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Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom

To: All sections and structures

From: SCRA

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BUILDING ON SUCCESS

Review of AI Work Against the Death Penalty: Summary of the Draft Report and Recommendations

Summary

Attached is a summary of the report on the review of AI's work against the Death Penalty produced by the SCRA consultants Mark Warren and Karsten Luethke pursuant to Decision 28 of the 1999 ICM. This summary is being circulated for consultation.

The full report (ACT 50/008/2002) is available in English only from OLU.

Distribution

This circular is being distributed to all sections and coordinating structures.

Recommended Actions

Please send all comments to Mark Warren (aiwarren@sympatico.ca) and Karsten Luethke (karstenluethke@aol.com) by 15 January 2003.

Those desiring a copy of the full report should send an email request to Maggie Pullen in OLU at the IS (mpullen@amnesty.org.)

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Overview

Amnesty International's program of work against the death penalty makes an irreplaceable contribution to the global abolitionist movement. Following an extensive consultation and review, the consultants conclude that the fundamental mechanisms and working techniques within the program are generally sound and are quite advanced in many respects. However, modifications of perception, strategy and tactics are called for in order to sustain the effectiveness of this work in a rapidly changing internal and external environment.

The draft report (available from the IS/OLU on request) proposes a series of recommendations and action points addressing many aspects of AI work against the death penalty, including policies, strategies, research, action techniques and public information. Along with a list of future priorities, a larger and more visionary recommendation has also emerged from the consultations: a new way of perceiving AI work against the death penalty, expressed as broad principles that would guide its long-term development.

Methodology

Under the guidance of the Standing Committee on Research and Action (SCRA), the consultants Mark Warren (AI Canada) and Karsten Lüthke (AI Germany) prepared a work plan and began developing appropriate consultation techniques. These working methods produced a series of initiatives: tailored surveys for AI members active in death penalty work, Urgent Action coordinators and Sections; interviews with staff; an e-mail discussion group; a desk study of AI materials; a background paper for discussions within sections; consultations with external experts and monitoring of internal and external developments. Extensive use was made of e-mail and Internet postings to distribute the surveys, which were also circulated by mail. In total, responses have now been received and processed from over 150 sources.

Internal and External Trends

Over the past 25 years, AI has developed a core element of active death penalty campaigners, a sophisticated program of death penalty research, information and action and a worldwide reputation for leadership in abolition campaigning. However, questions have arisen regarding issues such as the

effectiveness of AI structures and action techniques in death penalty work or the level of participation by the general membership.

The world has taken enormous strides since the AI death penalty campaign in 1989, including the adoption of several abolitionist protocols to international human rights conventions and the total elimination of the death penalty from large parts of the world. The next steps may not be so rapidly achieved. Resistance to abolition is coalescing around a few powerful countries and broad regions. Moves towards abolition are still precarious in some countries, with calls for active reinstatement to counter rising crime rates. Recent events have prompted some states to expand the application of the death penalty for terrorist activities, while undermining due process and fair trial rights.

On the other hand, the international movement to abolish the death penalty has never been stronger. The World Coalition against the Death Penalty was formally constituted earlier this year, with representatives from over 20 organizations participating in the founding meetings. (Amnesty International has now decided to become a full member of the coalition). Within the abolition movement as a whole, there is a growing emphasis on developing strategic alliances. Another positive trend is the increasing involvement of new actors: intergovernmental organizations, religious leaders, individual governments and heads of state as agents for abolition.

While the overall directions are encouraging, many challenges remain. The death penalty has deep roots in the local society and culture of many nations. Although the number of retentionist countries has fallen sharply, a majority of the world's population still lives in the shadow of the death penalty—and the global execution rate has not declined.¹

Findings

Strengths to build on

- AI plays a crucial role in the global abolition movement
- the AI position is clear, credible and persuasive
- death penalty work is part of the AI core identity
- AI research is an essential asset for the abolition movement
- a high level of staff/volunteer expertise
- the Death Penalty Network is extensive, motivated and organized
- AI has a unique ability to mobilize a global membership
- excellent opportunities for campaigning projects and joint action
- strong links to other thematic concerns

Challenges to Meet

- a perceived lack of coherent strategies
- thematic concerns are not fully developed
- the AI position on some issues requires further refinement
- there are some significant research gaps
- membership action remains largely a specialist activity
- a limited use of and support for volunteer expertise
- little lateral communication between AI structures
- Section activity levels vary widely
- public information materials are limited or out of date
- coalition work is not fully developed

¹ For a brief history of the AI program and a more detailed overview of internal and external factors, see: *Review of AI Work Against the Death Penalty: Background and Discussion Paper* (ACT 51/003/2002)

Future Priorities

The internal consultations produced broadly consistent responses that indicate a high degree of consensus on the major strengths, weaknesses and potential of the international death penalty program.² The surveys of death penalty activists, Urgent Action coordinators and AI Sections each produced the same 5 top priorities for future AI work against the death penalty:

Supporting domestic legislation to restrict or abolish the death penalty

Death penalty education and training

Developing international standards to further restrict or abolish the death penalty

Work on individual death penalty cases

Providing information to governments, media and the public

The draft report also proposes a new way to conceptualize AI work against the death penalty, by viewing the issue as incorporating and reflecting universal *thematic* concerns within the new Amnesty vision. Economic, racial and identity-based discrimination; fair trial concerns; the international rule of law; violations of physical and mental integrity: these are but some of the overarching themes that converge on the death penalty. A more *holistic* approach to death penalty work is also called for, one based on an analysis of the societal factors that support its retention within the individual nations and sub-regions where it is most deeply entrenched. Full implementation of this approach would require some reorganization in the way that AI takes action against the death penalty. This new way of conceptualizing death penalty work may also provide a model for reorganizing AI activities more generally, to reflect an organization that is increasingly thematic and holistic in its approach to human rights concerns.

Guiding Principles for future work

Based on the findings of the consultations and an assessment of external and internal trends, six guiding principles are proposed to direct the future development of AI work against the death penalty. In future, Amnesty International:

- 1) will adopt a **holistic, flexible and integrated** approach to work against the death penalty³, with a greater focus on underlying **thematic issues** that are common to the death penalty across world regions and which link to other core AI concerns. This holistic and thematic approach will be reflected in AI research, information and campaigning strategies;
- 2) sees itself as part of a worldwide **coalition** working for the common goal of death penalty abolition and will develop strategic partnerships with other organizations, adjusting its working methods, research priorities, campaign planning and action techniques accordingly;

²This program could be broadly defined as consisting of the membership structures and staff at all levels of the organization that are engaged in ongoing work against the death penalty internationally.

³A *holistic* approach seeks to understand the death penalty in the larger context of the local society and culture, in order to develop more effective strategies against its use. A *flexible* approach encourages experimentation, initiative and teamwork between members and staff at all levels. An *integrated* approach views each AI program and structure as a gateway through which members and the public can learn about and take action against the death penalty.

- 3) will further develop its death penalty **strategies**, with a focus on fostering the next practical steps towards abolition based on the prevailing local conditions and opportunities. These strategies will be developed in consultation with AI sections and other abolitionist organizations active in each sub-region or country;
- 4) will undertake a thorough renewal and redesign of its **death penalty materials** and the presentation of that information;
- 5) will refine and redesign its current membership **action techniques** for work against the death penalty, including better integration of death penalty work into other programs;
- 6) will make better use of existing **volunteer expertise** in all aspects of its work against the death penalty, while providing additional training and support for capacity-building in this core area of work.

General Recommendation:

Amnesty International should adopt and implement the proposed Guiding Principles to direct the future development of its work against the death penalty.

Specific Recommendations

From the stated priorities generated by the internal consultations and the overall survey findings, this report proposes specific recommendations and action points in 12 key areas. Space limitations prevent the presentation of most of the action points here; for a comprehensive listing, please consult the full report (ACT 50/008/2002). The specific recommendations are intended to be both realistic and achievable within the next five years, as measured by the proposed action points.

1. Death Penalty Work and the New Campaigning Model: Building the Future

The overall AI program of work to abolish the death penalty is generally sound and quite advanced in some respects. Many of the basic elements that would be required for a more flexible and thematic approach to AI work in general do exist within this program.

AI already possesses the means and the expertise to rapidly initiate campaigning projects on death penalty concerns. In several areas of the world there appear to be good opportunities for specific, measurable and achievable initiatives, with strong prospects for membership action and for the development of new working methods.

Recommendations:

1.1: Work against the death penalty should be selected as one of the 4-7 themes for ongoing AI campaigning, with the development of two or more specific campaigning projects within the next 24 months.

1.2: A strategy for death penalty work should be incorporated into each of the Country Action Programmes, including supportive strategies for those countries within each programme that have abolished the death penalty.

1.3: The AI program of work against the death penalty should be used as a vehicle to test and evaluate overall techniques for implementation of the new AI campaigning model. The implementation and evaluation of these new approaches would then serve

as a model for the development of similar structures, strategies and techniques in other areas of AI activity.

Action Point:

– AI would develop, undertake and evaluate two or more campaigning projects in sub-regions of the world where retention of the death penalty is a major concern. The objective of each campaigning project would be to directly foster the next step towards local abolition of the death penalty, through a cooperative and thematic approach which integrates research, publicity, coalition-building and opportunities for membership action. (Examples of several possible campaigning projects are outlined in the Appendix to the draft report).

2. Strategies for Action: Preparing the Ground

The overall strategy for the international death penalty program could be restated as:

1) **consolidate gains** (for example, encourage the abolitionist efforts of non-governmental and inter-governmental organizations; combat reinstatement efforts; oppose efforts to expand the death penalty; seek full ratification of abolitionist treaties; prevent executions);

2) **expand the abolitionist base** (for example, identify and support efforts in countries on the brink of abolition; move countries from abolitionist in practice to abolitionist in law; intervene in landmark court cases);

3) develop the key role of **AI as a facilitator and resource provider** within the broader abolitionist movement (for example, work with and support other abolitionist organizations; strengthen death penalty work in developing AI Sections and Structures).

AI has long endorsed an incremental approach to abolition, which appears to be a sound and widely accepted strategy that should continue to guide the organization's work. The obvious implication of this approach is that strategies must be carefully tailored for the specific circumstances that exist within each retentionist jurisdiction, or within a sub-region that shares common barriers to abolition. AI should recognize that the best strategies for highly resistant retentionist countries must be both pragmatic and long-term. In some countries and regions, AI can play a unique role in generating initial steps that will lead eventually to abolition. There is a definite need for the further development and sharing of strategies at all levels.

Recommendations:

2.1: Amnesty International should consult widely both within and outside the organization, with a view to preparing and agreeing on strategies for each sub-region of the world where the death penalty remains a dominant concern. The overall objective of these strategies should be to foster the next practical steps towards abolition, based on the prevailing local conditions.

3. Research: Collaborating on New Themes

Since the publication of *The Death Penalty* in 1979 (ACT 05/03/79), Amnesty International has been the undisputed world leader in the production of comprehensive and accurate reports on the use of the death penalty worldwide. A search of external AI material with "death penalty" as the key word returned nearly 400 documents produced in the past decade.

However, there appear to be some significant gaps in AI research and reporting on the death penalty, both by region and by theme. Of particular note is the absence of thematic reports which address some

core death penalty issues that span many countries and regions. Those underlying thematic issues include: discrimination on the basis of race, gender, social status or sexual identity; the risk of executing the innocent; the application of the death penalty for non-lethal offenses; fair trial concerns and the failure to apply international human rights safeguards in death penalty cases.

A more collaborative and thematic approach to AI research and reporting on the death penalty is proposed, including: greater involvement of membership and Section expertise in the preparation of AI reports on the death penalty; joint reports in collaboration with other credible organizations in this field; greater use of outside experts for research missions or the drafting of reports. Where AI Sections have developed a capacity to carry out basic research on own-country death penalty issues, consideration should be given to collaborative reports prepared jointly by the Section and the International Secretariat.

To maintain consistency and accuracy, this collaborative approach would require integration of projects into the strategic plans of the relevant IS sub-regional teams, oversight by the IS and the submission of all draft reports through the approvals process.

Recommendation:

3.1: AI should adopt a more collaborative approach to research on the death penalty with greater involvement of internal and external sources of expertise, including joint projects between Sections and the IS and with other organizations. Using these collaborative techniques, AI should research and release a series of thematic reports on the death penalty, addressing common issues of concern which span a number of countries or world regions.

4. Policies and Issues: Enhancing Credibility

The classic AI position has been that the organization does not advocate any specific alternative penalty but that any such alternative must not constitute cruel, inhuman or degrading punishment. Amnesty's unwillingness to recommend (or oppose) specific substitute punishments may undermine the credibility of its overall argument for abolition.

Another recurring issue is the desire for more comprehensive AI arguments against the death penalty wherever it is justified on ideological or religious grounds, such as under Sharia law. The more holistic and thematic approach recommended for work against the death penalty may provide a productive way to understand and act on this challenge. By providing the space for debate and the opportunity for dialogue, the AI role would be to foster the development of culturally relevant arguments coming from within the culture itself.

AI should expand its arguments against the death penalty as a response to escalating crime rates, to drug-related offenses and to terrorism. There is also a perception that the AI position on specific moratorium initiatives is sometimes not clearly developed or stated and that AI materials may not always sufficiently recognize the impact of capital crimes on the victims' families.

Recommendations:

4.1: AI should re-examine its policy on alternative punishments to the death penalty, in order to develop a consistent approach which recognizes and addresses the potential human rights consequences of death penalty abolition.

4.2: AI should foster the development of culturally sensitive arguments against the death penalty, while at the same time exposing the underlying thematic concerns which are common to its application in all societies.

5. Inter-governmental and Legal Work: Committing to Abolition

Only a few years ago, it would have been inconceivable to expect governments to routinely protest individual executions abroad, to join as interveners in addressing death penalty issues in the national courts of another country or to file suit against executing nations before an international court. Opposition to the death penalty is now well established on the foreign policy agenda of many governments, resulting in ongoing abolitionist efforts that were once associated only with non-governmental organizations like AI.

AI has been fairly successful in putting the death penalty on the agenda of inter-governmental organizations, some of which have developed their own abolition programs (notably the Council of Europe and the European Union). These institutions are now a driving force in the struggle for global abolition. Work should continue with bodies such as the UN Commission on Human Rights, for resolutions calling for an international moratorium on executions and for enhanced protection of the rights of people facing the death penalty. While there is still room for further standard setting, it is equally if not more important to strive for full ratification of existing international instruments.

In some settings, important advances are won in the courts: abolition itself may come about through court rulings and individual lives can be saved through legal action. AI legal work and support (including through the provision of legal aid in exceptional cases) should be further developed in collaboration with interested segments of the legal profession. AI lawyers groups should get much more involved, particularly in locally monitoring cases at an early stage.

Recommendation:

5.1: AI should continue to focus on and develop its efforts against the death penalty in the area of intergovernmental organizations and legal work, as a high priority for future activity.

6. Internal Planning and Communication: Linking Activists

As AI struggles to find the resources to take on an ever-growing list of priorities, better use must be made of the expertise which the organization has fostered and developed within its own ranks of activists. One enduring legacy of the 1988/89 campaign against the death penalty is an extensive network of specialist coordinators, contacts and activists in many countries. Death penalty coordinators are an essential link in the chain between research and action, but are largely disengaged from the planning process and have little input into the development of strategic directions or research projects. Many of the specific recommendations in the draft report can best be developed through a more cooperative approach between volunteers and staff in areas such as research, strategic planning, information and action.

No general international meeting on the death penalty has taken place for more than a decade. AI should convene an international meeting as a high priority, bringing together death penalty specialists and other Section representatives. The scope of the meeting should include the planning of thematic campaigning and the reorganization of programmatic work.

Recommendations:

6.1: An international meeting on the death penalty should be convened as soon as possible after the next ICM.

6.2: AI should develop more cooperative working methods between staff and volunteer experts on the death penalty, including the greater involvement of death penalty specialists in action planning and evaluation.

7. Section Work: Developing Mutual Support

Section-level programs of work against the death penalty vary significantly. While some AI Sections have developed extensive programs supported by full-time staff, most rely primarily on volunteer efforts or are entirely dependent on servicing by the International Secretariat. The nature of work also varies considerably, depending on whether the Section's own country is retentionist or abolitionist. The primary focus of death penalty work by Sections in retentionist countries tends to be domestic in nature.

There seems to be very little interaction between Sections or between members in different Sections, indicating that the potential of AI as a world-wide membership organization is not utilized to the fullest extent possible. Opportunities for cross-Section fertilization should be further explored.

The abolition work of developing Sections is often hampered by a lack of resources, training and materials, suggesting that assistance provided by other more developed Sections could be of great benefit. This support could take many forms, including sponsoring speakers' tours, developing internship and exchange programs or by assisting in fundraising initiatives for death penalty projects.

A significant number of Sections or national organizing structures appear to have no designated contact person for ongoing work against the death penalty. As it is reasonable to expect that AI Sections should strive for at least a basic capacity to carry out ongoing work against the death penalty, Sections should endeavour to appoint a death penalty coordinator or contact person to liaise with the international death penalty program.

Recommendation:

7.1: All AI Sections should develop a minimum capacity to work against the death penalty. In order to foster a culture of mutual support, those Sections with established death penalty programs should strive to share their resources and expertise with other Sections and should also consider the development of joint initiatives.

8. Membership Action Techniques: Increasing Impact

Short-term: Urgent Actions and Worldwide Appeals

The Urgent Action technique remains the primary method by which AI mobilizes its members in response to imminent executions or death sentences. The surveys undertaken confirmed the high value placed on this technique and strongly indicate that the Urgent Action and Worldwide Appeal techniques should be retained for death penalty work with some refinements, such as varying the targets selected as the recipients of appeals, providing e-mail addresses for target authorities, issuing the appeal with as much lead time as possible and ensuring that the text is concise enough to allow for rapid translation. Coordinators should be encouraged to disseminate these appeals more widely to other domestic organizations working to oppose the death penalty.

One encouraging and strongly supported development has been the issuing of some Urgent Actions at an earlier stage in death penalty cases, including before trials commence. There are indications that these "preventive" actions may be more generally effective than last-minute appeals for clemency.

Medium-term: Death Penalty Actions

Most of the medium-term death penalty work undertaken by AI members has taken the form of Death Penalty Actions. There are indications that this technique would benefit from a more integrated approach to its use. Death penalty work is still perceived somewhat as a specialist activity within AI; opportunities for the general membership to encounter and respond to death penalty concerns are limited. Greater involvement of RAN and other network participants in medium-term death penalty actions could bring a major membership constituency into contact with the issue on a more regular basis. The objective should be to integrate these action requests more fully into the medium-term work of other AI structures. While letter-writing is an important and valid technique, action requests should include specific and concrete opportunities such as organizing public events, embassy approaches, country linking and outreach to identified target sectors.

Long-term: Action Files

The transition a decade ago to the Action File format for long-term death penalty work has produced a widely varied response, both in terms of the contents of the resulting files and in the levels of activity and member satisfaction that they have generated. At their best, these long-term assignments may stimulate local groups to undertake creative and strategic approaches to campaigning. At their worst, working on death penalty Action Files has proven to be frustrating and demoralizing for some AI groups. The suitability of the current Action File technique for death penalty work should be reviewed; in the meantime, the creation or reallocation of death penalty Action Files should be suspended.

Recommendations:

8.1: Amnesty International should continue to issue Urgent Actions and Worldwide Appeals in individual death penalty cases, while refining these techniques to enhance overall effectiveness, content and tactical value within the individual country strategies.

8.2: AI should strive for a more coordinated and innovative approach to medium-term actions against the death penalty including their full integration into the Country Action Programmes, in order to ensure adequate coverage of all major action opportunities and greater membership activity on death penalty.

8.3: The viability and suitability of death penalty Action Files as the sole vehicle for long-term membership activity against the death penalty should be reviewed and assessed.

9. Network Training and Support: Sustaining Activism

The high level of affirmation and activity of the death penalty program cannot be maintained without ongoing support and training for the death penalty network and for the general AI membership. Successful orientation and training is heavily dependent on the availability of effective materials. A working group of staff and volunteers should compile and distribute a *Death Penalty Activism Manual*.

Overall morale within the death penalty network appears to be quite high, although a significant number of death penalty activists suggested that they needed more international and section-level support for their work and some coordinators feel that their personal skills are under-utilized.

Recommendation:

9.1: Amnesty International should enhance its network support and training on death penalty work, by making better use of existing skills and resources.

10. Information and Educational Materials: Reaching a Global Audience

The International Secretariat is the primary source for comprehensive public information on the death penalty world wide. While the scope and quality of the information is impressive, much could be done to make this information more accessible to the public without compromising its quality or adding significantly to production costs. More visual elements such as photographs and charts, bullet points and text boxes would make the format of the documents more eye-catching and would convey the essential information more readily. All death penalty reports should link information to action opportunities, by providing the reader with recommended actions or by connecting the on-line version of the report to death penalty campaigning opportunities on the AI web site.

When the State Kills, the most comprehensive and versatile AI report on the death penalty around the world, should be revised and updated. AI should also develop a short multilingual video presentation on the death penalty.

Recommendation:

10.1: AI should update or reformat its public information and educational materials on the death penalty, with an emphasis on accessible, contemporary and action-oriented contents that will appeal to a wider audience.

11. The Internet and Death Penalty Work: Embracing Change

While Amnesty International has a prominent presence on the Internet, the review of AI web sites world wide revealed wide variations in the presentation and content of death penalty information. Some AI section web sites appear to contain only minimal information on the death penalty, or the material is difficult to access. There is no standard for the presentation of death penalty information and the material itself is of uneven quality. Furthermore, this information is often not linked directly to action opportunities.

The planned redevelopment of the international web site to include an Action Centre raises existing possibilities for tapping the full potential of the Internet as a force for human rights activism.

Recommendations:

11.1: All Amnesty International Internet sites should contain prominent and consistent information regarding the death penalty. This information should be linked to opportunities for visitors to take action against the death penalty.

11.2: The death penalty page of the international AI web site should include a comprehensive index of death penalty information on a country-by-country basis, updated at regular intervals.

12. Media and Fundraising: Spreading the Message

AI makes extensive use of press releases and public statements to convey its concerns and to publicize its reports about the death penalty. The organization has successfully established itself as a credible media source for accurate reports and statistical information. A growing media awareness of the death penalty as a global concern offers excellent opportunities to publicize the core arguments against its use and to celebrate campaigning achievements.

But in today's highly competitive and visually oriented news environment, a more strategic and creative approach to publicity is required by making greater use of visual and focal opportunities such as joint press conferences, staged events and the timed release of material to coincide with breaking news stories.

AI work against the death penalty also provides challenges and opportunities for fundraising initiatives. In some countries, the organization's unyielding opposition to executions may be an untapped positive factor for fundraising appeals. In other countries, this same position may be viewed as a negative factor which inhibits public response to fundraising efforts.

Recommendation:

12.1: AI should review its media and fundraising strategies as they apply to work against the death penalty. The objectives should be: a) to develop a more creative and strategic approach to publicity; b) to develop a more focussed and visually-oriented media strategy; and c) to find approaches to meet the challenges and opportunities presented by death penalty work for AI fundraising.

Conclusion

After three decades of campaigning against the scourge of state-sanctioned killing, Amnesty International can take pride in what it has accomplished. The evolution of this work has produced considerable expertise and specialization on a complex human rights issue. This accumulated expertise also provides AI with an important but largely untapped resource with which to meet the challenges of a new era in human rights work.

The world has reached a historic vantage point, from which the end of the death penalty is finally in sight. Total abolition would be a major step towards a new global reality, one in which *all* fundamental human rights are respected and enjoyed by all people. What is required to meet this goal is to build on the successful foundations of the death penalty program – and the resolve to move forward together.