

Aussies Against Capital Punishment (AACP) is a community group formed in early 2007 to advocate for a total abolition of the death penalty across the globe, and to call on our government to once again commit to opposing the death penalty in all cases, in all countries wholeheartedly. AACP welcome the call for submissions by the Australian Parliament's Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade to help inform an inquiry on advancing the Australian contribution to the abolition of capital punishment.

In response to the terms of reference, the AACP submit the following points for the consideration of the committee:

1. Research needs to be undertaken to identify groups actively involved in advocating for the abolition of the death penalty in countries where capital punishment is still permitted. Australia should consider providing financial and other support for those groups to assist them to continue their work.
2. Our government should speak out against the death penalty not just for our citizens, but for citizens of other countries. The government must be seen to be taking a consistent approach to give legitimacy to its arguments. The approach taken by the government in the lead up to the last round of executions in Indonesia appeared to be ill informed at best – evoking the tsunami aid, suggesting prisoner exchange etc. Government must take a less reactionary stance in future and be strategic and sustained in calling for abolition for all people regardless of citizenship.
3. The government should also use and support opportunities in world and regional forums such as the HONLEA, CND, ASEAN, CHOGM etc to advocate for the abolition of capital punishment.
4. In recognition of the fact that change generally happens very slowly, our Government could advocate for countries to adopt alternative positions if they are reluctant to immediately abolish the death penalty. For example, countries should be encouraged to adopt a moratorium on executions; drug smuggling must be universally recognized as not qualifying as a heinous crime etc.
5. The Australian government should be informed by Amnesty, Reprieve and human rights organization research to support content in lobbying and arguing for the abolition of capital punishment in regional and international forums.
6. In recognition of the theme of World Day against the death penalty for 2015, crimes involving drugs should not be treated as capital crimes. Drug mules who face execution are often individuals of low socio economic status driven to this activity either by force or for economic reasons. This is not an appropriate punishment for these individuals. This issue is complex - what cannot be ignored is the ever present market for illegal drugs. This could be another area of further enquiry to determine an optimum approach to deal with this issue.
7. The Australian government must do whatever is necessary to ensure our citizens are not exposed to the death penalty through the actions of the federal police. While Australia officially opposes the death penalty in all circumstances, there are a number of bilateral and multilateral collaboration agreements and treaties that can involve law enforcement collaboration on capital crimes. While the details of these arrangements are not generally available in the public domain, we are aware, for example, of the Mutual Assistance Treaty between Indonesia and Australia which

specifies that the Australian Government *may* assist Indonesia in requests that “**relate to the prosecution or punishment of a person for an offence in respect of which the death penalty may be imposed or carried out**”. We understand that when the AFP is involved in a trans-national capital crime collaboration, officers must operate under the ‘Death Penalty Charge Guide’ which prevents assistance *once the person has been charged with a capital crime*. We ask that this loophole be closed immediately and that the death penalty charge guide be rewritten to preclude any collaboration in investigation or information sharing for any crime that may reasonably be expected to lead to the death penalty.

8. The Australian government must be vigilant in all bi-lateral collaboration activities. For example, there must be safeguards to ensure that cross-country training and funding activity is never used to support activities that may directly or indirectly lead to support for policing operations in retentionist countries.

9. In the lead up to UNGASS 2016, the Australian government must consider a strong contribution towards ensuring that the international drug conventions be realigned to adhere intimately with international human rights obligations.