



LIVING CONDITIONS ON DEATH ROW

FACTSHEET FOR MEDIA

16th World Day against the Death Penalty

On 10 October 2018 the World Coalition Against the Death Penalty and abolitionists all over the world will celebrate the 16th World Day Against the Death Penalty. This year, the World Day will focus on the living conditions of those sentenced to death. The World Coalition is addressing the issue because it is aware that regardless of the prospect of execution, the imprisonment of those sentenced to death in itself inflicts considerable physical and psychological suffering, which can in some cases amount to torture.

In striving for the complete abolition of the death penalty we cannot ignore the daily treatment imposed by retentionist countries on prisoners sentenced to death.



Introduction

Media coverage of the death penalty is full of misinformation and propaganda, and frequently features a fantasized version of the truth. This is precisely why it is up to those who have the means and opportunity to reach a big audience to reinstate the truth about the death penalty, to promote strategic thinking and a basic sense of humanity over vengeful justice and knee-jerk reactions.

The purpose of this **'Factsheet for the media'** is to encourage journalists to investigate the conditions of detention of people on death row and to guide them in identifying the elements to which they should pay attention in their investigations. This tool also provides a series of resources that journalists can use.

By informing their readers, fueling public debate and exerting pressure on governments, journalists are natural allies in the fight for the abolition of the death penalty.

This Factsheet was prepared by ECPM in partnership with the World Coalition against the death Penalty.

How to structure your work on living conditions on death row

Depending on the platform and audience you have access to, you may choose one of several options. First, you can go for the human approach and choose to emphasize the emotional aspect of it, allowing you to reach a larger audience. In that case, **interviews with people sentenced to death or with their loved ones** are a given. Giving a voice and face to victims of the death penalty will undoubtedly rehumanize them and restore their dignity. If you manage to gain access to death row, a **report** will make the most out of this rare opportunity. The words you write, the sounds or images you record will enable you to convey the cruel and oppressive nature of living on death row onto a large audience. Lastly, if you aren't restricted by time and wordcount, a **full-fledged investigation** into the inner workings of death row will make for a precious document in the fight for abolition. You will need to proceed with caution: work with as many sources as you can in order to cross-examine your information and ensure that you are not being manipulated, especially when dealing with institutional sources.

Journalists often make use of the trial and sentencing to talk about capital punishment. This particular window of time provides an opportunity for discussion on innocence vs. guilt, or even revenge vs. justice. However, journalists rarely use the duration of incarceration as grounds for debate. And despite its sensitive nature and relatively low media coverage, it would allow for a proper depiction of the death penalty and provide more exposure to lesser-known arguments for abolition.

a) Why investigate living conditions on death row?

- People on death row are forgotten and dehumanized

People sentenced to death spend an ungodly amount of time on death row before being executed or sometimes exonerated: for the most part, incarceration time is between 10 and 20 years. In the USA, the average time spent between sentencing and execution in 2012 was 15 years and 10 months¹. In India, the average was 16 years and 9 months². All these prison years are a black hole that swallows up the prisoners: the situation gets even more dramatic when prisoners are faced with difficulties in maintaining family ties and gaining access to a lawyer. Some detainees are forgotten as they slowly sink in despair and misery.

"I visited the San Quentin penitentiary, they are locked up like animals. To see them stored in cages was surreal. So was seeing a gas chamber next to them with two chairs inside, to kill two people at once. I had no idea how criminals are treated in my country."³

And yet, in spite of their crimes and sentences, these prisoners remain human beings with rights that must be upheld. Which is why any journalistic investigation into living conditions on death row should first and foremost rescue the prisoners from oblivion.

¹ <https://deathpenaltyinfo.org/time-death-row>

² According to a study from the National Law University of Delhi's 2016 report

³ "999 Death penalty in the US, a shape-shifting tormentor", ECPM, 2011. Available at: <http://www.ecpm.org/wp-content/uploads/ME-USA-2010-Fr.pdf>

- **Living conditions on death row are degrading, cruel and inhuman**

Some supporters of the death penalty have blind faith in their government, believing that executions and prison conditions are standardized and 'clean'. Revealing the harsh conditions people on death row have to live in as well as outdated methods of execution is an effective way to show that the reality of the death penalty clashes with the idea of a modern world, supposedly emancipated from barbarism. Indeed, even the most fervent supporter of the death penalty will surely be shocked by the degrading treatment of prisoners on death row, which include either isolation or overcrowding, unhealthy conditions, lack of health care, among other things⁴. Therefore, reporting on living conditions on death row can potentially reach out to people outside of the abolitionist sphere.



"I was taken to the inspector in charge of the death row who after searching me, gave orders that I should be locked in cell 11! I walked into the cell with everyone looking at me, as if I was just arriving from space. The cell room measured eight feet by seven feet and housing eleven men, including myself to have twelve inmates.

A little space was made for me to squeeze in my frame. The room was already congested. It was a room enough for someone to merely sit, but in this place, it was considered adequate for us to sleep.

'Don't worry brother, you will soon get used to this place,' Basil said to me. Basil was an inmate that I had known while awaiting trial. I just nodded, finding it still hard to believe that this was really happening to me. We slept in 'slavery style' with the toilet bucket inside the cell room but I couldn't sleep."⁵

Regulations and practices surrounding incarceration may vary from State to State, but the violence and dehumanizing factor are widespread throughout the world's prisons. The lack of human interactions, of reference points in time and the constant fear of execution create a specific kind of stress known as "death row syndrome", a phenomenon akin to inhuman, cruel and degrading treatment, especially when considering the disproportionately long periods of incarceration and how arbitrarily orders of executions are often issued. In the US, prisoners may be informed of their execution date months, if not years in advance. In contrast, prisoners in Japan, Belarus or Pakistan are informed of their executions minutes before it happens. In any case, the fear of being told of one's death is renewed every time a prison guard walks by one's cell.

Recognizing the death penalty as an inhuman, cruel and degrading treatment is a key issue among the abolitionist forces. Indeed, many international laws forbid inhuman, cruel and degrading treatment in the same way they do torture (article 5 of the [Universal Declaration of Human Rights](#), article 3 of the [European Convention on Human Rights](#), article 7 of [International Covenant on Civil and Political Rights](#)...), a comparison that's becoming increasingly present in jurisprudence: **it's up to journalists to bring it under the light.**

⁴ For more information, please see the Detailed Factsheet on the living conditions on death row. Available at: http://www.worldcoalition.org/media/resourcecenter/EN_FactSheet_WD2018

⁵ Testimony by Arthur Judah Angel – sentenced to death in Nigeria from 1986 to 2000.

Available at: <http://lifewireinternational.blogspot.com/2015/05/excerpts-from-i-refused-to-die-by.html>

"The European Court of Human Rights has finally reached a most significant milestone, in a ruling on March 2 2010, which is now the main progress in case law in this area. In Al-Saadoon & Mufdhi v. the United Kingdom, the Court ruled that the British Government had violated Article 3 of the European Convention on Human Rights by sending Faisal Al-Saadoon and Khalaf Mufdhi back to Iraq, where they were at risk of being hanged. The ruling also specifies that: 'Whatever the method used, the extinction of a life involves a certain degree of physical pain. Moreover, the knowledge that the condemned person will be killed by the State inevitably causes him intense psychological suffering.' It concluded that judicial executions, in which case the death of the person concerned will be the cause of the death of the victim. Also, the knowledge that the condemned person will be killed by the State inevitably causes him intense psychological suffering.' It concluded that judicial executions, in which 'the authorities of the State deliberately and premeditatedly take the life of a human being', must be carried out in such a way that they do not suffer from it."⁶

Other examples here (page 10):

http://www.worldcoalition.org/media/resourcecenter/FR_fichedetaillee_JM2018

- Oblige prison administrations to be responsible for their practices

Each country has its own laws on treatment of prisoners, and some have laws on the organization of detention facilities. Together, they provide a framework that prison administrations aren't supposed to evade. But poverty, corruption, toxic political climates and other problems drive a wedge between theory and practice.

For example, in Cameroon, torture is forbidden by the Constitution. And yet, "People sentenced to death in Cameroon (...) are regularly subjected to torture and other cruel, inhuman or degrading treatment or punishment. (...) Detainees, particularly those arrested for terrorism or in the context of the Anglophone crisis, are systematically subjected to torture and other ill-treatment, while their aggressors act with complete impunity⁷."

In most countries, the main problem is overcrowding, as described in the testimony of Arthur Judah Angel (see above). On the other hand, prisoners suffer from extreme isolation for years in the USA and Japan, for example.

The lack of medical care, insufficient food and water, extreme heat in cells, reported cases of torture in the majority of death penalty countries, as well as violence between convicts, are all failures of the prison administration that should be systematically tracked down and reported.

"Locked in two by two meters cells with, most often, a sort of blanket (farachia) for a bed, chained night and day, kept in absolute isolation, deprived of any contact with the outside world, the survivors of this nightmare have experienced an endless ordeal. The food was repulsive. There was no water [...] "There was none in the cells," remembers Mongi Laabidi. "Sometimes we would get five-liter cans, but we often had to wait until we got out to get some. Our only food was boiled vegetable skins and two loaves of bread. This bread was, in a way, the only privilege death row prisoners had"⁸

⁶ ACAT report, 2011. Available at: <http://www.acatfrance.fr/public/rt2011-web.pdf>

⁷ According to the report of the 30th session of the Working Group on the UPR (April-May 2018) drafted jointly by Rights and Peace, the Cameroonian Lawyers Network Against the Death Penalty, ECPM and The Advocates for Human Rights.

⁸ "Buried alive - A monograph on the death penalty in Tunisia", ECPM, 2013. Available at: <http://www.ecpm.org/wp-content/uploads/ME-Tunisie-2013-Fr.pdf>

Some wardens and prison guards of goodwill need the support of the press to push their superiors to give them enough resources to ensure decent living conditions in their facility. In other prisons, staff behave cruelly and must be held accountable.



Living on death row

a) What is death row?

'Death row' originally refers to specific sections of American prisons where people sentenced to death were incarcerated. Today, it's a universal term used in many countries.

b) What are the minimum guarantees?

In some countries, people sentenced to death are subjected to a higher security regime different than that of other prisoners, and one that varies from country to country. Journalists can ensure that prison conditions for people sentenced to death are up to par with the legal framework provided by their country, although guarantees pertaining to international law are often more efficient.

"The UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) are, to date, the most robust set of standards in the area of prison conditions. Adopted by the UN General Assembly in resolution 70/175 on December 17 2015, they provide model international human rights standards regarding the basic rights of prisoners⁹. Their stated goal is to 'set out what is generally accepted as being good principles and practice in the treatment of prisoners and prison management¹⁰'".

Although these rules do not specifically mention persons sentenced to death, they apply to all categories of prisoners.



Where to look for information?

a) Gaining access to a prison

Gaining access to a prison and meeting people sentenced to death is one of the most important things a journalist should do. Getting authorization can be tricky: for more on this, please refer to the [FACTSHEET ON HOW TO CONDUCT A PRISON VISIT](#).

b) Interacting with prison staff:

Prison staff (warden, guards, canteen staff, doctors...) can either be opposed or support the journalistic process, which can help in pointing out a lack of resources. Whatever its attitude may be, prison staff is to be held responsible to society.

Prison staff can provide information on:

- The budget allocated to death row
- Discrepancies in treatment of 'regular' and death row prisoners
- Likelihood of introducing decent prison conditions
- Directives coming from higher in the hierarchy

⁹ U.N. Standard Minimum Rules for the Treatment of Prisoners, U.N.G.A. Res. 70/175 (Dec. 17, 2015)

¹⁰ The Nelson Mandela rules are available here: <https://www.unodc.org/documents/justice-and-prison-reform/GARESOLUTION/F-book.pdf>

- Work conditions for prison staff
- The prison's occupancy rate

c) Interacting with people sentenced to death and their loved ones

Direct witnesses should be, as soon as possible, the main source of information for work on death row conditions. However, journalists must be aware of how fragile people living on death row can be and the fear in which they live. A code of conduct must therefore be put in place and adhered to during interviews.

Spouses, parents, children, former employers... these encounters and interviews help to humanize the prisoner and to subdue the stereotypes attributed to those sentenced to death. It is also an opportunity to remind ourselves that death row inmates are not the only victims of the death penalty. Their family and friends, innocent of the crime of which the convicted person is accused, also pay a high price. Therefore, the code of conduct also applies to interviews with the prisoners' loved ones.

CODE OF CONDUCT

(1/ Do not force a witness to speak, not by pressuring, nor by insisting, nor by guilt-tripping. Fear of precipitating the execution of the convicted person, or of triggering reprisal against the him/her or his/her relatives, is sufficient a reason for refusing to testify. Witnesses may be suspicious of the press, especially since they may have had previous negative experiences.

(2/ Notify in advance the people you wish to interview. Describe your project, how you intend to use their words and the subsequent distribution (what medium, what media, what audience and, if applicable, its political affiliation).

(3/ Establish a trust by organizing the interview in a discreet place and by respecting wishes of anonymity and requests for off-the-record comments.

(4/ Maintain a humble and benevolent posture, especially if your interlocutor is of a low socio-economic level, or if he/she is illiterate. People who are not familiar with the media may be intimidated, giving answers just to please, or not daring to contradict a journalist perceived as more knowledgeable, dominant or even threatening. It is necessary to be able to initiate a conversation on an equal footing, at least as close as possible to it.

(5/ Ask open-ended questions. It is easier for witnesses to tell what they know if they do not have the concern of having to confirm or thwart the opinion of the journalist who is questioning them. Ensure that your questions do not undermine the dignity of the convicted or their relatives. Use words and phrases that do not induce judgment and respect the discretion of the person you are speaking to if you feel that he or she does not want to get into certain details.

(6/ Report the words of your witnesses truthfully. If in doubt, do not hesitate to contact them again for further discussion. Be aware of the possible manipulation that will be done to your article once it is published. The first rule is not to harm the convicted person or his relatives.

d) Interacting with local abolitionist organizations

Ideally, a journalist should meet with abolitionist actors of his/her country's civil society, most notably the multiple national coalitions against the death penalty. However, civil society isn't always that advanced, especially in retentionist countries. In that case, one should turn towards international organizations for information and support. Organizations involved in prison work and/or interested in

justice and human rights in a general sense can also be of assistance. If you wish to get in contact with abolitionist organizations in your country, you can contact the [World Coalition against the Death Penalty](#), who will be able to guide you.

e) Additional actions

- Meeting the death row prisoners' lawyers.
- Contacting the NHRI (National Human Rights Institution) in your country.
- Meeting former death row inmates who have been released.
- Finding out if there have been any complaints from convicted persons about prison conditions.
- Finding out whether investigations have already been carried out by independent bodies in previous years, whether recommendations have been made, whether they have been implemented and how the prison administration and the government have responded to these previous investigations.



List of resources

Amnesty International

Death Sentences and Executions 2017:

<https://www.amnesty.org/download/Documents/ACT5079552018ENGLISH.PDF>

Cornell Center on the Death Penalty worldwide:

<http://www.deathpenaltyworldwide.org/>

Death Penalty Project:

Behind the Prison Gates. Findings and Recommendations from a visit by Joseph Middleton to Belize Central Prison, : <https://www.deathpenaltyproject.org/knowledge/behind-the-prison-gates-2/>

Prison Conditions in Jamaica, 2011: <https://www.deathpenaltyproject.org/knowledge/prison-conditions-in-jamaica/>

ECPM

Tunisia, 2013: Buried alive, a monograph on the death penalty in Tunisia

<http://www.ecpm.org/wp-content/uploads/ME-Tunisie-2013-Fr.pdf>

Morocco, 2013: The cemetery of the living

<http://www.ecpm.org/wp-content/uploads/ME-Maroc-2013-Fr.pdf>

USA, 2011: 999 Death penalty in the USA, a shape-shifting torment

<http://www.ecpm.org/wp-content/uploads/ME-USA-2010-Fr.pdf>

Great Lakes Africa (DRC, Rwanda, Burundi), 2008: Death penalty in the Great Lakes region
<http://www.ecpm.org/wp-content/uploads/ME-Grands-Lacs-2008-Fr.pdf>

FIDH

Belarus, 2016 : Death Penalty in Belarus. Murder on Unlawful Grounds
https://www.fidh.org/IMG/pdf/death_penalty_in_belarus_murder_on_unlawful_grounds_en_web.pdf

North Korea, 2012: Death penalty in North Korea, in the machinery of a totalitarian state
<https://www.fidh.org/IMG/pdf/en-report-northkorea-high-resolution.pdf>

Morocco, 2007: La peine de mort au Maroc, l'heure des responsabilités:
<https://www.fidh.org/IMG/pdf/Maroc480pdmfr2007.pdf>

Thailand, 2005: La peine de mort en Thaïlande: <https://www.fidh.org/IMG/pdf/Thaïlande411fr.pdf>

Égypte, 2005: La peine de mort en Égypte: <https://www.fidh.org/IMG/pdf/eg415f.pdf>

Penal Reform International:

Reporting on the death penalty: training resource for journalists
<https://www.penalreform.org/resource/reporting-death-penalty/>



For further information, please contact:

Jessica Corredor Villamil
Programme Manager
World Coalition Against the Death Penalty
jcorredor@worldcoalition.org
<http://www.worldcoalition.org/>



Bérangère Portalier
Communication manager
ECPM
bportalier@ecpm.org
<http://www.ecpm.org/>

