



REPRIEVE GOES 'GLOBAL'

Unique theatre venue plays host to music & comedy benefit night

Shakespeare's Globe Theatre in London is best known for its productions of classic drama, but on **Monday 5 June**, it plays host to a **REPRIEVE** benefit evening of music and comedy.

The bill, headed by the multi-talented musician and playwright Steve Earle, brings together a diverse group of performers to raise funds for, and give a voice to, those who cannot speak for themselves.

This event highlights the importance of **REPRIEVE's** work on behalf of those whose lives and

rights are in jeopardy. The funds raised will directly benefit prisoners facing the death penalty or other human rights violations in the US, South East Asia and Guantánamo Bay.

REPRIEVE is grateful to compère, **Stephen K Amos**; to all the musicians and comedians who have donated their time; and to the Globe – which has chosen our organisation as its charity partner for 2006.

THE LINE UP

Music

Steve Earle

Steve (pictured, right) is a country singer, renowned for many decades for his protest and political songs. He is also author of the play *Karla*, a portrait of Karla Faye Tucker, who was executed in Texas in 1998.

The Proclaimers

This Scottish duo has a huge following on both sides of the border & beyond.

Allison Moorer

After making her international debut at the 1999 Academy Awards, Allison is known for her dusky alto & honest song writing.

David Knopfler & Karine Polwart

After co-founding Dire Straits, David has released 9 solo albums; Karine's debut album won 3 prizes at the Radio 2 2005 Folk Awards.



Comedy

Mark Thomas

Mark is a comic, activist & human rights campaigner. His programmes for Channel 4 use a mix of comedy & investigative journalism to expose hypocrisy in high places.

Stewart Lee

Stewart is a stand-up comedian & writes for radio, TV & the stage. He directed & co-wrote *Jerry Springer: The Opera*.

Kevin Eldon

Kevin's television writing credits include the Emmy award-winning *Smack the Pony*.

REPRIEVE SEEKS 'MISSING' PRISONERS

REPRIEVE and other human rights groups are trying to track down prisoners who were formerly held at Guantánamo Bay but whose whereabouts are now unknown.

The move follows publication of the names of all the 759 men who have been held in US Defence Department custody at the prison since it opened in 2002.

The names include those who have now been released – like the eight British nationals who are now back in Britain and planning to sue their former captors. However, some of the men listed are unaccounted for and may have been transferred to secret prisons. A **REPRIEVE** spokesperson said of those who are no longer at Guantánamo: 'Some are free; some are in prison in their home countries. Some, we simply have no idea where they are. They may

be being held somewhere in a CIA facility.'

The American government was forced to reveal the complete list of Guantánamo prisoners by a freedom of information law suit – previously it had kept some names secret.

The information published reveals that around 60 prisoners were teenagers when they were taken to Guantánamo – some as young as 13 or 14.

Meanwhile, the clamour against Guantánamo Bay grows ever stronger, with the UN Committee Against Torture being the latest to call for its closure. Earlier, the British attorney-general Lord Goldsmith described it as 'unacceptable' and 'a symbol of injustice'.

The list of Guantánamo Bay prisoners is available on **REPRIEVE**'s website: www.reprieve.org.uk

DEATH ROW SURVIVOR SPEAKS OUT

Nick Yarris, who was exonerated in 2004 after 23 years on death row in the US, has been adopted as a **REPRIEVE** spokesperson, visiting community and other groups to talk about his life facing execution for a crime he didn't commit.

'As I finally walked out of prison in January 2004, I began life all over after 8,057 days locked in a box,' he says. He was released after DNA evidence proved his innocence.

Mr Yarris now lives in England with his wife Karen. Their first daughter, Lara Rebecca Yarris (pictured above, with Nick Yarris), was born on 16 April this year.

He also uses his talks to be a vocal lobbyist against capital punishment and to campaign for the release of death row prisoners



whom he believes are innocent.

Some of those who have heard Mr Yarris speak about life on death row described him as 'inspirational'. One said: 'I have been so inspired by your courage and strength'. Another described his presentation as 'a rare opportunity to hear the personal account of someone who has been on death row.'

Anyone interested in contacting Nick Yarris about arranging a presentation can do so via his website: www.nickyarris.com

WHAT IS REPRIEVE?

REPRIEVE is a UK charity that fights for the lives of people facing the death penalty and other human rights violations.

We currently work on the cases of more than 200 prisoners – from Guantánamo Bay, to death row in America and South East Asia.

REPRIEVE directly targets cases where we can make a difference. We provide lawyers and investigators to help those who cannot afford to pay for their own legal representation.

We rely on donations from supporters and on help from volunteers to carry on our work. See our website (www.reprieve.org.uk) for information on how you can get involved.

This year, we are asking supporters to make their donations by standing order. Regular donations make our income more predictable and enable us to plan our work more effectively in advance. See the donation form on the back page.

A DOG'S DEATH

Prisoners executed by lethal injection are killed by a method which would be condemned if used on a family pet

Lethal injection is the most common form of execution used in the United States. Indeed, it is the preferred option in 37 of the 38 states that execute people (Nebraska still relies on the electric chair). Most lay people believe that lethal injection is the most humane method of execution, especially since a similar process is used to 'put down' cats and dogs. Common wisdom is wrong.

Almost all the states use the same three-drug combination for lethal injections, injecting one at a time into the veins of a prisoner strapped down to a gurney. In theory, the first injection, delivering sodium pentothal, puts the condemned man to sleep. Within 60 seconds, he is supposed to be rendered unconscious. In another minute, all breathing should stop. Next comes pancuronium bromide, which paralyses the prisoner, but leaves him fully conscious and able to experience pain.

The drug is not needed to kill the prisoner; it appears intended mainly to keep his body from twitching or convulsing while dying.

The third drug, potassium chloride, is then injected and causes cardiac arrest, killing the prisoner. However, potassium chloride is incredibly painful, so painful in fact that veterinary guidelines prohibit its use unless a vet first ensures that the pet to be put down is deeply unconscious. No such precaution is taken for prisoners.

Indeed, recent evidence shows that many inmates continue to breathe long after respiration should have stopped. When their lungs are stopped by the second paralysing drug, they start to slowly suffocate. If they are still alive after that drug runs its course (and prison logs of many recent executions demonstrate the prisoners are, indeed, still breathing), many may suffer excruciating pain when the drug to stop their heart is plunged into their veins. Throughout all this, unless the initial drug works fully,

the prisoner is still conscious.

In California in January 2006, it took two separate doses of potassium chloride over several minutes to kill 76-year-old Clarence Allen. He took nine minutes, rather than the expected one, to stop breathing. Prison Warden Steven Ornoski tried to explain things away by saying at a post-execution news conference that a second dose of potassium chloride was required because 'this guy's heart has been beating for 76 years, and it took awhile for it to stop.' Allen had had a long history of coronary artery disease and suffered a heart attack less than five months before he was executed.

Given the great likelihood that lethal injection is far from a peaceful death, courts across the US have begun to halt executions, at least temporarily. The question being thrashed out in all the cases is whether lethal injection as performed now is needlessly painful and therefore cruel and unusual punishment outlawed by the US Constitution.

In recent weeks, 11 death row prisoners, have been granted stays based in whole or in part on challenges to the lethal injection process. But the decision to stop an execution is extremely arbitrary, depending on the luck of the draw with judge and governor (both of whom can issue a stay). In California, Delaware, Florida, Maryland, Missouri, Tennessee, and the Federal prison system, a combination of judges and governors has halted executions. But, executions have continued in Indiana, Nevada, North Carolina, Oklahoma, Texas, Virginia – 15 men killed in total. In Ohio, two executions have been carried out, but sandwiched between the two, another execution was stayed by a different judge. As a Federal Appeals Court judge noted on 16 May 2006, right now there is 'no principled distinction to justify' who lives and who dies by lethal injection.

Zachary Katznelson

VANESSA REDGRAVE STARS

AT REPRIEVE GALA EVENT

400 supporters attend unique performance of acclaimed play

Vanessa Redgrave was one of the stars in a **REPRIEVE** fund-raising gala performance of *The Exonerated*, the play which tells the stories of six innocent survivors of America's death row.

The veteran actor and human rights campaigner played the role of Sunny Jacobs, who was sentenced to death, along with her husband, for murdering two policemen. Sunny Jacobs spent 16 years in prison before being exonerated and released in 1992.

At the end of the performance, the first person on her feet to lead the standing ovation for Ms Redgrave and the other nine actors on stage, was the real Sunny Jacobs, who was among the 400-strong audience.

audience during the question and answer session after the play. Ms Jacobs has also played herself on stage at some points during the show's run at Riverside Studios in west London.

Ms Redgrave said there was something uniquely daunting for an actor about playing someone who is sitting in the audience watching you. 'I didn't know until the last minute you were going to be here,' she said. 'I thought, "Oh lord! I'm probably just so way off beam..."' She added that it was 'an honour' to play Sunny Jacobs in the one-off gala performance.

The Exonerated is a beautifully crafted and compelling account of how the lives of one woman and five men – Robert Earl Hayes, Delbert Tibbs, Gary



Main picture: Sunny Jacobs Inset: Vanessa Redgrave

Ms Jacobs, who lost much during her time in prison – her husband was wrongfully executed; her children (10 months and 9 years), ended up in care – has rebuilt her life since her release. She has married and now lives in Ireland, teaching yoga and growing vegetables. 'I have the nicest life of anyone I know right now,' she told the

Gauger, David Keaton, and Kerry Max Cook – were smashed to pieces when they were wrongly convicted and sentenced to death. Using their own words – taken largely from court transcripts, affidavits, letters and newspaper articles – it tells of their lives on death row and what life has been like since their exoneration and release. A recurring theme is how

a deeply flawed criminal justice system was aided and abetted by corrupt or incompetent lawyers.

Shocking though the six stories told in *The Exonerated* are, they are not unusual, according to **REPRIEVE** legal director Clive Stafford Smith – who has spent more than 20 years representing people facing the death penalty. He told the theatre audience that he has acted for more than 300 people in capital cases. ‘I’ve found over the years, that more and more and more of them didn’t do it,’ he said.

In his experience, a key factor in miscarriages of justice is race – crucially the race of the victim. ‘Unfortunately, anyone who pretends our judicial system isn’t dictated by race is living on a different planet.’

The first person on her feet to lead the standing ovation for Ms Redgrave and the other nine actors on stage, was the real Sunny Jacobs

Racism in the criminal justice system is a theme explored in the play. Delbert, a black man who was convicted of murdering a white man and raping a white woman, says: ‘As I sometimes tell people, if you’re accused of a sex crime in the South and you’re black, you probably shoulda done it, you know, ‘cause your ass is gonna be guilty. And they found me guilty.’

Clive Stafford Smith, however, insisted there is some cause for optimism. The gala performance was held on the day that the

jury in the US rejected calls to sentence Zacarias Moussaoui to death for his part in the 9/11 attacks. In coming to their conclusion that the so-called ‘20th hijacker’ should face life in prison, rather than execution, the jury resisted huge political and media pressure.

‘Unfortunately, anyone who pretends our judicial system isn’t dictated by race is living on a different planet.’

Mr Stafford Smith said he detects a wider shift against the death penalty. ‘Fortunately, we’re winning,’ he said. ‘For every person being executed at the moment, there are many who haven’t been.’

One cause for hope is the way in which the exonerated have succeeded in rebuilding their shattered lives.

Sunny Jacobs says, when she was released, all she had in the world was ‘two little cardboard boxes of belongings’. ‘I was 45 years old and the most expensive thing I owned was a Walkman.’

As is the norm, the authorities which had locked her up and tried to kill her provided no financial or other support. ‘They let me out and just told me, “have a nice life.”’

Luckily, Sunny Jacobs decided to do precisely that.

Fiona Bawdon

The Exonerated finishes at the Riverside Studios in Hammersmith on 11 June 2006. www.riversidestudios.co.uk; www.theexonerated.co.uk

THE WORDS OF THE EXONERATED

- ‘You can have people probably who knew that a lotta folks were innocent – but they were not gonna be the ones to lose their jobs, jeopardise their kids’ college education, blow their new SUV or whatever for some abstraction like justice.’
- ‘So then after I’ve been on death row for twenty-two years, they find this DNA evidence, you know, and the prosecution says that this will be the final nail in Kerry Max Cook’s coffin: “We’ll show the world once and for all that he committed that murder.” And the results come in and it did just the opposite; it finally took the nail out of my coffin.’
- ‘My court-appointed attorney was the former DA who jailed me twice before. He was paid five hundred dollars, and in Texas you get what you pay for.’
- ‘And I didn’t have any investigators, I didn’t have any expert witnesses, I didn’t have thousands of dollars. My parents said, “Well, you know we were told we could try and get you a better lawyer, but you have a lawyer – they’ve appointed you one – so it’s okay.” We didn’t know.’

Source: *The Exonerated*, Jessica Blank & Erik Jensen.; Faber & Faber

A QUIET GOODNIGHT

By refusing to sentence the '20th 9/11 hijacker' to death, the American jury struck a blow against extremism & made the world safer for all of us, says Clive Stafford Smith



The fact that, last month, a US jury declined to sentence Zacarias Moussaoui to death for his part in the 9/11 hijackings demonstrates that the American people are acting on far higher principles than their leaders.

Moussaoui shouted out as he was led away: 'America, you lost!' I beg to differ. The US attorney general lost, but the people of America and the principles on which the nation was founded won. What is clear is that the US attorney general and his boss, George W Bush, are out of touch with both the people and common sense.

Rather than high-profile martyrdom, a life sentence means he is now facing a quiet goodnight where he will never be heard from again

Any death sentence is a moral failure; on a more practical level, to impose one on Moussaoui would have been a catastrophe. It is telling, of course, that once he was caught, Moussaoui asked for the death penalty. He wanted to be martyred, because then he would have had a few years of high profile appeals, continued to pound the podium, and then been ceremonially executed. There would probably have been calls for it to be televised. And hundreds more would have gathered under the banner of extremism – those who had not already been drawn by images of Abu Ghraib, Guantánamo Bay and Belmarsh. Moussaoui's decision to ask for death is an

obvious one. The alternative, which he is now facing, is a quiet goodnight with a life sentence where, like shoe bomber Richard Reid, he will never be heard from again. So why did the US attorney general decide to seek the death penalty and thus help Moussaoui to achieve his goals? Why do our leaders weigh their options, and then charge in precisely the wrong direction? The point our leaders seem to be missing is that the government is responsible for the overarching safety and well-being of society, not simply the prevention of an individual criminal act. In this context, above all else, our leaders should be asking how to avoid helping Moussaoui to attract thousands of others to his banner?

Viewed in this light, the enforcement of human rights and the rule of law provide the most effective counter-terrorist measure we have in our arsenal. It is not a matter of 'coddling terrorists'; it is a matter of living up to our ideals, and it is also common sense.

The jury remained true to the principles of a fair trial and conviction on the basis of evidence rather than politics and public opinion. By sentencing Zacarias Moussaoui to life, the jurors who held out against a death sentence declined to allow a madman to goad them into violating their ideals, and in that moment made the world a safer place.

For this we should all be eternally grateful.

You can read **REPRIEVE** legal director Clive Stafford Smith's regular blogs – including reports from his visits to Guantánamo Bay – on www.reprieve.org.uk

REPRIEVE PEOPLE

REPRIEVE's work is only possible because of the dedication of its small staff and larger volunteer group. In this issue, we profile two members of REPRIEVE's UK staff.



Annabel Harris,
director

Annabel joined **REPRIEVE** over two years ago from Amnesty International. Her years at Amnesty taught her that enlisting support for people facing the death penalty is a difficult challenge, but one that was irresistible.

Annabel says: 'I focus on the outreach element: fund raising; **REPRIEVE's** public profile – everything from promotional material, to the website, to public events.'

Last summer, Annabel visited death row prisoners in Louisiana, Texas and Mississippi to provide real context to her work and get a better idea of what life is like for **REPRIEVE** volunteers who are sent to these places.

It was a searing experience. 'I'd never met death row prisoners before, and what struck me was the common humanity we all share' she says.

Annabel says that what appeals to her about **REPRIEVE** is its being a frontline organisation. 'Everything we do is driven by the fact that we are providing direct assistance to the prisoners who need it most.'

During her time at **REPRIEVE**, there have already been considerable changes. When Annabel took over from her predecessor Andie Lambe, there were just two staff members; now there are six full- and part-time employees. 'I liked the idea of joining a small organisation and seeing what could be done with it.' With only a very limited budget, there's a continual need to be creative to make things happen. 'I've never worked so hard in my life,' she says.



Zachary Katznelson,
senior counsel

Like so many others, Zachary started out as a **REPRIEVE** volunteer, before joining its staff in February 2006. His background is in prisoners' rights work in California. Zachary now focuses on **REPRIEVE's** casework on behalf of prisoners held beyond the reach of the law in the war on terror.

While his work in California may have been challenging, at least lawyers could be fairly sure that the prison authorities would cooperate in allowing them to see clients. At **REPRIEVE**, 'an unfortunate amount' of time is spent battling with the US authorities simply for access to Guantánamo clients. Here, the rules of engagement are either opaque or non-existent.

Currently, Zachary is trying to get to see a Chadian national who was just 14 when he was taken from Pakistan to Guantánamo. **REPRIEVE** is deeply concerned about the teenager's wellbeing. 'He is 19 now and has tried to commit suicide twice this year.' Zachary's next move is a visit to Chad to see the president of that country to ask him to intervene.

Zachary explains why he feels so strongly about the work: 'As an American, it's my country that's doing this. This is against everything I was taught that we stood for and that I believe we stand for.'

'I went to law school to get skills to help people. These are people that no one much gives a damn about. I feel honoured to be able to do this work.'

STANDING UP AGAINST THE DEATH PENALTY WITH A STANDING ORDER

Please support **REPRIEVE**'s frontline work on behalf of people facing the death penalty by asking your bank to set up a regular donation. All you have to do is fill in the form below and send it to: Annabel Harris, **REPRIEVE**, PO Box 52742, London, EC4P 4WS.

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