

What Does Amnesty International Do?



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 the 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 nations and ideologies. This is the fundamental belief upon which the work of Amnesty International, an independent worldwide voluntary movement is based.

Amnesty International has an active worldwide membership with more than 500,000 individual members, subscribers and supporters in over 160 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 either 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, transcripts of radio broadcasts and reports from lawyers and humanitarian organizations. Information also comes in from prisoners and their families, refugee centres, religious bodies, journalists and other people with first-hand experience. In addition, Amnesty International sends fact-finding missions for on-the spot investigations and to observe trials, meet prisoners and interview government officials.

The Amnesty International movement is run democratically. It is funded by donations from its members and supporters around the world. Its supreme governing body is an International Council of elected delegates from its sections in the various countries. The Statute of Amnesty International – which defines the organization's work and structure – can be altered only by a two-thirds majority at the International Council. The first article of the Statute sets out the objects of Amnesty International: the release of all prisoners of conscience, fair and prompt trials for all political prisoners, an end to torture and executions. These goals define the scope of Amnesty International's work and

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are commonly referred to as the organization's "mandate". The full text of article 1 of the Amnesty International Statute is reproduced below.

This booklet answers some of the most common questions about Amnesty International's scope or mandate. It is hoped that by giving a clear picture of this mandate, more and more people, as well as governments and other institutions, will develop a greater understanding of the role of Amnesty International in the international protection of human rights.

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Statute of Amnesty International

*As amended by the 16th International Council,
meeting in Jouy-en-Josas, near Paris, France
31 August - 4 September 1983*

OBJECT

1. CONSIDERING that every person has the right freely to hold and to express his or her convictions and the obligation to extend a like freedom to others, 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:
 - a) irrespective of political considerations working towards the release of and providing assistance to persons who in violation of the aforesaid provisions are imprisoned, detained or otherwise physically restricted by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence (hereinafter referred to as "prisoners of conscience");
 - b) opposing by all appropriate means the detention of any prisoners of conscience or any political prisoners without trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to internationally recognized norms;
 - 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.

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What does Amnesty International do?

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 expression, 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 human rights field, Amnesty International does not imply that the rights it does not deal with are less important. Amnesty International is convinced of the indivisibility and mutual dependence of all human rights. The movement 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 object, as set out in its Statute. This object is commonly referred to as Amnesty International's "mandate".

Prisoners of Conscience

In many countries people are detained for trying to exercise their rights to freedom of expression, association, assembly or movement. Some are imprisoned because they or their families are involved in political or religious activities. Some are arrested because of their connection 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 imprisoned simply because they questioned their government or tried to publicize human rights violations in their own countries. Some may be held for refusing to do military service on grounds of conscience. Others are jailed on the pretext that they committed a crime, but in fact it is because they criticized the government.

People who are imprisoned, detained or otherwise physically restricted because of their political, religious or other conscientiously-held beliefs or because of their ethnic origin, sex, colour or language and who have not used or advocated violence are considered by Amnesty International to be *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 spoken in direct opposition to the government in power or the established system of government; others have taken care to work within their country's political system but have been imprisoned for their beliefs or peaceful activities nonetheless.

What does Amnesty International do for such prisoners?

The detention of any prisoner of conscience violates the Universal Declaration of Human Rights. Amnesty International works for the immediate and unconditional release of *all* prisoners of conscience.

When the facts show that individuals are prisoners of conscience, the cases are usually 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 in the local press about the prisoner they are working to free. 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 may send relief parcels and correspond with the prisoner.

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, while the efforts to free them are underway.

What happens if Amnesty International is uncertain about the grounds for a person's imprisonment?

When Amnesty International does not have enough information to be certain about the reasons for imprisonment, but where there are grounds to believe that the individual might 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. If such prisoners are being held without charge or trial, Amnesty International may urge that they either be charged and given a fair trial or released. 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 unconditionally for his or her immediate release.

Whom does Amnesty International regard as a "prisoner?"

Many people are persecuted in ways that do not involve imprisonment or similar physical restrictions. They may be fired from their jobs, have their telephones cut off or correspondence intercepted, be summoned for frequent police questioning or be threatened with other reprisals.

Amnesty International, however, concentrates on people who have been jailed or otherwise forcibly restricted; people in prison, people in official custody and detention centres, people under strict house arrest or confined to a village, or others whose freedom of movement has been so severely restricted as to amount to a form of detention. For this reason, Amnesty International's mandate is often described as "prisoner-oriented".

What does Amnesty International do in cases where politically motivated prisoners have used or advocated violence?

Amnesty International takes no position on the question of violence. It does not identify itself with any of the parties to any 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.

It opposes the torture and execution of *all* prisoners and advocates fair and prompt trials for *all political prisoners*, regardless of whether they are accused of using or advocating violence. However, Amnesty International seeks the immediate and unconditional *release* only of individuals imprisoned for the exercise of their human rights, whose imprisonment cannot be reasonably attributed to the use or advocacy of violence. In these cases, the detention violates the Universal Declaration of Human Rights.

The human rights violations against which Amnesty International works sometimes take place in a context of violence. This may take various forms: confrontation between government and opposition groups which engage in terrorist acts, civil war, international war.

Amnesty International's mandate applies in these circumstances as in any other. A context of violence does not justify taking prisoners of conscience or the practice of torture or the execution of prisoners. This is an important standard. The existence of a context of violence is often taken as justification for a more permissive attitude towards human rights violations – the arrest of people on account of their beliefs or origins, the torture of prisoners or the use of the death penalty. Indeed, in times of violence prisoners are particularly vulnerable to such violations, and international standards and protection work become especially important at such times.

Governments often falsely accuse people of having been involved in violence when in fact they are imprisoned solely on account of their non-violent exercise of their human rights. Indeed, the accusation that dissenters have been involved in violence is one of the arguments most frequently used by governments in response to expressions of concern about prisoners of conscience.

On the basis of its careful research 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 an individual 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. Amnesty International takes up each case on its own merits.

How does Amnesty International regard conscientious objectors to military service?

A conscientious objector is understood to be a person liable to conscription for military service who, for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical, political or similar motives refuses to perform armed service or participate directly or indirectly in wars or armed conflicts.

Amnesty International considers such a person a prisoner of conscience if

his or her imprisonment results from any of the following:

- the legal code of a country does not contain provisions for the recognition of conscientious objection and for a person to register his or her objection at a specific time.
- a person is refused the right to register his or her objection;
- the authorities' recognition of conscientious objection is so restricted that only some and not all of the above grounds of conscience are acceptable;
- a person does not have the right to claim conscientious objection after being conscripted into the armed forces;
- he or she is imprisoned for leaving the armed forces without authorization for reasons of conscience developed after being conscripted if he or she has tried to secure his or her release by lawful means or if he or she did not use those means because he or she had been deprived of reasonable access to the knowledge of them;
- there is no right to alternative service outside the "war machine";
- the length of the alternative service can be seen as a punishment for conscientious objection.

A person who is not willing to state the reason for his or her refusal to perform military service is not adopted as a prisoner of conscience, unless it can be inferred from all the circumstances of the case that the refusal is based on conscientious objection. Nor is someone considered a prisoner of conscience if he or she is offered and refuses comparable alternative service outside the "war-machine".

What does Amnesty International do for people who try unsuccessfully to leave their own country?

The right to leave one's own country is recognised in the Universal Declaration on Human Rights. Amnesty International adopts as prisoners of conscience people who have been imprisoned for trying to exercise this where their motives for wanting to leave their country are linked to their political views, religious beliefs or their origins, or can be assumed to be. In cases where detailed information is unavailable at the time of arrest, Amnesty International draws its own conclusions from all the circumstances and takes into account the established behaviour of the authorities and of would-be emigrants in the country concerned, particularly where such people are commonly imprisoned for seeking to exercise their right to emigrate.

Political trials and imprisonment without trial

In many countries, either under the ordinary law or states of emergency, the authorities put people in prison without a trial. In some cases imprisonment lasts for decades. A fair and public hearing within a reasonable time is a basic human right as is the right to freedom from arbitrary arrest and detention. To imprison people for a long period without proving a case against them is a violation of these rights.

Amnesty International opposes the detention of any *political* prisoner without a trial within a reasonable time. It has called on various governments to end administrative internment and other procedures that allow for prolonged political detention without trial.

Amnesty International also opposes trial procedures in political cases that do not conform to internationally agreed standards. For example, secret trials take place. Sometimes they are nominally public, but 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.

How does Amnesty International use the term “political prisoner”?

Amnesty International uses a broad interpretation of the term “political prisoner” so as to cover all cases with a significant political element. The offence itself may be of a clearly political nature, such as belonging to a banned political party. In other cases, however, a person may be charged with an ordinary crime, but the context in which it is said to have been committed is political, such as a political demonstration. Or it is possible that the accused person may have committed a criminal offence, but for political motives. In other cases, the authorities may be holding a prisoner for political reasons, even though the individual is said to be suspected of a criminal offence. False criminal charges may also be brought against political activists (the charges could be currency offences, for example), when the real reason is to punish them for their political activities – or to deter others from opposing the government. In all such cases there would be a political element to be considered.

It is important to bear in mind that Amnesty International applies this

broad interpretation in assessing political trials and the cases of political prisoners. Apparent contradictions between Amnesty International and governments do arise because each uses such terms in its own way. Some governments say they hold no political prisoners, only criminals or criminal suspects, because all its prisoners are charged or convicted under the normal criminal law. Amnesty International, however, may still speak of “political imprisonment” or “political trials” in such a country if the cases have a political element of any of the sorts described above.

It is important to note that Amnesty International does not oppose political imprisonment *as such* or ask for the release of all political prisoners. Amnesty International needs to establish whether there is a political element in a particular case solely for the purpose of determining whether it falls within the scope of the organization’s concern about fair and prompt trials for political prisoners.

The specific category “prisoner of conscience” is distinguished from the general one of “political prisoner” in the following important respects. Prisoners of conscience are precisely defined by Amnesty International’s Statute as those held “by reason of their political, religious or other conscientiously-held beliefs or by reason of their ethnic origin, sex, colour or language”. The category “prisoner of conscience” does not include those whose imprisonment may reasonably be attributed to their having used or advocated violence.

A crucial difference to bear in mind is that whereas in the case of all political prisoners Amnesty International seeks fair and prompt trials, it is only in the case of prisoners of conscience that Amnesty International says that the individuals should not be in prison at all and asks for their release.

Does Amnesty International call for special status for political prisoners?

Amnesty International does not call for special status for particular groups of prisoners or call on governments to give political prisoners special conditions. Governments are obliged to treat *all* prisoners humanely. Where there are allegations of torture or ill-treatment 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. Where the existence of prisoners of conscience has been confirmed, Amnesty International works for their unqualified, immediate *release*.

What does Amnesty International do in response to political trials and cases of imprisonment without trial?

Amnesty International investigates such cases to determine whether the individuals are prisoners of conscience. It may send observers to trials and examine laws and procedures that permit unfair trials in political cases or

imprisonment without trial. If prisoners are not eligible for adoption as prisoners of conscience, their cases may be assigned to groups which are asked to urge that the prisoner's right to a fair trial within a reasonable time be respected.

Where Amnesty International has enough information to conclude that detainees are prisoners of conscience it demands their release. In other cases of political imprisonment Amnesty International may urge that the prisoners be given a fair trial or else released, or may call for a review of the cases, either by established judicial procedures or by an independent review body. It recommends legislative improvements or urges that existing laws that do offer protection be respected.

However, if the person has been imprisoned solely for criminal acts (such as traffic offences, theft or murder) and if there are no grounds to believe that either the crime or the imprisonment were politically motivated, the case does *not* fall within Amnesty International's mandate. For this reason Amnesty International does not take action even if there are allegations that there may have been miscarriages of justice in such cases. Nor does it seek the release of people convicted of such crimes. Of course, 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.

What are the standards for assessing trials?

Among the many factors to be taken into account in analysing the fairness of a trial are the following, based on internationally agreed human rights standards and Amnesty International's own experience. Not every factor necessarily carries the same weight. Even if these standards have been violated to an extent that justifies the assessment that a trial was unfair, that does not demonstrate the innocence of the accused any more than a conviction demonstrates guilt.

- All proceedings should conform to established national or international requirements for the protection of human rights, such as those stipulated, for example, in the International Covenant on Civil and Political Rights.
- Those entrusted with applying and interpreting the law, making judgements and passing sentence must be manifestly independent of other governmental authorities, particularly those bringing charges. They must be protected from improper pressures in the fulfilment of their functions. The competence, incorruptibility and impartiality of judges must be ensured. Judges should have legal training. The bringing of civilians before military courts may constitute grounds for particular concern.
- Any deprivation of liberty must be on specified grounds, made known to the person at the time of arrest. He or she must be promptly informed of any charges against him or her and brought

before a judge or other officer authorized by the law to exercise judicial power.

- The accused should have speedy and sufficient access to independent legal advice and representation, normally in the form of counsel of choice – free, or appropriately subsidized, according to each defendant's means.
- The general rule should be that people awaiting trial are not detained in custody. Defendants, or their representatives, should be able to challenge the legality of any pre-trial detention before a judge or other appropriate, independent and impartial authority.
- People in custody should have access to family, legal counsel and independent medical attention. Correspondence and communication should not be restricted beyond what is necessary for the administration of justice and the security of the custodial institution .
- No one must be subjected to torture or other cruel, inhuman, or degrading treatment or punishment.
- Charges should not relate to acts or omissions that were lawful when they took place. Where procedures such as the creation of special tribunals or new rules of evidence are introduced retroactively, there can be a risk of injustice. Nor should penalties be more severe than those provided for at the time the offence was committed.
- Trials must take place within a reasonable time of the defendant's first being brought before a judge and should normally be in public.
- A defendant must be presumed innocent until proved guilty. There must be no compulsion to declare guilt or to testify against oneself. No statement so compelled should be admissible in court.
- A defendant must have the right to a proper defence, to summon and examine witnesses, and to conduct proceedings for the defence under the same conditions as apply to the prosecution.
- Convictions and sentences must be open to review by a higher court. (Amnesty International would expect such a review to include full rights of representation and not be a mere consideration of the trial dossier.) In cases involving the death penalty, there must be a right to petition for pardon, commutation or reprieve. Amnesty International opposes the death penalty in all cases, but stresses the importance of all procedures that enable the courts or other authorities to reconsider the sentence.

If a political prisoner has been convicted after a fair trial, is that the end of Amnesty International's concerns?

If the prisoner has been sent to prison under a law that Amnesty International considers to be in violation of international human rights standards, it may consider the person for adoption as a prisoner of conscience. In such cases Amnesty International must be able to determine that the person has been imprisoned by reason of his or her political, religious or other conscientiously-held beliefs or by reason of their ethnic origin, sex, colour or language, provided that he or she has not used or advocated violence.

Amnesty International may still need to take action about allegations of torture. If the prisoner faces execution, Amnesty International will oppose this – in line with its general stand against the death penalty.

Torture and other cruel, inhuman or degrading treatment or punishment

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 often used to gain information, to force confessions, to intimidate others and to punish and terrorize.

Amnesty International opposes the torture and other cruel, inhuman or degrading treatment or punishment of *all* prisoners without reservation. It 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 ban 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. Amnesty International has launched a 12-Point Program for the Prevention of Torture that includes measures that could be taken by all governments to halt the torture of prisoners. The full text of the Program follows.

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AMNESTY INTERNATIONAL

Twelve-point program for the prevention of torture

Torture is a fundamental violation of human rights, condemned by the General Assembly of the United Nations as an offence to human dignity and prohibited under national and international law.

Yet torture persists, daily and across the globe. In Amnesty International's experience, legislative prohibition is not enough. Immediate steps are needed to confront torture and other cruel, inhuman or degrading treatment or punishment wherever they occur and to eradicate them totally.

Amnesty International calls on all governments to implement the following 12-Point Program for the Prevention of Torture. It invites concerned individuals and organizations to join in promoting the

program. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to abolish torture and to work for its abolition worldwide.

1. Official condemnation of torture

The highest authorities of every country should demonstrate their total opposition to torture. They should make clear to all law enforcement personnel that torture will not be tolerated under any circumstances.

2. Limits on incommunicado detention

Torture often takes place while the victims are held incommunicado – unable to contact people outside who could help them or find out what is happening to them. Governments should adopt safeguards to ensure that incommunicado detention does not become an opportunity for torture. It is vital that all prisoners be brought before a judicial authority promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them.

3. No secret detention

In some countries torture takes place in secret centres, often after the victims are made to “disappear”. Governments should ensure that prisoners are held in publicly recognized places, and that accurate information about their whereabouts is made available to relatives and lawyers.

4. Safeguards during interrogation and custody

Governments should keep procedures for detention and interrogation under regular review. All prisoners should be promptly told of their rights, including the right to lodge complaints about their treatment. There should be regular independent visits of inspection to places of detention. An important safeguard against torture would be the separation of authorities responsible for detention from those in charge of interrogation.

5. Independent investigation of reports of torture

Governments should ensure that all complaints and reports of torture are impartially and effectively investigated. The methods and findings of such investigations should be made public. Complainants and witnesses should be protected from intimidation.

6. No use of statements extracted under torture

Governments should ensure that confessions or other evidence obtained under torture may never be invoked in legal proceedings.

7. Prohibition of torture in law

Governments should ensure that acts of torture are punishable offences under the criminal law. In accordance with international law, the prohibition of torture must not be suspended under any circumstances, including states of war or other public emergency.

8. Prosecution of alleged torturers

Those responsible for torture should be brought to justice. This principle should apply wherever they happen to be, wherever the crime was committed and whatever the nationality of the perpetrators or victims. There should be no “safe haven” for torturers.

9. Training procedures

It should be made clear during the training of all officials involved in the custody, interrogation or treatment of prisoners that torture is a criminal act. They should be instructed that they are obliged to disobey any order to torture.

10. Compensation and rehabilitation

Victims of torture and their dependants should be entitled to obtain financial compensation. Victims should be provided with appropriate medical care and rehabilitation.

11. International response

Governments should use all available channels to intercede with governments accused of torture. Intergovernmental mechanisms should be established and used to investigate reports of torture urgently and to take effective action against it. Governments should ensure that military, security or police transfers or training do not facilitate the practice of torture.

12. Ratification of international instruments

All governments should ratify international instruments containing safeguards and remedies against torture, including the International Covenant on Civil and Political Rights and its Optional Protocol which provides for individual complaints.

The 12-Point Program was adopted by Amnesty International in October 1983 as part of the organization's Campaign for the Abolition of Torture.

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Whenever there are substantial fears that a prisoner may be tortured immediate appeals can be 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 help investigate torture allegations by interviewing prisoners or former prisoners. Aftercare and rehabilitation for torture victims is another concern of Amnesty International, once such people are released from custody.

Does Amnesty International make a distinction between “torture” and “cruel, inhuman or degrading” treatment?

Amnesty International opposes both “torture” and other “cruel, inhuman or degrading” treatment of prisoners. Both are specifically prohibited, without exception, in international law.

“Torture” is defined in the United Nations Declaration against Torture as follows:

1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.
2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

Amnesty International tries to act against *torture* in all individual cases where it has reliable information and where it is possible to do so in a practical way. It works against cruel, inhuman or degrading treatment only where the practice constitutes a pattern – individual cases are taken up as a means of illustrating general problems and contributing to the setting of improved standards for the treatment of prisoners. In the cases of *prisoners of conscience* Amnesty International’s approach is broader. Since the organization opposes their imprisonment, it criticizes any aspect of their treatment or conditions that imposes additional hardship on them.

The pain and suffering experienced by prisoners need not only result from deliberate physical force inflicted on them. For example, Amnesty International has taken up the cases of detainees suffering from acute medical conditions requiring treatment who have been systematically deprived of care in order to punish them or force a confession from them.

In deciding whether a particular instance or pattern of treatment of prisoners comes within Amnesty International’s field of action, the organization considers the following questions, among others:

- Is the practice prohibited by international standards such as the United Nations Minimum Rules for the Treatment of Prisoners? (For example, keeping prisoners in darkened cells is forbidden.)
- Is the treatment or punishment applied for prolonged periods or repeatedly or in such a way as to cause severe pain or suffering to the individual prisoners? (For example, solitary confinement, deprivation of exercise or use of handcuffs may be permissible for

short periods but once prolonged may become cruel treatment, regardless of the authorities’ intentions.)

- Does the treatment cause mental or physical damage to the prisoners?
- Is a particular procedure or set of prison conditions deliberately used by the authorities to inflict suffering? In seeking to assess this, Amnesty International pays attention to whether or not particular prisoners are intentionally discriminated against, or whether there is other evidence of intent to inflict suffering. It may, however, regard a policy of negligence, even in the absence of evidence of intention to inflict suffering, as amounting to cruel, inhuman or degrading treatment.

What does Amnesty International do about prison conditions?

Amnesty International is not a penal reform organization, nor does it seek to duplicate the efforts of other bodies more specifically concerned with prison inspection. In the course of its regular case work, however, 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. In the case of prisoners of conscience, whom Amnesty International believes should be immediately and unconditionally released, the organization may seek improvements, where necessary, in any aspect of their prison conditions and treatment. Amnesty International does this as a consequence of its stand that these people should not be in prison at all.

Many prisoners are kept in overcrowded, filthy and grossly inadequate conditions. Prisoners are vulnerable and are often exposed to harsh conditions or poor treatment in many places around the world. Where prison conditions amount to cruel, inhuman or degrading treatment and affect detainees *other* than prisoners of conscience, Amnesty International may raise the issue in general terms in order to contribute to the setting of improved standards for the treatment of prisoners. However, this is not normally a matter to which Amnesty International is able to devote its own limited resources: it relies on those bodies specialized in dealing with prison conditions to tackle the problem internationally.

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.

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.

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 organization's position was elaborated in the Declaration of Stockholm (see opposite).

Amnesty International will appeal for commutation of a death sentence whenever it hears that a prisoner is facing imminent execution.

AMNESTY INTERNATIONAL Conference on the Abolition of the Death Penalty

Declaration of Stockholm 11 December 1977

The Stockholm Conference on the Abolition of the Death Penalty, composed of more than 200 delegates and participants from Africa, Asia, Europe, the Middle East, North and South America and the Caribbean region,

RECALLS THAT:

- The death penalty is the ultimate cruel, inhuman and degrading punishment and violates the right to life.

CONSIDERS THAT:

- The death penalty is frequently used as an instrument of repression against opposition, racial, ethnic, religious and underprivileged groups,
- Execution is an act of violence and violence tends to provoke violence,
- 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 a special deterrent effect,
- The death penalty is increasingly taking the form of unexplained disappearances, extra-judicial executions and political murders,
- Execution is irrevocable and can be inflicted on the innocent.

AFFIRMS THAT:

- It is the duty of the state to protect the life of all persons within its jurisdiction, without exception,
- Executions for the purposes of political coercion, whether by government agencies or others, are equally unacceptable,
- Abolition of the death penalty is imperative for the achievement of declared international standards.

DECLARES:

- Its total and unconditional opposition to the death penalty,
- Its condemnation of all executions, in whatever form, committed or condoned by governments,
- Its commitment to work for the universal abolition of the death penalty.

CALLS UPON:

- Non-governmental organizations, both national and international, to work collectively and individually to provide public information materials directed towards the abolition of the death penalty,
- All governments to bring about the immediate and total abolition of the death penalty,
- The United Nations unambiguously to declare that the death penalty is contrary to international law.

“Disappearances” and Political Killings by Governments

“Disappearances”

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 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.

Political killings by governments

In the last decade, hundreds of thousands of people have been the victims of deliberate killings carried out on the orders of governments or with their complicity.

Amnesty International takes action against such killings when it is reasonable to believe that they are the result of a government policy to eliminate specific individuals, or groupings, or categories of individuals, by instant execution rather than arrest and imprisonment.

Governments are responsible for the lives and security of their citizens. They have a duty not to commit or condone political killings. If they do not take all measures necessary to ensure that those responsible – directly or indirectly – are brought to justice, this may demonstrate government acquiescence in the killings. Their accountability is not diminished by national security considerations or by the fact that opposition groups commit similar acts.

Amnesty International campaigns against political killings by governments by publicizing incidents and pressing for independent investigations into the deaths. It promotes adherence to the United Nations Code of Conduct for Law Enforcement Officials, which lays down standards for police and security force officers.

Does Amnesty International act in all cases where deaths occur?

Although Amnesty International’s work is based on its orientation towards

prisoners and therefore normally focuses on cases of people targeted or selected for execution rather than detention, its concerns have extended to people killed *en masse* for such reasons, without their being individually picked out for death.

Many killings of concern to Amnesty International occur during armed conflict. The organization may be able to act in situations where unarmed civilians are killed in cold blood because of their real or imagined political sympathies or where civilian or military captives are executed. Since many of the victims are not in detention at the time of being killed, however, this is one of the few areas of Amnesty International’s mandate that often deals with cases of people who are not prisoners.

The mandate does not extend, however, to killings that are not attributable to government policy, such as killings of demonstrators or rioters resulting from excessive use of force by panicking security forces. Nor does Amnesty International’s mandate extend to many of the killings in warfare when, for example, unarmed civilians are caught in crossfire or mistaken for members of the armed forces.

Relief and refugees

Amnesty International provides relief to prisoners and their families in an effort to help them deal with the effects of imprisonment or, in some cases, to help prevent them becoming prisoners of conscience or victims of torture or execution.

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 prison visits 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 prisoner or their families for total loss of income during the period of detention. Nor does the provision of relief to the prisoners or their families imply acceptance of the government practices that have given rise to Amnesty International's concerns.

Amnesty International's motives in giving relief are purely humanitarian. Its relief program does not imply support for the political views or actions of the individuals who are helped.

To whom does Amnesty International distribute relief?

Assistance may be given to:

- prisoners of conscience, whether or not adopted by Amnesty International, and prisoners who might reasonably be expected to be prisoners of conscience, but where the organization does not have the information to enable it to say so conclusively;
- people who have lately been prisoners of conscience, or who might reasonably be expected to have been prisoners of conscience (whether or not adopted by Amnesty International);
- prisoners awaiting trial who might reasonably be expected to be prisoners of conscience if convicted;
- people threatened with forcible return from one country to another where they might reasonably be expected to become prisoners of conscience or to be subjected to torture, politically-motivated extrajudicial killing or the death penalty;

- dependants of all the above categories;
- dependants both of "disappeared" people and victims of political killings who might reasonably have been expected to be prisoners of conscience if they had been arrested and imprisoned rather than abducted or killed;
- people suffering ill-health as a result of torture, whose medical need is directly related to their torture;
- people whose emigration Amnesty International assists to prevent their imminently becoming prisoners of conscience or to prevent their being subjected to torture or politically-motivated extrajudicial killing.

This list is not exhaustive. Detailed guidelines exist for Amnesty International's relief activities and the program is administered by an international relief committee and relief coordinators in the sections.

Does Amnesty International help released prisoners?

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, for example, sending relief funds and keeping up correspondence with the former 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.

How does Amnesty International send relief?

Assistance is sometimes sent direct to prisoners or their families or sometimes through organizations, such as charitable bodies, on the spot that can distribute aid for Amnesty International.

Amnesty International does not fund the work of other organizations. Relief funds are sometimes sent through them to be passed on to the particular beneficiaries specified by Amnesty International.

Does Amnesty International act in refugee cases?

Amnesty International opposes the forcible return of individuals to a country where they can reasonably expect to become prisoners of conscience or be subjected to torture, the death penalty or extrajudicial execution. Amnesty International appeals against such forcible return and presents information

about the risks the refugees face in their countries of origin to specialized refugee agencies and to governments considering applications for political asylum. In rare circumstances it may also assist individuals who wish to leave a country where they are held as prisoners of conscience or are in imminent danger of becoming prisoners of conscience or of being subjected to torture or politically motivated extrajudicial execution.

What is Amnesty International's stand on prisoner exchanges?

Every person has the right to move freely within his or her own country and the right not to be forced into exile. Amnesty International holds that it is the duty of governments to release all prisoners of conscience *without conditions*. It takes no part in arranging prisoner exchanges.

What is Amnesty International's stand on abuses by opposition groups?

Amnesty International condemns, as a matter of principle, the torture and execution of prisoners by *anyone*, including opposition groups. It makes this position known through its publications and the news media. It holds that governments have the responsibility for dealing with such abuses, acting in conformity with international standards for the protection of human rights.

Non-governmental entities do not, in general, have the international obligations or recognized responsibilities to which Amnesty International can refer. Governments are subject to international human rights standards. However, some groups in opposition to governments have acquired characteristics that in practice make them similar to governments. Amnesty International expects them to respect international human rights standards and appeals to them to do so. When considering whether a group has such characteristics, several factors have to be taken into account. For example, does the group control people in its territory in a way similar to the exercise of government jurisdiction? Is it able to implement procedures for the protection of human rights and humanitarian law in its territory? Is it recognized by governments and international organizations? An appeal from Amnesty International to such a group does not imply any legal or international status or recognition; it is aimed strictly at securing the protection of the human rights that Amnesty International seeks to defend everywhere.

Amnesty International has sometimes been requested to act as a mediator between governments and opposition groups. It cannot do so. It works by making clear its opposition to specific human rights violations, publishing details about these wherever they occur and making recommendations to the responsible authorities. The organization does not negotiate either with governments or with those in opposition.