

Cornell Center on the Death Penalty Worldwide

Socio-economic fact-finding:
prisoners on death row

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Death Penalty Worldwide



Mission

- Center uses research and advocacy to:
 - bring attention to persistent racial, ethnic, class, and gender bias in the application of the death penalty;
 - implement international safeguards protecting the rights of persons facing the death penalty; and
 - improve the quality of legal representation in countries where resources are scarce.



Initiatives

- Center combines research, training, and strategic advocacy in the following initiatives:
 - Research and Publications
 - Clinical Projects
 - Death Penalty Worldwide Database
 - Makwanyane Institute for Capital Defenders



Center / clinical projects

- Innocence Project
- Mental Health / Intellectual Disability Project
- Women on Death Row Project
- Traditional Leaders' Survey
- Malawi Resentencing Project
 - *Kafantayeni v. Attorney General* (2007)
 - 150 resentencing hearings
 - 121 prisoners released



Jamu Banda and John Nthara stepping out of prison as free men



Why conduct fact-finding?

Fact-finding helps us engage in effective advocacy by providing an objective foundation on which to build our arguments. We can use data to:

- Argue as mitigation during trials or plea-bargaining
- Lobby for funding increases for indigent defense services
- Increase public awareness of discriminatory application of the death penalty
- Advocate with governmental bodies and international organizations
- Abolish the death penalty



The primary rule

While fact-finding is essential to effectively advocating for change, researchers' primary obligation is to minimize potential harm to participants and their families. Harm includes:

- Retraumatization of prisoners
- Retaliation by prison guards
- Damaging relationships
- Raising expectations that you may be able to help the prisoner



Planning

- What are your goals?
- Who will you interview?
- Who will conduct the interviews?
- What are the ethical concerns?
- What security risks exist?
- Who are your allies?
- What is your timeline?
- Will you apply for funding?



Survey design

- What questions will you ask?
 - topics
 - format
 - cultural relevance
- Qualitative vs quantitative
- Coding
- Primary language + translation





Survey implementation

- Obtaining informed consent
- Uniformity of survey instrument
- Interpretation
- Interviewing procedures
- Prisoner or family retraumatization
- Prison rules and restrictions



Interviewing procedures

- Introducing yourself and your research
 - organization
 - role
 - use of information
- Preliminary consent
- Anonymity / confidentiality
- Potential risks of participation
- Informed consent
- Privacy during interview



Report writing & follow-up

- Think of your audience
 - Government, international organizations, donors, journalists, lawyers, public
- Use case studies to humanize data
- Disseminating the information
 - Media strategy
 - Launch
 - Partners & stakeholders





