe strongly that while death sentences are inappropriate in all cases, there should be no impunity for perpetrators of murder. We are, therefore, urging you, Governor McDonnell, to use your power to commute the sentence of Ms. Lewis.

In the present case, the European Union notes with concern that Ms. Lewis' mental capacity, at the time of the crime, and at her subsequent admission of culpability, are in question. While sources have indicated that this might be a case of "borderline" mental retardation, the European Union recalls that the United States Supreme Court has ruled in the case of *Atkins v. Virginia* that the execution of mentally retarded prisoners, regardless of the degree of retardation, is a violation of the US Constitution. In the light of this precedent, and given the significant doubts as to Ms. Lewis' mental capacity, we urge you to exercise clemency.

The European Union considers that the execution of people with mental disorders of all types is contrary to minimum standards of human rights set forth in several international instruments. Among these are the United Nations Economic and Social Council (ECOSOC) Resolution 1996/15 on the safeguards guaranteeing protection of the rights of those facing the death penalty, in addition to Resolution 2005/59, adopted by the United Nations Commission on Human Rights which specifically urges all states that still 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".

We therefore respectfully urge you, Governor, to take these factors into account and to commute the sentence of Ms. Lewis to life in prison. We want to assure you of the great respect in which the EU holds the Commonwealth of Virginia and we recognize the mutual benefit of the more than four hundred years of history we share.

Sincerely,

A handwritten signature in black ink, consisting of a stylized initial 'J' followed by a long horizontal line that curves slightly at the end.

João Vale de Almeida
Ambassador