HANDS OFF CAIN – SPES CONTRA SPEM

Radical Nonviolent
Transnational Transparty Association

STATUTE

NAME AND BODIES

Article 1

1. “HANDS OFF CAIN – Spes contra Spem” – an ETS association – is a Radical, Nonviolent, Transnational and Transparty Association, founded in 1993 together with Marco Pannella and Mariateresa Di Lascia.

2. It is an organisation with direct or federative membership that conducts a worldwide campaign for the abolition of the death penalty, of the life imprisonment without parole and of death by penalty.

3. The acronym ETS (Third Sector Entity) may and must be used only from the moment of its registration in the “Other Third Sector Entities” section of the National Single Register of the Third Sector (RUNTS).

4. The bodies of the association are: the General Assembly; the General Council; the Board of Directors; the Honorary Presidency and the Supervisory Body.

LEGAL HEADQUARTER

Article 2

The legal and operational headquarter is established in Italy, in via della Panetteria 15 – 00187 Rome. The transfer of the legal headquarter within the same municipality is decided by the Board of Directors by simple majority and does not require an amendment to this Statute. The transfer of the legal headquarter to a different municipality requires an amendment to the Statute and is decided by the General Assembly. In any case, the obligation to notify the competent Offices remains in force.

GOALS AND ACTIVITIES

Article 3

HANDS OFF CAIN is a non-profit organization pursuing civic, solidarity-based and socially useful goals aimed at overcoming the death penalty, the life imprisonment without parole, death by penalty and prevention when it is worse than punishment.

3.1 To achieve its goals, the Association mainly acts in the following areas of general-interest activity according the Article 5, paragraph 1, of Legislative Decree No. 117/2017:

- organization and management of cultural, artistic or recreational activities of social interest, including editorial activities to promote and disseminate culture and the practice of volunteering and of the association's general-interest activities;
- development cooperation, pursuant to Law No. 125 of 11 August 2014, as subsequently amended;
- promotion and protection of human, civil, social and political rights.

3.2 To pursue these goals, the Association:

- produces and disseminates all theories and analyses aimed at overcoming the death penalty, the life imprisonment without parole, death by penalty, and prevention when it is worse than punishment;
- promotes, in Parliaments, the introduction of bills (or equivalent measures) aimed at a moratorium on executions, with a view to abolition of capital punishment, as well as proposals for amnesty, pardon, special early release, or other measures aimed at reducing prison overcrowding, so as to bring the enforcement of criminal sentences into line with the principles of the Italian Constitution and European conventions, and also to improve the living and working conditions of the entire prison community, as well as to reform the system of preventive measures, prefectural interdictory measures ("interdittive prefettizie"), and security measures;
- monitors and disseminates news concerning decisions, resolutions, laws or constitutional amendments providing for a moratorium on capital executions or abolition of the death penalty from legal systems;
- monitors the living conditions of persons deprived of liberty, supports proposals and disseminates news concerning reforms of the justice and criminal/preventive system oriented towards respect for human rights and the Rule of Law, and promotes the dissemination and establishment of restorative justice as an alternative model to a purely punitive approach;
- carries out projects in the field of development cooperation, understood in particular as the development of democratic institutions and rules and promotion of human rights;
- promotes every scientific, political, legal and cultural initiative that moves towards abolition and aims to raise public awareness and inform public opinion.

3.3 Pursuant to Article 6 of the Third Sector Code, the Association may carry out activities other than those of general interest, provided they are secondary and instrumental to the latter, in accordance with the criteria and limits set out in that article and its implementing provisions. To this end, the Board of Directors is entrusted with the specific identification of the activities other than those of general interest that may be carried out, within the aforementioned limits and criteria.

3.4 In order to finance its institutional activity, the Association may raise funds as provided for by Article 7 of Legislative Decree No. 117 of 3 July 2017.

MEMBERS

Article 4

Anyone may become a member of HANDS OFF CAIN.

A person is a member of HANDS OFF CAIN if they have paid the annual membership fee and have been entered in the register of members with their personal data and contact information.

The membership fee is set by the General Assembly.

4.1 Members of HANDS OFF CAIN are:

- founder members (individuals, institutions, groups or associations that have paid the corresponding fee set by the General Assembly);
- ordinary members (individuals, institutions, groups or associations that have paid the minimum fee set by the General Assembly).

4.2 Every member is free to withdraw from the association at any time by sending their resignation in writing to the Board of Directors.

4.2.1 A member who ceases to be part of the association has no right to any share of the association's assets.

4.2.2 All members have equal rights, including the right to vote and to inspect the association's records within 10 days of the date of the request made to the Board of Directors.

FEDERAL ORGANIZATIONS

Article 5

Associations or groups that pursue goals consistent with those of HANDS OFF CAIN and request to become federated with the Association are federate organizations of HANDS OFF CAIN.

5.1 A federation with these associations or groups does not entail the membership of their own members or affiliates in HANDS OFF CAIN.

5.2 The period of federation may also be limited to a fixed term. Federation – including of HANDS OFF CAIN with other groups – takes place on the basis of agreements between the governing bodies of the associations entering into the arrangement.

5.3 For HANDS OFF CAIN, such agreements are concluded by the Board of Directors and ratified by the General Council, and specify the amount or method of payment of the financial contribution, the mutual support commitments, and the form and extent of representation of the affiliated associations and groups within the bodies of HANDS OFF CAIN.

Article 6

Any dispute arising under the preceding Articles 4 and 5 shall be resolved by the Board of Directors, with a right of appeal to the General Council.

VOLUNTEERS

Article 7

The association may use volunteers in carrying out its activities.

Volunteers are those who, of their own free choice, carry out activities on behalf of the association or its projects, making their time and abilities available personally and free of charge, without any profit motive, even indirect. Reimbursement of expenses may be granted as provided for by the Third Sector Code.

The Board of Directors shall establish a register in which volunteers are recorded.

GENERAL ASSEMBLY

Article 8

8.1 The General Assembly is composed of the members, who may take part in it with voting rights from the moment of their enrolment.

8.1.2 Affiliated organizations may take part in the Assembly with the right to speak but without voting rights, except as otherwise provided by the affiliation agreements referred to in Article 5.3 for matters directly concerning them.

8.2 The General Assembly meets once a year in ordinary session to approve the financial statements, and in any case at least every two years for all other matters within its competence, at the place, on the date and with the agenda set by the Board of Directors at least 15 days before the scheduled date.

8.3 Extraordinary assemblies may be convened at the request of the Board of Directors or of one third of the members entitled to vote. Notice of the meeting shall be sent at least 8 days before the date set for the General Assembly, in accordance with the procedures set out in this Statute.

Article 9

9.1 The General Assembly is sovereign.

In particular, the following matters fall within the competence of the General Assembly:

- approval of the budget and of the final financial statements;
- approval of the rules of procedure for assembly proceedings;
- resolutions concerning the liability of members of the corporate bodies and the initiation of any liability actions against them;
- election of the Honorary Presidency, of the members of the General Council, and of the Supervisory Body;
- amendment of the Statute;
- dissolution of the association.

9.2 The Assembly is convened by written notice sent to each member at the last address communicated by them to the association, by registered letter, email, or any other means suitable for proving that the notice has been sent, regardless of proof of actual receipt. The notice of convening must indicate the day and time of the meeting, the place or the technical means of remote connection, the agenda, and, where applicable, the date, time and place of any second convening.

Assembly meetings may be held by teleconference, videoconference, or a mixed format, provided that all participants can be identified and are able to follow the discussion and take part in real time in the consideration of the matters addressed. Where these conditions are met, the meeting is deemed to be held at the place indicated in the notice of convening or at the place where the President is located.

Article 10

Except as otherwise provided in this Statute, the General Assembly validly resolves regardless of the number of members present.

10.1 Except as otherwise provided in this Statute, decisions are taken by simple majority of the members present.

The discussions, proceedings and decisions of the General Assembly are entirely recorded in audio or video; the decisions and documents are summarized in minutes of the assembly, which are published on the Association's website and kept in electronic format by the President, who shall make them available to members.

AMENDMENTS OF THE STATUTE AND/OR DISSOLUTION

Article 11

Any proposal aimed at amending the Statute or dissolving the association must originate from the Board of Directors or from at least two-thirds of the full members, meeting in assembly.

11.1 The Board of Directors must bring the agenda to the attention of the members at least 15 days before the date of the General Assembly called to decide on the proposed amendment to the Statute or dissolution.

11.2 The General Assembly may validly resolve on such a proposal when the absolute majority of the members take part in the vote.

11.3 If that assembly does not reach quorum, a new General Assembly shall be convened, which shall decide definitively and validly, by absolute majority, on the proposals in question, regardless of the number of members present.

11.4 The General Assembly shall determine the procedures for the dissolution and winding-up of the association. In the event of the association's extinction or dissolution, any residual assets shall be transferred to other Third Sector Entities identified by resolution of the General Assembly, subject to the favorable opinion of the competent Office of the Third Sector Register.

GENERAL COUNCIL

Article 12

12.1 The General Council is composed of not less than 60 and not more than 120 members, chosen from among those most actively engaged in the projects related to the association's activities.

12.2 The members of the General Council are elected by the General Assembly on the proposal of the Chair of the Assembly.

12.3 Their term of office is two years, corresponding to the period between two ordinary General Assemblies as set out in Article 8. The term of office of the members of the General Council may be renewed.

12.4 The Secretary, the Treasurer and the President are members of the General Council by right.

Article 13

13.1 The General Council meets at least once a year, at a place of its choosing. It may be convened by the President, by the Secretary, or by a majority of its members.

13.2 The General Council shall:

- assign specific tasks to Council members in relation to the pursuit of the objectives set out in the Statute or in resolutions of the Assembly;
- carry out any further tasks assigned to it under this Statute.

Article 14

The General Council resolves by simple majority of those voting. Where necessary, the President's vote counts as two.

THE BOARD OF DIRECTORS

Article 15

15.1 The Association is administered by a Board of Directors composed of the President, the Secretary and the Treasurer, who are elected by the General Council from among its own members.

15.2 The Board of Directors implements the resolutions adopted by the General Assembly, takes into account the suggestions and guidance of the General Council, and is responsible for implementing the policy decided by the General Assembly. It resolves on the acceptance of inheritances, bequests and contributions; it documents the secondary and instrumental nature of the other activities and defines the other activities that may be carried out.

15.3 It is the President's task to: chair and convene meetings of the General Council, taking care of the minutes thereof; ensure the flow of information among the association's various bodies and its members; resolve and examine any disputes concerning the Statute; chair the opening of the General Assembly and keep the records of the General Assembly.

15.4 The Secretary is responsible for the execution of decisions taken by the General Assembly, in ordinary and extraordinary session, and by the General Council. The Secretary is assisted by a secretariat composed of a minimum of three and a maximum of seven persons. The Secretary is the legal representative of the association and, except for matters falling within the legal representation of the Treasurer, proposes any legal actions deemed necessary to protect the rights and interests of the Association and represents it in legal proceedings. The Secretary undertakes all initiatives deemed necessary to achieve the objectives set by the General Assembly.

15.5 The Treasurer is responsible for the financial policy of HANDS OFF CAIN. The Treasurer is responsible for promoting any useful initiative for self-financing and for securing any other financial resources; administers the funds available to HANDS OFF CAIN and is responsible for their management. The Treasurer is assisted by a treasury office composed of a minimum of three and a maximum of five persons. The Treasurer is the legal representative of the association in all economic and financial matters, and, together with the Secretary and the President, presents a draft budget and its subsequent updates to the General Council.

THE HONORARY PRESIDENCY

Article 16

The Honorary Presidency is composed of one or more figures from the fields of science, culture and politics who have promoted the campaign for a moratorium on capital executions with a view to the abolition of the death penalty, the penalty unto death, death by penalty, and the reform of preventive measures and prefectural interdictory measures.

FINANCIAL STATEMENTS: BUDGET AND FINAL ACCOUNTS

Article 17

The Board of Directors is required to submit to the General Assembly the final financial statements for the past financial year and the budget for the following financial year.

The ordinary financial year (as required by law) corresponds to the calendar year.

Article 18 – Financial Resources

The association's financial resources consist of:

- membership fees set by the General Assembly;
- voluntary contributions, grants and public and private donations;
- income derived from the Association's assets;
- inheritances, bequests, gifts and legacies;
- proceeds from the various initiatives promoted by the association.

The association's assets consist of the movable and immovable property acquired for the association's specific purposes.

Article 19 – Financial Year

The financial statements are submitted for approval to the General Assembly within 5 months of the end of the financial year, are prepared in accordance with the law, and consist of the Balance Sheet and the Statement of Operations, indicating income and expenses.

They are accompanied by a report illustrating the individual items, the economic and operational performance of the association, the manner in which its institutional purposes have been pursued, as well as the secondary and instrumental nature of activities other than the institutional ones. The report shall also account for any observations or recommendations from the Supervisory Body and/or Auditing Body.

Once approved, the financial statements so prepared are filed with the National Single Register of the Third Sector by the Board of Directors.

Where required by law, the financial statements must be published on the association's website, indicating any emoluments, fees or payments granted to members of the Board of Directors, to the Supervisory Body, and to members.

The association is prohibited from distributing, even indirectly, profits and operating surpluses, as well as funds, reserves or capital, during the life of the organization, unless such allocation or distribution is required by law or is made in favor of other Third Sector Entities.

Article 20 – The Supervisory Body

Where required by law, or whenever deemed appropriate, the Assembly shall appoint a Supervisory Body, either single-member or collegial, according to the determinations made at the time of appointment.

The Supervisory Body oversees compliance with the law and the Statute, compliance with the principles of proper administration, the adequacy of the association's organizational, administrative and accounting structure, and its actual functioning.

It may also carry out the statutory audit of the accounts.

Members of the Supervisory Body are entitled to take part, without voting rights, in meetings of the Board of Directors and in the Assembly meeting that approves the financial statements.

Where collegial, the Supervisory Body is composed of 3 (three) members chosen from among non-members, at least one of whom must be enrolled in the Register of Statutory Auditors; the term of office is 2 (two) years, and members may be re-elected. The provisions of Article 2399 of the Civil Code apply.

Article 21 – Dissolution

The Association is dissolved by resolution of the Assembly: when its assets have become insufficient in relation to its purposes; or for the other reasons set out in Article 27 of the Civil Code. In the event of the association's extinction or dissolution, any residual assets shall be transferred, subject to the favorable opinion of the Office referred to in Article 45 of Legislative Decree No. 117 of 3 July 2017, and save for any different allocation required by law, to other Third Sector associations pursuing similar purposes, identified by the Assembly that resolves on the dissolution, in accordance with the applicable legal provisions.

Article 22 – Residual Clause

For any matter not expressly provided for in this Statute, the provisions of the Civil Code and of Legislative Decree No. 117/2017 shall apply.