

# **DEATH PENALTY DOSSIERS**

**A guide for groups**

**Amnesty International**

## DEATH PENALTY DOSSIERS

**This booklet is intended for groups using a Death Penalty Dossier. It describes the technique, the types of action groups may be asked to undertake and the practical details of this work. It can also be used by other groups to help them decide whether or not they would like to participate in a Death Penalty Dossier.**

### A. AMNESTY INTERNATIONAL AND THE DEATH PENALTY

Article 1 of Amnesty International's Statute reads:

"...the object of Amnesty International shall be to secure throughout the world the observance of the provisions of the Universal Declaration of Human Rights, by:

...c) opposing by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence."

Amnesty International (AI) opposes the death penalty in all cases without reservation. It opposes the death penalty on the grounds that it is a violation of the right to life and of the right not to be subjected to cruel, inhuman or degrading treatment or punishment. These rights are proclaimed in the Universal Declaration of Human Rights and other international instruments.

The organization works for the total abolition of the death penalty throughout the world and appeals for clemency for prisoners who are in danger of being executed.

#### Amnesty International's work against the death penalty

● The death penalty was one of the issues brought to the public's attention in the appeal which launched AI in 1961. It was formally made part of AI's work in a series of decisions culminating in the adoption of Statute Article 1(c) in its present form by the International Council in 1974. Subsequent decisions of the International Council have reaffirmed AI's commitment to work for the total abolition of the death penalty.

● In 1977 AI convened an International Conference on the Death Penalty in Stockholm. The conference brought together more than 200 delegates and participants representing every region of the world and all major cultural and religious traditions. The Declaration of Stockholm, adopted by the conference, lists the main arguments against the death penalty; it was subsequently adopted by AI as a statement of principle on the abolition of the death penalty. The Death Penalty Handbook (ACT 05/17/82 and subsequent updates) contains the text.

● In September 1979 AI published a major report — *The Death Penalty*. It detailed death penalty legislation and practices in 134 countries and described international legal standards on the death penalty.



- With the publication of the report in 1979, AI launched an international program to abolish the death penalty starting with the circulation of a world-wide appeal to the United Nations in 1980. The program brought a marked increase in AI membership activity. Death penalty coordinators began work in many AI sections; they continue to be responsible for the organization of death penalty work within their sections.
- Death Penalty Dossiers were introduced in 1980. By mid-1985 there were Death Penalty Dossiers on nine countries allocated to over 220 AI groups.

## B. WHAT IS A DEATH PENALTY DOSSIER?

A Death Penalty Dossier on a given country or state is a set of documents compiled by the International Secretariat (IS) and allocated to registered groups by your section. A Death Penalty Dossier may include:

- information on the country's laws indicating which offences are punishable by death;
- information on the use of the death penalty; appeals and clemency procedures; whether public opinion favours the death penalty; and the most common domestic arguments for and against;
- list of prisoners under sentence of death with details, if known, of the legal appeals;
- list of prisoners recently executed;
- addresses of government authorities;
- addresses of professional bodies and target sectors in the country;
- recommended actions.

A Death Penalty Dossier may be set up to:

- encourage legislative measures aimed at the abolition of the death penalty;
- influence public opinion within the country;
- remind the government of the international concern and international standards on the death penalty.

The contents of each dossier are normally the same for every participating group. The number of groups working on a Death Penalty Dossier varies but on average about 30 groups participate from various sections all over the world.

The purpose of the Death Penalty Dossier is to establish a core of experienced AI groups familiar with the death penalty situation in the country so that well-worded, persuasive and relevant arguments are made in any letter-writing or publicity.

The recommended actions will range from immediate work such as preventing executions of individual prisoners to long-term tasks such as changing public opinion and national legislation.

As many prisoners under sentence of death have been convicted of violent crimes and are not prisoners of conscience, AI normally appeals for clemency and does not ask for a prisoner's release. If AI fears that the procedures followed by the courts in cases involving the death penalty do not conform to internationally recognized standards of fairness, groups with Death Penalty Dossiers may be asked to question the trial procedures and to cite appropriate international standards.

Groups will be expected to work on a Death Penalty Dossier for at least one year and usually longer. Even though during this period AI's activities may not result in the abolition of the death penalty, it is hoped that AI's appeals can help influence the debate within the country, make the authorities aware of the international concern and remind them of relevant international standards and arguments against the death penalty.

In addition to the Death Penalty Dossier technique there are other types of action which your group should be familiar with. Your group may be asked to participate in these actions from time to time. These may include death penalty actions, Urgent Actions, country campaigns and appeals based on the monthly Death Penalty Log. A description of these different techniques is given in the *Death Penalty Handbook* (ACT 05/17 82 and subsequent updates) available from your section office.

### Appeals for clemency

AI's most urgent priority on the death penalty is to prevent executions. AI does not ask for the release of a prisoner under sentence of death unless s/he is a prisoner of conscience, but it will appeal to the appropriate authorities to commute death sentences to a lesser penalty. Commutation is separate from the judicial appeals process and is usually considered only after all judicial appeals have failed.

Appeals for commutation and other forms of clemency, such as reprieve, should be sent to the official who has the authority to grant it. This is usually the head of state. (In the USA, appeals should usually be sent to individual state governors, or to the Chairperson of the State Board of Pardons and Paroles.)

When the judicial process is very rapid, or when no judicial appeal is permitted, it may be advisable to send appeals for clemency as soon as a death sentence is passed. In such cases, appeals to the executive authority should urge that the death sentence be commuted *should the case come before him/her for review*.

Clear instructions on how to word your appeals are given in the recommended actions contained in each dossier.

### Embassy visits

As your group gains more experience and information on the death penalty in the country, members may be asked by your section to visit the Embassy in your country to raise AI's concerns on the death penalty.

**Target sector work**

You may be asked to approach groups with special interests, skills or influence, such as lawyers, doctors, trade unionists or parliamentarians. It is often useful to get individuals or organizations from these groups to write to their counterparts in another country in a professional capacity. If such approaches are recommended, your group should compile a list of individuals or organizations who might, from time to time, be prepared to take action against the death penalty. Sometimes the most convincing arguments against the death penalty are those based on professional experience, for example those of a lawyer who has had to defend prisoners facing the death penalty, or of a doctor called to witness an execution.

**Publicity**

Publicity can be an excellent way of achieving AI's objectives. However, publicity is not always advisable and the recommended actions in Death Penalty Dossiers will state clearly whether publicity should be organized during your work.

When publicity is recommended, you should approach local newspapers, radio and television stations. Newspaper editors may be prepared to include an article or a letter written by a member of your group about the death penalty situation in the country. These requests are always most likely to be considered favourably by the media if the country has been in the news recently. Any approaches to the national news media should be done in consultation with your section.

**Replies**

If you receive replies to your letters you should send them quickly to the Research Department at the IS, and to the country coordination group if there is one. The Research Department may ask you to reply to the letter and will send your group suggestions on what to say.

**Reporting**

Every six months your group is asked to send a report of its activities to your section, the Research Department, and to the coordination group, where one exists. Your section should be able to advise you about regular reporting and provide your group with a standard form to complete. If one is not available please use the form enclosed with the dossier. Regular reporting from your group is extremely important so that the IS can establish which activities have been successful. It is also helpful in deciding the strategy for future work on the country.

**C. ORGANIZATION**

Your group should appoint one person to act as the death penalty contact to receive regular mailings on the death penalty, keep up to date on developments worldwide and help train members of your group who may be unfamiliar with AI's position on the death penalty.

**The country coordination group**

Your coordination group is responsible for advising section members on questions about human rights violations within AI's mandate in the country or region. If your group has any specific question relating to the death penalty in the country or region, you should contact your coordination group. The coordination group will be sent a copy of the Death Penalty Dossier and all subsequent updates for information and reference. Coordination groups will also be asked by the Research Department at the IS to distribute information to participating groups.

**The section death penalty coordinator**

The section death penalty coordinator is responsible for coordinating the international work against the death penalty at section level. S/he receives regular mailings on the death penalty direct from the IS. You can contact your section death penalty coordinator for information about AI's international program, general arguments against the death penalty and any advice you might need on training of members.

**Servicing**

Death Penalty Dossiers are serviced by the research teams responsible, and are reviewed annually. Additional information and recommended actions are sent out whenever necessary.

**D. ACTIVITIES IN YOUR OWN COUNTRY**

No section or group may take action on behalf of an individual facing the death penalty in its own country. Any exception to this rule — which was adopted by AI's 12th International Council in 1979 as part of the Guidelines on AI Sections' Activities concerning Human Rights Violations in their own Countries — has to be decided by the International Executive Committee (IEC) in consultation with the section concerned. Death Penalty Dossiers are not given to groups in the country covered by the dossier. However, a section may work towards the abolition of the death penalty and against legislation to reintroduce it in its own country. A section may also lobby its own government over changes in legislation and press for ratification of international covenants and treaties relating to the death penalty. These activities do not require authorization from the IEC. The complete text can be found in the AI Handbook.



**E. SECURITY**

Death Penalty Dossiers may contain sensitive material.

- Please treat all material carefully;
- Keep all material locked away;
- If any material is lost or stolen, immediately inform your section and the Research Department at the International Secretariat.

Documents marked "Internal" are for the information of your group only. Documents marked "External" can be distributed to interested individuals, organizations or journalists.

**F. WHAT YOU SHOULD NOT DO**

- Avoid giving the false impression that AI works against specific governments or political systems;
- Do not mention the existence of Death Penalty Dossiers in letters to the authorities, or in any publicity;
- Do not give the false impression that AI works only for the abolition of the death penalty;
- Do not give the false impression that AI works for the release of prisoners who are not prisoners of conscience;
- Do not use internal material as if it were external;
- Sometimes documents will be sent to you marked "for information only". These are for the information of your group and are not intended for action or publicity;
- AI members should not correspond with prisoners under sentence of death. Prisoners under sentence of death often have false expectations of the extent of AI's involvement in their case.

**G. CLOSURE OF DEATH PENALTY DOSSIERS**

Your group is normally expected to work on a Death Penalty Dossier for a minimum of one year. However if your group decides to give up its work on its Death Penalty Dossier, you must inform the person responsible for allocating Death Penalty Dossiers in your section and your country coordinator. In view of the introduction of data protection legislation, it is very important that you seek advice from your section about what to do with the dossier. You may be asked to destroy it after extracting some information.

Sometimes the IS may decide to close a Death Penalty Dossier if a different approach or technique is considered more appropriate. In such cases, participating groups will be informed.

**H. KEY DOCUMENTS**

The following documents are available from your section office:

- Amnesty International Report
- AI Handbook
- Death Penalty Handbook, AI Index: ACT 05/17/82 and subsequent updates
- Declaration of Stockholm, 1977

**AI Index: ACT 52/01/85**  
**July 1985**

**Amnesty International**  
**International Secretariat**  
**1 Easton Street**  
**London WC1X 8DJ**  
**United Kingdom**