



## **STATUTES OF THE INTERNATIONAL COMMISSION AGAINST THE DEATH PENALTY**

### **Preamble**

On September 28, 2010, Algeria; Argentina; Spain; Philippines; France; Italy; Kazakhstan; Mexico; Mongolia; Portugal; Dominican Republic; South Africa; Switzerland and Turkey signed a declaration that established an independent International Commission against the Death Penalty (ICDP or Commission). The above-mentioned States formed a Support Group, which is open to all those that would wish to join in the future. The Support Group will operate according to its own rules of procedure.

The International Commission against the Death Penalty had been located in Geneva until 2014. ICDP relocated to Madrid with the aim of establishing itself with legal personality according to the Spanish legislation. ICDP is located in Madrid since 2015.

## **CHAPTER I**

### **DENOMINATION, OBJECTIVE, POWERS AND SCOPE OF THE ICDP**

#### **Article 1**

1. The International Commission against the Death Penalty is a non-profit association established with a legal personality for an indefinite period in Madrid under Spanish law governing associations.
2. The ICDP, as an independent entity, formulates its own rules and determines its activities.
3. It is assisted by the Support Group and cooperates with international organizations, foundations and private donors who are committed to the abolition of the death penalty and who are interested in working together with the Commission.

#### **Article 2**

1. Committed to the protection and promotion of the right to life, the objectives of the Commission are the following:
  - a. Abolition of the death penalty worldwide;
  - b. Promote ratification by countries of international legislation such as the Second Optional Protocol to the International Covenant on Civil and Political Rights; and regional treaties calling for abolition of capital punishment;

- c. Establishment of a moratorium on the sentencing and/or carrying out executions in all regions of the world with the ultimate goal of abolition of the death penalty;
  - d. Urge/call upon, when appropriate, the suspension of executions in cases where the International Law restricts its application, in particular, when it affects the most vulnerable groups of society (including juvenile offenders, pregnant women and people with mentally illness).
2. To achieve these objectives, ICDP carries out the following actions :
- a. Intervene before high representatives and personalities of specific countries by activities including country missions, alone or in close cooperation with International and Regional Organizations and civil society representatives;
  - b. Collaborate with other organizations and stakeholders sharing the same objectives;
  - c. Make appeals and statements on matters of concern relating to the abolition of the death penalty;
  - d. Participate in conferences and seminars, as well as in campaigns to mobilize public opinion;
  - e. Promote research and education;
  - f. Disseminate information and present papers in international fora;
  - g. Seek consultative status with ECOSOC;
  - h. Any other activity that contributes to the achievement of its objectives.

### **Article 3**

In furtherance of the foregoing purposes and activities, the ICDP shall have the following powers:

- a. Enter into contracts and other types of agreements;
- b. Employ persons;
- c. Institute and defend in legal proceedings;
- d. Take any other legal action necessary to accomplish its purposes.

### **Article 4**

The ICDP establishes its registered office in C / ..... No ... xx of Madrid, Province of Madrid, Spain and the territorial scope is global.

## **CHAPTER II**

### **MEMBERS OF THE ICDP**

### **Article 5**

1. ICDP shall be composed of Commissioners who will be elected by the General Assembly.
2. The Commissioners are personalities of reputable international standing, high moral authority and recognized expertise in human rights. They do not represent any country, thereby guaranteeing the complete independence and freedom of action of

the Commission. They will be proposed by at least three Commissioners or the Steering Committee and their appointment will be ratified by the General Assembly.

3. Their mandate is non-remunerated.
4. The composition of the Commissioners takes into account the principles of gender equality and the geographical representation of all the regions of the world.
5. The Commission is chaired by a President who will be assisted by two Vice-Presidents whose term of office will be for a period of three years, renewable once. The President and both Vice-Presidents will be elected by the majority vote of the Commissioners present at the meeting in which the vote takes place.
6. In order to carry out the objectives of the ICDP, the Commissioners meet at least once a year and take its decisions by the majority vote of the members present at the time of the vote. The quorum for the Commissioners' meetings will be of at least five Commissioners, one of which is the President or one of the Vice-Presidents;
7. The Executive Director will attend the meetings of the Commissioners. The staff of the Secretariat, who is deemed necessary by the Executive Director, may assist him/her.

#### **Article 6**

The functions of the Commissioners are:

- a. Attending meetings.
- b. Proposing strategies and/or activities, which will be discussed by the Members of the Commission before making a final decision.
- c. Taking part in missions to specific countries in order to meet with senior officials, government officials and members of civil society.
- d. Complementing the actions conducted by international organizations and civil society for the abolition of the death penalty.
- e. Issuing appeals to authorities and public statements on the death penalty particularly when there is imminent risk of execution.
- f. Organizing and taking part in public activities, including in discussion panels, conferences, side events, in international forums that deal with different aspects of the abolition of the death penalty.
- g. Taking part in conferences, seminars and campaigns to mobilize public opinion for the abolition of the death penalty.
- h. Disseminating information through the publication of reports and submission of documents in international forums.
- i. Designing the Annual strategies that will be incorporated into the Annual Action Plan.
- j. All other functions deemed necessary to help fulfil the aims of the ICDP.

#### **Article 7**

Natural persons and representatives of legal entities who have legal capacity to act and who are interested in the development of the aims of the Commission can join ICDP as its members.

#### **Article 8**

There are two different kinds of ICDP members:

- a. **Full members:** The full members of the ICDP are all the Commissioners that sign the present statutes as well as all the personalities that will join the Commission in the future.

- b. Honorary members: The General Assembly will invite as honorary members those persons who, by their prestige or for having contributed significantly to the development of the aims of the ICDP, deserve such a distinction.

### **Article 9**

The members will cease being part of the ICDP for some of the following reasons:

- a. By voluntary resignation, which will be communicated in writing to the President.
- b. By decision of the General Assembly.

### **Article 10**

Full members will have the following rights:

- a. Take part in all activities organized by ICDP in fulfillment of its purposes.
- b. Enjoy all the advantages and benefits that ICDP can offer.
- c. Participate in the Assemblies and exercise the right to vote.
- d. Eligibility to vote and stand as candidates for leadership positions.
- e. Receive information about the agreements adopted by the organs of the ICDP.
- f. Make suggestions to the members of the General Assembly in order to best achieve the aims of the ICDP.

### **Article 11**

Full members will have the following obligations:

- a. Respect the Statutes and the decisions of the Assembly.
- b. Attend the meetings.
- c. Perform, if necessary, the obligations inherent to the position they occupy.

### **Article 12**

- a. Honorary members can perform the same functions as the full members in line with Article 6.
- b. They will have the same rights except those contained in paragraphs c) and d) of article 10. However they will be able to attend the meetings of the General Assembly without voting rights.

## **CHAPTER III**

### **GOVERNING BODIES OF THE ICDP**

#### **Article 13**

The governing bodies of the ICDP will be the General Assembly and the Steering Committee.

#### **Article 14**

1. The General Assembly is the highest governing and representative body of the Commission. The General Assembly meetings are classified as 'ordinary meetings' and

‘extraordinary meetings’. The ‘ordinary meetings’ are held at least once annually and will take place within four months following the end of the exercise. The ‘extraordinary meetings’ will be held when circumstances do require it, according to the President of the ICDP, as agreed by the Steering Committee or at the proposal of three Commissioners. The General Assembly will be composed of the Commissioners, members of the ICDP, the Steering Committee and the Executive Director. Its President will be the President of the Commission. The President will invite the Support Group to attend the meetings and will be in regular interaction with them.

2. The General Assembly shall have the following competences:
  - a. Adopt the budget for the succeeding year and the annual Action Plan that must accompany it.
  - b. Adopt the activity report of the past year and approve the accounts for the preceding financial year.
  - c. Elect the President and Vice Presidents of the Commission who compose the Steering Committee and ratify the appointment of the Commissioners.
  - d. Decide on policies, actions and issues related to management.
  - e. Agree, if any, the remuneration of the members of the representative bodies.
  - f. Designate the auditors on a proposal of the Steering Committee.
  - g. Interpret the Statutes.
  - h. Amend the Statutes, including the change of location of headquarters of ICDP.
  - i. Dissolve the ICDP.
  - j. Any other competence that is not attributed to another governing body.

#### **Article 15**

The meetings of the General Assembly and the Steering Committee shall be convened in writing by the President, or the Vice-Presidents or the Executive Director on his/her behalf, a minimum of six weeks prior to the date of the meeting. Such notification will include the place, date and time of the meeting and the agenda with concrete explanation of the issues that will be discussed in the meeting.

#### **Article 16**

1. The General Assembly shall be validly constituted in first call when one third of the members with voting rights are present and on second call by members with voting rights present, regardless of their number.
2. The decisions shall be taken by a simple majority of those present or validly represented by electronic mail or other means of communication. Blank or null votes and abstentions will not be computed.
3. The issues mentioned below require decisions voted by a qualified majority of those present and validly represented; the decision is passed when the affirmative votes exceed half of those present and represented:
  - a. Dissolution of the entity.
  - b. Changes to the bylaws, including changing the location of the registered office.
  - c. Disposal or sale of immobilized assets.
  - d. Remuneration of the members of the representative body.

#### **Article 17**

An Extraordinary Session of the Assembly shall be convened to take the following decisions:

- a. Amend the Statutes, including the change of the location of the registered office.
- b. Dissolve the ICDP.

## **Article 18**

1. The Steering Committee will be composed of the President and the two Vice-Presidents of the Commission. The Steering Committee will be chaired by the President of the Commission. The Chair of the Steering Committee will be in regular interaction with the Support Group and will invite their representatives to attend the meetings of the Steering Committee in order to inform them of the activities of the ICDP, and to enable them to present their proposals and opinions. The Executive Director shall attend the meetings and will act as Secretary. The Steering Committee is responsible for:
  - a. Presenting to the General Assembly the strategies and activities proposed by the ICDP, the Support Group and Executive Director, which, while respecting the independence of the Commissioners, will be incorporated in the Annual Action Plan.
  - b. Approving and monitoring the implementation of the Annual Action Plan and budgets.
  - c. Reviewing and analyzing the possible implementation of activities which, while not having been contemplated in the Annual Action Plan, would contribute to attaining the objectives of the ICDP.
  - d. Providing advice to the Executive Director on general administrative policies.
  - e. Supervising the regular financial and managerial oversight of the Secretariat.
  - f. The Steering Committee will appoint the Executive Director. It can also terminate his/her contract.
  - g. Arrangement or disposition of assets.
  - h. Propose auditors.
  - i. Any other function that is not an exclusive competence of the General Assembly.
2. The Steering Committee will meet twice a year and will maintain a regular working relationship with the Secretariat. The Secretariat, in cooperation with the Chair of the Steering Committee, will be responsible for implementing and giving effect to the policies and decisions of the Steering Committee.
3. The term of office of the Steering Committee will be for a duration of three years. Their replacement is staggered so that all the members will not leave at the same time.
4. The quorum necessary for meetings of the Steering Committee will consist of the simple majority of its members, providing that the President of the Commission will be present. Decisions will be taken by the simple majority vote of the members present at the meeting.

## **Article 19**

1. The President is the highest body representing the ICDP.
2. He/she will be the Chair of the General Assembly and the Steering Committee.
3. He/she will lead ICDP's activities taking into account the decisions taken by the General Assembly.
4. Apart from the powers granted by the General Assembly or the Steering Committee, the President will have the following duties:
  - a. Legally represent the ICDP before all public or private institutions.

- b. Convene, preside and close all sessions of the General Assembly and the Steering Committee.
  - c. Chair the deliberations of both governing bodies and break tied votes.
  - d. Order payments and authorize with his/her signature documents, minutes and correspondence.
  - e. Irrespective of what is stipulated in point 5 , the President may delegate to either of the two Vice-Presidents, any of the Steering Committee members or the Executive Director the powers of representation, payment, and authorization of documents, minutes or correspondence.
  - f. Adopt any emergency measures required for the good management of the ICDP or steps, which are necessary or convenient for the development of its activities informing subsequently to the General Assembly and the Steering Committee of said measures.
5. Any of the Vice-Presidents can represent the President in his/her absence, according to their skills and availability. If the President's absence is prolonged for health reasons or for any other reason, one of the two and preferably one with the greater seniority in the ICDP can be asked to act as interim President, enjoying the same powers as the President during this mandate.

## **CHAPTER IV**

### **REPRESENTATIVE BODIES OF ICDP**

#### **Article 20**

1. The Executive Director<sup>1</sup> shall have the following functions:
  - a. Proposes strategies and actions to be included in the Annual Action Plans.
  - b. Develops, directs and co-ordinates the strategic steps necessary to implement the priorities set in the Annual Action Plans approved by the General Assembly.
  - c. Strategizes and prepares country missions, including active participation in pre-mission deliberations and planning, in order to prepare the ground for the missions.
  - d. Strategizes and plans follow-up actions such as monitoring the implementation of recommendations made during missions; keeps dialogue with governments, and local partners.
  
2. The Executive Director shall also:
  - a. Recommend actions to be taken by the Steering Committee, the President of the Commission, Commissioners and Support Group members and the General Assembly.
  - b. Enable a transparent, effective and smooth cooperation between the Commissioners, the President of the Commission and the Support Group.
  - c. Coordinate the fundraising efforts.

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<sup>1</sup> The Executive Director is the title of the person who currently holds the title of Secretary General of ICDP.

- d. Prepare the agenda for the meetings of the Commissioners, Support Group, and General Assembly.
  - e. He/she will attend the meetings of the Steering Committee and act as Secretary.
  - f. Manage the annual budget in accordance with the rules and accounting standards. He/she will draft the annual budget reports for the Steering Committee and the General Assembly.
3. He/she is assisted by administrative or technical personnel.
  4. The Secretariat consists of the Executive Director and a small number of technical and/or administrative personnel. The Executive Director is responsible for the day-to-day functioning of the Secretariat. He/she drafts their Terms of Reference; assigns responsibilities for the personnel of the Secretariat. The staff reports to the Executive Director.

## **CHAPTER V**

### **FINANCING AND PATRIMONY OF THE ICDP**

#### **Article 21**

1. The Commission obtains its financial resources through such means as voluntary contributions from the Support Group and other donations.
2. ICDP is financed also by the interest income from trusts, bank accounts.
3. The Commission may solicit funds from international and national organizations and other donors.
4. In the case of being asked to participate or cooperate in the execution of one of the programs or activities of the organizations mentioned, the Commission is entitled to request adequate funding.

#### **Article 22**

At the time of its establishment, the ICDP has an initial capital of       €.

#### **Article 23**

The associative and economic exercise is annual and its financial end of the year will take place on 31 December.

## **CHAPTER VI**

### **DISSOLUTION OF THE ICDP**

#### **Article 24**



The ICDP will dissolve when agreed by an Extraordinary Session of the Assembly convened for that purpose, pursuant to Article 17 of the Statute.

**Article 25**

In case of dissolution, the Assembly will appoint a liquidation committee, which, in the event of a surplus after settling the debts, will allocate it to purposes that do not alter its non-profit nature and that are similar to those of the ICDP.

**ADDITIONAL PROVISIONS**

In all matters not provided for in these Statutes, the Organic Law 1/2002 of 22 March regulating the Right of Associations, and supplementary provisions will apply.

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