

Call for Papers – Symposium on International Public Law

Death penalty, criminal policies and detention conditions of death row prisoners

Friday 5 March 2021 – University of Grenoble Alpes

General framework of the call

Organised by the University of Grenoble-Alpes Law Faculty's Centre of Legal Research, in partnership with the NGO Planète Réfugiés-Droits de l'Homme and the University of Grenoble-Alpes legal clinic in Human Rights, this symposium aims at analysing the extent to which international legal standards related to the rights of detainees adequately protect persons sentenced to death, as well as the thematic areas whereby international human rights law would need to be more precise in order to strengthen the purpose of protection.

Although the thematic will be essentially tackled from an international legal perspective, multidisciplinary approach will be also sought, in order to encapsulate the political and sociological dimensions of what death penalty entails. The academic and theoretical analysis will be nurtured by the lens and experiences of legal practitioners and experts (lawyers, magistrates, NGO representatives), as well as testimonies of death row detainees.

Rationale

International human rights law, as well as international humanitarian law, equally recognise a general protection for persons deprived of their freedom. The legal norm generally referred to in that regard is the *United Nations Minimum Rules for the treatment of detainees*. Those rules, originally adopted in 1955, were updated in 2015, and the new version (122 Rules) is today known as the Nelson Mandela Rules. These rules do not comprise any specific protection regarding the conditions of detention and the treatment of death row prisoners, despite the mere existence of specific vulnerabilities.

Other non-binding legal references were adopted in order to strengthen the specific protection of several categories of detainees: *The United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (also known as Beijing Rules, 1990) and *the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures*

for Women Offenders (also known as Bangkok Rules, 2011). None of those rules tackle the specific issue of women or juveniles sentenced to death, despite specific vulnerabilities.

According to statistics garnered (mainly from Amnesty International), there are reportedly 19,000 death row prisoners worldwide. Duration of detention varies according to States, the duration of appeal procedures or/and of the execution. As a matter of fact, detention norms applied to them by default do not fully take into consideration the legal, social and material peculiarities of their specific situation. Besides, several rights, although recognised for each person deprived of his/her freedom, are particularly at stake when it comes to implementation for death row prisoners, as if they already deprived of their status of rights holder. This is particularly the case for the links with the outside world, access to primary health care and education, freedom of religion and the access to a legal council. In addition, the use of torture or inhuman and degrading treatment is a rampant phenomenon for death row prisoners.

In that given context, this symposium aims at analysing the extent to which international legal standards related to the rights of detainees adequately protect persons sentenced to death, and the thematic areas where international human rights law would need to be more precise in order to strengthen the purpose of protection of death row prisoners while they are detained.

In that perspective, four main areas of research will be tackled:

1. **State criminal practices and policies related to death row, in the light of global stakes:** this panel aims at exploring the classical areas of concern related to death penalty with the lens of contemporary global stakes: how those global stakes (such as the fight against terrorism and transborder criminality, forced displacement) are triggers that have an influence on criminal practices and policies related to death penalty and the execution. Contributions could focus on one of these contemporary global stakes.
2. **Legal questions related to the « death row corridor »:** owing to the fact that there is no real consensus, neither from an academic perspective nor from the civil society point of view, on what the « death corridor » entails, this panel aims at nurturing further the discussion on this aspect in order to achieve a definition agreed upon by all stakeholders. By integrating legal and sociological aspects, the discussion should also question the notion and see whether the « death row corridor » could also be applicable to life imprisonment.
3. **Actors and stakeholders around the death penalty:** this panel aims at reflecting and exchanging views on the role of various actors and stakeholders during the process leading to the death sentence and the execution. This panel will also stress on the judicial guarantees that those actors should respect, the tools at their disposal on that aspect, detailing the areas on which an evolution of the minimum standards is desirable.

4. **Legal loopholes and perspectives of international standards specific to the legal framework applicable to death row prisoners:** this panel aims at studying ways and modalities by which the *United Nations Minimum Rules for the treatment of detainees* (also known as Nelson Mandela Rules) are used as a legal reference by human rights mechanisms (either international or regional ones) for cases related to death row prisoners.

Context of the symposium

This symposium is organised in the framework of an academic project developed by the NGO Planète Réfugiés-Droits de l'Homme, in partnership with the University of Grenoble-Alpes Legal clinic in Human Rights. This overall objective of the project is to propose the written version of minimum standards related to the conditions of detention and the treatment of death row prisoners in the world, in addition to the existing *United Nations Minimum Rules for the treatment of detainees*. More than ten students following the curricula of the master's degree in Human Rights Litigation were already mobilised in the development of this project. Several students will also be given an opportunity to share the main features and outcomes of their research within this project, as well as the legal conclusions so far achieved. Discussions and exchanges of views during this symposium will serve of purpose of nurturing further thoughts and the final edition of these international minimum standards for death row prisoners, as abovementioned.

Scientific Committee

Mrs. Anca Ailincai, Public Law Professor, in charge of the University of Grenoble-Alpes Law Faculty's legal clinic

Ms. Charlotte Piveteau, PhD Student and academic coordinator of the project focused on the elaboration of international standards related to the conditions of detention and treatment of death row prisoners, within the legal clinic

Mr. Nordine Drici, Chairman of the NGO Planète Réfugiés-Droits de l'Homme, professional coordinator of the the project focused on the elaboration of international standards related to the conditions of detention and treatment of death row prisoners, within the legal clinic

Organisational Committee

Mrs. Claire Masouy, Administrative clerk, in charge of the CRJ

Members of the University of Grenoble-Alpes Law Faculty's legal clinic

Calendar and practical information

Proposals of papers should be written either in French or in English. In order to ensure a multidisciplinary approach, researchers and practitioners in other areas of expertise (such as sociology, anthropology, political sciences) and also invited to submit their proposals for papers. Contributions related to the psychological field would be highly valued in particular for the second panel of the symposium dealing with the « death row corridor ».

Authors of the proposed papers should clearly specify their preferable panel of intervention.

Expected contributions should not exceed 3,500 signs (spaces and footnotes included).

Proposals of papers should be transmitted on **20 September 2020** at the latest, on the following e mail address : colloquepeinedemort@mailo.com

Papers will be selected by **10 October 2020** and authors duly contacted for the next steps.

This international symposium will take place on Friday 5 March 2021 at the premises of the University of Grenoble-Alpes Law Faculty. The date of the symposium might change in case of major health hazard. Expenses incurred (travel, accommodation) in connection with the symposium will be covered.

Final papers selected will be published within the colloquium proceedings.

For further enquiries, thanks to contact the following e mail address:

colloquepeinedemort@mailo.com