

IS IT A CASE FOR AMNESTY INTERNATIONAL?

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WHAT IS THE MANDATE OF AMNESTY INTERNATIONAL?

Amnesty International plays a specific role in the international protection of human rights. Its activities focus on prisoners:

- It seeks the **release of prisoners of conscience**. These are people detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, who have not used or advocated violence.
- It works for **fair and prompt trials** for **all political prisoners** and on behalf of such people detained without charge or trial.
- It opposes the **death penalty and torture** or other cruel, inhuman or degrading treatment or punishment of **all prisoners** without reservation.

Amnesty International's work is based on principles set forth in the United Nations Universal Declaration of Human Rights. The rights proclaimed by the declaration apply to all people. They have been incorporated into many countries' constitutions and laws and have been further elaborated in other international human rights standards adopted by the United Nations. These universal rights include the right to freedom of speech, conscience and religion, to freedom from arbitrary arrest and detention; the right to a fair trial; the right to life, liberty and security of person; the right not to be tortured. Amnesty International works to protect these rights by its efforts to secure the release of prisoners of conscience, fair and prompt trials in political cases and an end to torture and executions. By concentrating on a specific program in the entire human rights field, Amnesty International does not imply that the other rights it does not deal with are less important; it concentrates on its own defined area in order to be as effective as possible and to put its limited resources to the most efficient use. Amnesty International therefore takes up only those cases that fall within its mandate.

Whenever Amnesty International hears of political arrests or people threatened with execution, it concentrates first on getting the facts. At its International Secretariat and check every available detail in order to build up a profile of the prisoners and under which they have been detained. Questions are sometimes put to governments about the position of the prisoners. Efforts to help the prisoners get underway only after it is clear whether their cases fall within Amnesty International's mandate.

A chart such as this can indicate the broad questions Amnesty International asks when establishing whether or not a case falls within its mandate. Sometimes the organization cannot obtain the necessary information – for example, the government's response to requests for information – and Amnesty International has to judge each case on its own merits, taking into account not only the known facts, but also the purpose is to be of practical help to the individual prisoner who is unjustly incarcerated, or faces torture or execution.

IS THE PERSON A PRISONER?

(Is the person in jail, any other detention centre, or physically restricted by the authorities; for example, under house arrest, internal exile or a banning order?)

Yes

No

Is the person a political prisoner?

(Is there a political element in the case? Did the authorities detain the individual for political reasons? Were the prisoner's actions politically motivated?)

No

Yes

If the person has been imprisoned for criminal acts such as theft or murder and if there are no grounds to believe that either the crime or the imprisonment were politically related, or that the prisoner faces torture, ill-treatment or death, the case does not fall within Amnesty International's mandate. For this reason Amnesty International does not take action even if there have been allegations that there may have been miscarriages of justice in criminal proceedings.

Has the person been tried?

No

Amnesty International opposes the detention of any political prisoner without trial within a reasonable time. It calls for an end to administrative internment and other procedures that allow for political detention without trial. In many countries, either under the ordinary law or

Can the imprisonment reasonably be attributed to the person's political, religious or other conscientiously-held beliefs or to his or her ethnic origin, sex, colour or language?

(In many countries people are detained for trying to exercise their rights to freedom of expression, association, assembly or movement. Others may be held for refusing to do military service on grounds of conscience. Others are imprisoned because they or their families are political or religious activists. Some are arrested because of their involvement with political parties or national minority movements that oppose government policies. Trade union activity or participation in strikes or demonstrations is a common cause of imprisonment. Often people are sent to prison simply because they questioned their government or tried to publicize human rights violations in their own countries. People have often been imprisoned on the pretext that they committed a crime, but in fact because they criticized the government.)

Is the prisoner threatened with torture or a torture victim?

(Has the prisoner been tortured or subjected to cruel, inhuman or degrading treatment? Is the prisoner in imminent danger of being tortured? Torture is systematic in many parts of the world despite the international agreements that forbid it and despite the many denials from governments that use it. It is used to gain information, to force confessions, to intimidate others, and to punish and terrorize.)

Yes

No

Amnesty International opposes the torture and other cruel, inhuman or degrading treatment or punishment of *all* prisoners without reservation. Whenever there are fears that a

Is the prisoner facing the death penalty?

(The death penalty is in force in more than 100 countries around the world. Frequently it is imposed in politically-related cases. Execution methods include shooting, electrocution, lethal injection, hanging, stoning and decapitation.)

Yes

No

Amnesty International opposes the death penalty in *all* cases on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights. The imposition and infliction of

AMNESTY INTERNATIONAL?

Amnesty International hears of political arrests or people threatened with torture or death first on getting the facts. At its International Secretariat researchers collect available detail in order to build up a profile of the prisoners and the circumstances in which they have been detained. Questions are sometimes put to governments to clarify the facts. Efforts to help the prisoners get underway only after it has been established that the case falls within Amnesty International's mandate.

The questions Amnesty International asks when establishing whether or not a case falls within its mandate. Often, however, the answer is not determined. Sometimes the organization cannot obtain the necessary information - government secrecy and censorship can hide the truth. Sometimes the facts are open to different interpretations. It is impossible to lay down rules to cover all situations. Each case is judged on its own merits, taking into account not only the known facts, but also the possibilities for intervening: the movement's mandate is to help the individual prisoner who is unjustly incarcerated, or faces torture or execution.

IS THE PERSON A PRISONER?

(Is the person in jail, any other detention centre, or physically restricted by the authorities: for example, under house arrest, internal exile or a banning order?)

Yes

No

Can the imprisonment reasonably be attributed to the person's political, religious or other conscientiously-held beliefs or to his or her ethnic origin, sex, colour or language?

(In many countries people are detained for trying to exercise their rights to freedom of expression, association, assembly or movement. Others may be held for refusing to do military service on grounds of conscience. Others are imprisoned because they or their families are political or religious activists. Some are arrested because of their involvement with political parties or national minority movements that oppose government policies. Trade union activity or participation in strikes or demonstrations is a common cause of imprisonment. Often people are sent to prison simply because they questioned their government or tried to publicize human rights violations in their own countries. People have often been imprisoned on the pretext that they committed a crime, but in fact because they criticized the government.)

No

Yes

Possibly

Has the person "disappeared"?

In many countries victims remain unaccounted for after being taken into custody by security forces, or abducted by agents acting with the complicity of governments. The authorities refuse to acknowledge responsibility for their detention or to disclose their whereabouts. Amnesty International insists that governments be held publicly accountable for the fate of the victims. When details of a possible "disappearance" are reported an international network of volunteers can be alerted to press the authorities to reveal the whereabouts of the missing person. Long-term case work can also be organized on their behalf. Amnesty International also launches special publicity efforts to highlight this violation of human rights and ensure that the individual's fate remains a matter of public attention.

Is the person a refugee?

Amnesty International opposes the forcible return of anyone to a country where they can reasonably be expected to become prisoners of conscience or to be subjected to torture, the death penalty or extra-judicial execution. To prevent this from happening, Amnesty International presents information about the risks refugees face in their countries or origin to specialized refugee agencies and to governments considering applications for political asylum. It may also assist individuals who wish to leave a country where they are held as prisoners of conscience or can reasonably be expected to

Is the person at risk from political killings by a government?

Hundreds of thousands of people have been the victims of deliberate killings carried out on the orders of governments or with their complicity.

Governments are responsible for the lives and security of their citizens. They have a duty not to commit or condone political killings and to take all measures necessary to ensure that those responsible - directly or indirectly - are brought to justice. Their accountability is not diminished by national security considerations or by the fact that opposition groups commit similar acts.

Is the person a released prisoner?

In some cases after a prisoner is released there may still be a need for assistance from Amnesty International. Aftercare activities focus on humanitarian aid to the prisoner, for example, sending relief funds and keeping up correspondence with the prisoner and his or her family.

Long-term medical care and rehabilitation assistance may be needed for people who have been tortured. Amnesty International itself does not undertake such programs, but doctors and other health workers involved in the movement can be contacted where such treatment is available.

Is the person being harassed by the authorities?

Many people suffer discrimination on political or other grounds. Some are fired from their jobs, others denied equal access to education, housing and other social rights.

Amnesty International concentrates on a specific program in the field of human rights, and such violations do not fall within the mandate of Amnesty International. Amnesty International cannot, therefore, take action on behalf of such victims; in many cases, other human rights organizations may be able to help.

WHAT IS AMNESTY INTERNATIONAL?

Thousands of people are in prison because of their beliefs. Many are held without charge or trial. Torture and the death penalty are widespread. In many countries, men, women and children have "disappeared" after being taken into official custody. Still others have been put to death without any pretence of legality: selected and killed by governments and their agents.

These abuses - taking place in countries of widely differing ideologies - demand an international response. The protection of human rights is a universal responsibility, transcending the boundaries of nation, race and ideology. This is the fundamental belief upon which the work of Amnesty International, an independent world-wide voluntary movement, is based.

Amnesty International has an active worldwide membership with more than 500,000 individual members, subscribers and supporters in over 150 countries and territories. The movement is open to anyone who supports its goals.

The work is impartial. Amnesty International is concerned solely with the protection of human rights involved in each case, regardless of the ideology of the government or the beliefs of the victims.

Amnesty International attaches great importance to impartial and accurate reporting of facts. Its Research Department collects and analyses information from a wide variety of sources. These include hundreds of newspapers and journals, government bulletins, transcriptions of radio broadcasts, reports from lawyers and humanitarian organizations, as well as letters from prisoners and their families. Amnesty International also sends fact-finding missions for on-the-spot investigations and to observe trials, meet prisoners and interview government officials.

Amnesty International is a democratic movement - its supreme governing body is an International Council of elected delegates from its sections around the world. The Statute of Amnesty International - which defines the organization's mandate - can be altered only by a two-thirds majority at the International Council. Over the years that mandate has been amended but its central themes have not recently changed: freedom for prisoners of conscience; fair trial for political prisoners and an end to torture and executions.

(Has the prisoner been tortured or subjected to cruel, inhuman or degrading treatment? Is the prisoner in imminent danger of being tortured? Torture is systematic in many parts of the world despite the international agreements that forbid it and despite the many denials from governments that use it. It is used to gain information, to force confessions, to intimidate others, and to punish and terrorize.)

Yes No

Amnesty International opposes the torture and other cruel, inhuman or degrading treatment or punishment of *all* prisoners without reservation. Whenever there are fears that a prisoner may be tortured immediate appeals are sent to the authorities. Officials may be urged to guarantee the prisoner's safety, allow access by lawyers and relatives and provide medical care. Doctors may be included in Amnesty International missions in order to interview prisoners or former prisoners to help investigate torture allegations. Aftercare and rehabilitation for torture victims is another concern of Amnesty International, once such people are released from custody.

PRISON CONDITIONS

Many prisoners are kept in overcrowded, filthy and grossly inadequate conditions. Amnesty International is not a penal reform organization, but in the course of its regular case work it frequently asks that prisoners be held in proper conditions as set forth in the United Nations Standard Minimum Rules for the Treatment of Prisoners. Amnesty International does not, however, seek to duplicate the efforts of other bodies more specifically concerned with prison inspection. In the case of prisoners of conscience, whom Amnesty International believes should be immediately and unconditionally released, the organization seeks improvements in all aspects of prison conditions and treatment.

AGAINST TORTURE AND THE DEATH PENALTY

As well as intervening in individual cases, Amnesty International urges governments to take measures to prevent torture and abolish the death penalty.

Torture Amnesty International calls on governments to implement the provisions of the United Nations Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This declaration includes a universal injunction against torture and stipulates that governments are responsible for investigating torture allegations, instituting criminal proceedings in torture cases and compensating the victims. Work is also underway to promote international mechanisms to prevent torture, such as independent, international inspection of detention centres.

Death Penalty Amnesty International campaigns for the abolition of all legislation providing for the death penalty. It appeals to individual governments and works with the United Nations and other bodies to abolish the death penalty worldwide.

(The death penalty is in force in more than 100 countries around the world. Frequently it is imposed in politically-related cases. Execution methods include shooting, electrocution, lethal injection, hanging, stoning and decapitation.)

Yes No

Amnesty International opposes the death penalty in *all* cases on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights. The imposition and infliction of the death penalty is brutalizing to all who are involved in the process. The death penalty has never been shown to have any special deterrent effect against violent crime. Execution is irrevocable and can be inflicted upon the innocent.

Has the prisoner already been sentenced to death?

Yes No
Amnesty International appeals for clemency.

Is the prisoner being tried on charges that carry the death penalty?

Amnesty International calls on the prosecuting authorities not to demand the death sentence.

acts such as theft or murder and if there are no grounds to believe that either the crime or the imprisonment were politically related, or that the prisoner faces torture, ill-treatment or death, the case does not fall within Amnesty International's mandate. For this reason Amnesty International does not take action even if there have been allegations that there may have been miscarriages of justice in criminal proceedings in such cases. Nor does it seek the release of people convicted of such crimes. If the prisoner has been tortured or sentenced to death, the case does come within those concerns of Amnesty International that apply to *all* prisoners: opposition to torture and executions.

Was it a fair trial?

(Did the procedures conform to internationally recognized standards that specify the right to have an impartial, public hearing with full rights of defence and appeal?)

No Yes

Amnesty International opposes trial procedures in political cases that do not conform to international norms. For example, trials are held behind closed doors, or, while nominally public, only those selected by the authorities are allowed to attend. Prisoners are denied a defence lawyer of their choice – or the defence is not allowed to call witnesses or present evidence. Cases are heard by special tribunals and military courts whose composition is incompatible with an impartial hearing or whose procedures fall short of those in ordinary courts. Amnesty International sends observers to trials, calls for legislative improvements and may investigate such cases to determine if the individual is a prisoner of conscience. Even if the individual is not eligible for adoption as a prisoner of conscience, the case may be assigned to a group which is then asked to urge that the prisoner's right to a fair trial within a reasonable time be respected.

Has the person been tried?

No

Amnesty International opposes the detention of any political prisoner without trial within a reasonable time. It calls for an end to administrative internment and other procedures that allow for political detention without trial. In many countries, either under the ordinary law or states of emergency, the authorities put people in prison without charging them. In some cases imprisonment lasts for decades. A fair and public hearing within a reasonable time is a basic human right – to imprison anyone for a long period without proving a case against them is a violation of that right.

Where Amnesty International has definite information that detainees are prisoners of conscience it demands their release. In other cases of political imprisonment Amnesty International may urge that the prisoner be given a fair trial or else released, or may call for an independent review of the cases.

In many countries governments pass laws that violate people's rights such as freedom of expression and association or the freedom to leave one's country. Individuals imprisoned for exercising these rights – even if this means breaking the law in their countries – may be prisoners of conscience.

Amnesty International does not call for special status for particular groups of prisoners. Political prisoners who have been fairly convicted, like *all* prisoners, should be treated humanely. Where there are allegations of torture or where the death sentence has been imposed, the case comes within those concerns of Amnesty International that apply to *all* prisoners: opposition to torture and executions.

beliefs or to his or her ethnic origin, sex, colour or language?

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No Yes Possibly

Has the prisoner used or advocated violence?

(Can the imprisonment reasonably be attributed to acts involving the use or advocacy of violence?)

Yes No Possibly

This is a prisoner of conscience, imprisoned in violation of the Universal Declaration of Human Rights. Amnesty International works for the immediate and unconditional release of *all* prisoners of conscience.

PRISONERS

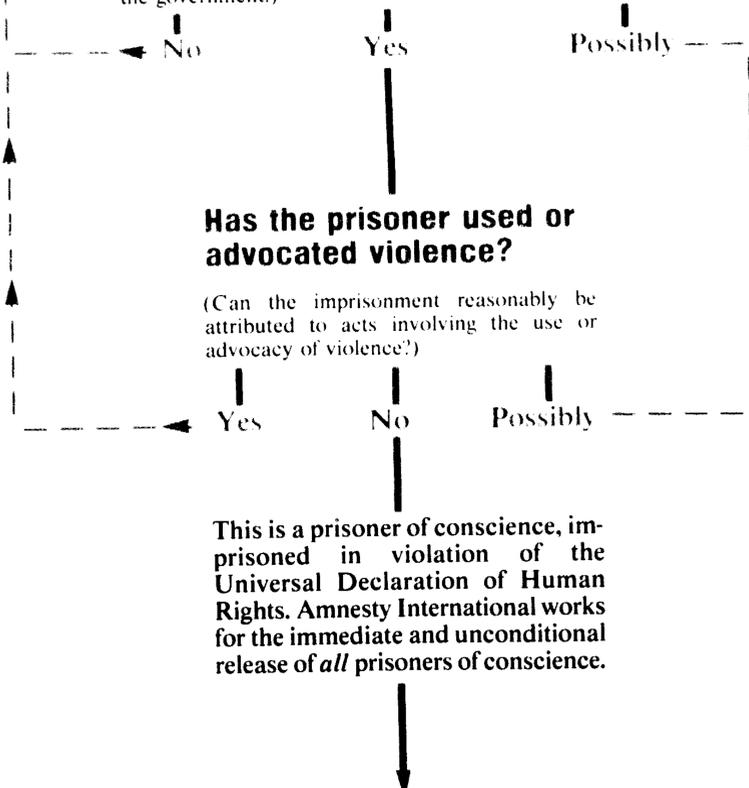


Prisoners of Conscience are held by governments in all the regions of the world, in countries with diverse political and social systems. Some prisoners of conscience are held for actions undertaken as individuals; others are part of a group or movement. Some have acted in direct opposition to the government in power or the established system of government; others have deliberately worked within their country's political system but have been imprisoned for their beliefs or peaceful activities nonetheless.

For every prisoner of conscience whose case becomes news, there are many more who are unknown; and even those who gain wide publicity tend to be forgotten over time. Amnesty International aims to give attention to all the forgotten prisoners, to ensure that they remain a public concern and that they are cared for individually as long as they remain in prison.

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killings carried out on the orders of governments or with their complicity. Governments are responsible for the lives and security of their citizens. They have a duty not to commit or condone political killings and to take all measures necessary to ensure that those responsible directly or indirectly are brought to justice. Their accountability is not diminished by national security considerations or by the fact that opposition groups commit similar acts.

Aftercare activities focus on humanitarian aid to the prisoner, for example, sending relief funds and keeping up correspondence with the prisoner and his or her family. Long-term medical care and rehabilitation assistance may be needed for people who have been tortured. Amnesty International itself does not undertake such programs, but doctors and other health workers involved in the movement can be contacted where such treatment is needed. There are independent clinics and medical teams prepared to help in these cases.

are freed from their jobs, others denied equal access to education, housing and other social rights. Amnesty International concentrates on a specific program in the field of human rights, and such violations do not fall within the mandate of Amnesty International. Amnesty International cannot, therefore, take action on behalf of such victims; in many cases, other human rights organizations may be able to help.

INVESTIGATION CASES

When Amnesty International does not have enough information to be certain about the reasons for imprisonment, but where there are some grounds to believe that the individual could be a prisoner of conscience, the case is taken up for *investigation*. The case is usually assigned to a group which is asked to write to the authorities to obtain further details, such as where the prisoner is held, what charges are faced, and what is the evidence against the prisoner. The group will stress that there is an obligation on the government to publish the facts about political imprisonment. Only if it is clear that a case can be treated as that of a prisoner of conscience, however, does Amnesty International "adopt" the prisoner and call for his or her immediate and unconditional release.

RELIEF

Prisoners are not the only ones to suffer the effects of imprisonment. A family whose breadwinner has been imprisoned, perhaps for a number of years, faces many hardships. Paying for food, school fees, rent and travel may become an insuperable problem. Help, either from an Amnesty International group or from general funds held at the International Secretariat, can make a great difference.

Relief funds may help the prisoner directly, enabling him or her in some instances to buy the few small luxuries prisoners are allowed, or basic necessities such as blankets and winter clothes in cold climates. Relief is not intended, however, to compensate the prisoners or their families for total loss of income during the period of detention.

- Amnesty International, as a matter of principle, condemns the torture and execution of prisoners by *anyone*, including opposition groups. It holds that governments have the responsibility of dealing with such abuses, acting in conformity with international standards for the protection of human rights.
- In its efforts to mobilize world public opinion, Amnesty International neither supports nor opposes economic or cultural boycotts. It takes a stand against the international transfer of military, police or security equipment and expertise used by recipient governments to detain prisoners of conscience and to inflict torture and carry out executions.
- Amnesty International does not grade governments or countries according to their record on human rights. Instead of attempting comparisons, Amnesty International concentrates on trying to end specific violations of human rights in each case.
- Amnesty International takes no position on the question of violence. It does not identify itself with any of the parties to a particular conflict, violent or non-violent, nor does it presume to judge in any situation whether recourse to violence is justified or not. It deliberately restricts itself to working for the protection of the human rights that fall within its mandate and does not comment or act on issues that fall outside those terms of reference.
- Amnesty International is impartial. It neither opposes nor supports any government or political system. Nor does it support the views of the prisoners whose rights it defends.
- Amnesty International makes its own assessment of the facts in each case. It is not bound to accept the assertion of a government, the interpretation of a court, or the claim of a prisoner, as to whether a prisoner has used or advocated violence. The fact that a prisoner has been convicted of breaking the law or belongs to an organization whose aims call for the use of violence, does not in itself preclude an individual from being considered a prisoner of conscience: each case is decided on its own merits.

PRISONERS OF CONSCIENCE



Prisoners of Conscience are held by governments in all the regions of the world, in countries with diverse political and social systems. Some prisoners of conscience are held for actions undertaken as individuals; others are part of a group or movement. Some have acted in direct opposition to the government in power or the established system of government; others have deliberately worked within their country's political system but have been imprisoned for their beliefs or peaceful activities nonetheless.

For every prisoner of conscience whose case becomes news, there are many more who are unknown; and even those who gain wide publicity tend to be forgotten over time. Amnesty International aims to give attention to all the forgotten prisoners, to ensure that they remain a public concern and that they are cared for individually as long as they remain in prison.

When the facts show that individuals are prisoners of conscience, the cases are allocated to one or more of the movement's groups around the world. The groups - comprising local Amnesty International members - study the background to the cases and then begin writing to the responsible authorities, appealing for the prisoners' immediate and unconditional release.

Letter after letter goes to cabinet ministers and prison officials. The members try to get publicity about their adopted prisoner in the local press. They go to the foreign embassy or trade delegation in their country. They get prominent people to sign appeals. If they can contact the prisoner's family, they can send relief parcels and correspond with the prisoner.

"I can never forget," wrote a prisoner of conscience now freed, "how I was moved to tears when unexpectedly I was handed in a solitary cell a brief letter from Amnesty International."

FUNDS

In carrying out this humanitarian work, which is governed by the same principles of impartiality that guide the overall work of Amnesty International, the organization relies heavily on the generosity of its members and on individual donors.

The movement's financial independence is as vital to its work as its political independence. Rules about accepting donations are strict and ensure that any funds received by any part of the organization do not affect its integrity, make it dependent on any donor or limit its freedom of activity. By far the greatest part of the movement's funds come from small, individual donations, from membership fees and local fund-raising drives. It does not seek or receive government funds for its international budget.



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