



THE POLITICS OF DEATH

*By the time you read this, Leeds man
Tahir Hussain may have been executed*

The 'war on terror' may be about to claim another – most unlikely – victim.

Tahir Hussain was just an ordinary Leeds teenager when he went on holiday to Pakistan to stay with relatives. On the second day of his holiday, Mr Hussain hired a taxi to take him to the village of Bhubar, near Rawalpindi. On the way, the taxi driver attempted to sexually assault him at gunpoint. During the ensuing struggle, the gun went off, injuring the taxi driver, who later died.

Mr Hussain immediately drove the injured man to the nearest police station, but he was arrested and charged with murder when the man died. Mr Hussain was subsequently tried and sentenced to death. The prosecution's suggestion that a teenager from affluent Britain had brought a gun on a plane all the way from home to rob a poor taxi driver seemed improbable at best. Both blood and ballistics evidence appeared to have been falsified. After several appeals, his conviction was quashed by the Supreme Court and he was ordered to be released.

However, the driver's family intervened and succeeded in having Mr Hussain's case transferred to Pakistan's parallel Sharia religious courts. In 1998, the Sharia court by a two-to-one vote once again sentenced Mr Hussain to death. The dissenter lambasted the decision as a 'miscarriage of justice'.

Now 36, Mr Hussain has spent almost half his life under threat of execution. He was scheduled to be executed on

1 October, but his execution date was postponed so as not to fall in the holy month of Ramadan. A new date is likely to be set for the end of October. When **REPRIEVE's** Zachary Katznelson visited him in early October, he was living in a 10 foot by 12 foot cell, with two other men.

Pakistan President Musharraf has already issued three stays of Mr Hussain's execution and is under pressure from Britain and elsewhere to use his power to commute the sentence. The president previously said he was 'willing to find a solution to this case that goes over and above what the courts are able to do'. On his recent visit to Britain, President Musharraf again said he was searching for a solution within the law.

However, the president faces a predicament and it is possible that he could allow his supposed short-term political interests to stand in the way of saving Mr Hussain's life. Next year, Pakistan will celebrate 60 years of independence. The president has suffered severe domestic criticism for his lack of independence, and he does not want to be seen to bow to the British now. Yet it would be perverse if President Musharraf were to sanction Mr Hussain's execution purely to counteract perceptions in Pakistan of his links with President Bush and Prime Minister Blair.

President Musharraf should spare Mr Hussain not as a favour to Britain, but simply because it is the right thing to do – for Tahir Hussain, for justice, and for Pakistan.

GLIMMER OF HOPE FOR KENNY RICHEY

Kenny Richey, who has been on death row in Ohio since 1986, hopes to have his murder conviction overturned for the second time, following an appeal court decision to look at his case again.

Mr Richey's conviction for murdering a child in a fire was originally overturned in 2005, after his lawyers made representations about the poor quality of defence at his original trial. However, in an unusual move, the US Supreme Court agreed to the prosecution's request to overturn

this successful appeal on a legal technicality. Mr Richey, therefore, lost the prospect of immediate release or retrial and was back on death row.

Now, however, there is another glimmer of hope. The appeal court has announced it will look at the case again in January 2007.

www.reprieve.org.uk/casework_kennyrichey.htm

www.reprieve.org.uk/press_kenny_richey_update_140906.htm

SPIRITED AWAY

In the five years since 9/11 the US and its allies have questioned thousands of suspected terrorists. Almost none has ever seen the inside of a courtroom.

On a conservative estimate, America currently has around 14,000 prisoners held indefinitely without trial, around the world. The August edition of Congressional Quarterly – the publication that the US government created to keep Congress informed – estimated that 450 prisoners are held in Guantánamo Bay; around 500 in Bagram Airforce Base in Afghanistan; 100-200 in Kandahar, Afghanistan; 12,800 in Iraq; and 30 in 'other locations'.

Those 'other locations' are secret CIA facilities around the globe where those 30 prisoners – or 36, by the Red Cross's unofficial estimate – are kept deep within a legal black hole. On 6 September 2006, President George Bush announced that 14 alleged al-Qaida operatives had been transferred from those

secret prisons to Guantánamo Bay to face trial. He claimed that there were now 'no terrorists in the CIA program'. The maths begs a serious question: if there were 30 or 36 people there before, and 14 have been transferred, where are those 16-22 other people? If they are no longer in the CIA secret prison system, then what has happened to them?

The CIA's program of 'extraordinary rendition' may hold a part of the answer. Under the rendition program, suspected terrorists are flown by the CIA to other countries where the suspects face torture to try to get them to talk. In those countries, the suspects are at times held in a form of joint custody, where countries like Afghanistan provides jail facilities and guards, and the CIA provide the interrogators. Under such a scheme, if the CIA does not run the facility itself, President Bush's statement may be factually accurate, but has he really come clean?

SAVE A LIFE THIS CHRISTMAS



REPRIEVE Christmas cards cost £4.99 for a pack of 10 cards (plus postage), with the money going to help fund our vital, life-saving work. We have two different images this year, and the message inside both is: 'Season's Greetings'. You can order cards directly from **REPRIEVE's** website (www.reprieve.org.uk); or by phoning: 020 7353 4640.

Dog tags

Show support for **REPRIEVE** with one of our stylish dog tags. There

are two versions: one has a quote from exoneree Ryan Matthews on his release from death row: 'Never give up hope'; the other reads: 'Delivering justice, saving lives'. Send an SAE and cheque for £2 to: **REPRIEVE** PO Box 52742, London, EC4P 4WS.

Shopping and caring

Do your Christmas shopping on-line and donate to **REPRIEVE** at the same time. www.usshopucare.co.uk is an on-line shopping website that has links to hundreds of leading retailers, ranging from Amazon, to Boden, to Toys R Us. If you sign up to support **REPRIEVE**, each time you buy something, we will receive a donation.

A YEAR OF ISOLATION

Zachary Katznelson visits Shaker Aamer, one of the British residents held at Guantánamo Bay that our government refuses to help

24 September 2006 marked one year that my client Shaker Aamer, a long-time British resident, has been held in isolation in Guantánamo Bay.

He has not been outside in 4 months. He is not allowed to phone or see his family

Mr Aamer has been a prisoner in Guantánamo Bay since February 2002, more than four-and-a-half years. He has been beaten, subjected to temperature extremes, and deprived of sleep. He has not been outside in four months. He is not allowed to phone or see his family. Mr Aamer has not been charged with any crime. Yet, he has neither prospect of a trial, nor a certain date when he might be released.

The British government refuses to intervene to help Mr Aamer because – although his wife and four children are all British citizens, and although he previously lived in Britain for many years – he is officially a British *resident*, rather than a British citizen.

Since the beginning of June, Mr Aamer has not had any contact with fellow prisoners. Apart from the guards, I am the only person he has seen, when I visited him on two occasions in August.

During my visits, I found him living in a 6 foot by 8 foot cell, with just a steel bunk and thin mattress, steel toilet and sink, and a Qur'an. Nothing else. The lights in his cell are never turned off. Mr Aamer wears thin cotton orange trousers, a thin cotton orange shirt and flip-flops. He is not allowed any other items – not even a toothbrush or a cup.

The air conditioner is often turned off, leaving him sweltering in the Cuban heat. At other times, it is kept on maximum so – with no blanket – he is freezing cold.

In June, Mr Aamer was beaten solidly for two-and-a-half-hours, after refusing to provide a retina scan and fingerprints. He was strapped to a chair, with his head, arms and legs fully restrained. The military police (MPs) inflicted so much pain, he says he thought he was going to die. The MPs pressed pressure points all over his body: his temples, just under his jawline, in the hollow beneath his ears. They choked him. They repeatedly bent his nose to the side so hard, he thought it would break. They pinched his thighs and feet constantly. They gouged his eyes. They held his eyes open and shined a torch in them for minutes on end, generating intense heat. They bent his fingers until he screamed.

When he screamed, they cut off his airway, then put a mask on him so he could not cry out

This whole time the officer in charge of the camp was outside the cell, but did not intervene.

The Geneva Conventions, which apply to Guantánamo Bay, state that every prisoner must be treated humanely. The Geneva Conventions are being violated in Mr Aamer's case.

REPRIEVE was finally able to get information about Mr. Aamer's treatment declassified in early September. We have now filed an emergency motion in the US federal court, asking it to intervene and enforce his rights under the Geneva Conventions.

Zachary Katznelson
is Senior Counsel at **REPRIEVE**

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 provide lawyers and investigators to help those who cannot afford to pay for their own legal representation.

We rely on donations and help from volunteers to carry on our work. See our website (www.reprieve.org.uk) for information on how you can get involved; or send back the donation form on the back page.

A LITTLE LIGHT RELIEF

*Fiona Bawdon reports from **REPRIEVE's** highly successful first-ever music & comedy benefit night at London's Globe Theatre*



Stephen K Amos

'Look around the room and catch the eye of a stranger. Say to that person, "Hi! It's great to be alive!";' gushed stand-up comedian Stephen K Amos at the outset of **REPRIEVE's** fundraising evening at Shakespeare's Globe theatre.

Mr Amos – compère for the night – may have been being deliberately cheesy, but there was at least one person there with more cause than most to agree with that sentiment: Nick Yarris, who spent 23 years on death row before being exonerated. Since his release, Yarris, who acts as a **REPRIEVE** spokesperson, has rebuilt his life and now lives in England.

The Globe event, held in early



Nick Yarris

summer, was **REPRIEVE's** first such fundraiser. It included a diverse line-up of comedians and musicians with one thing in common, opposition to the death penalty. It was a moving, funny and thought-provoking evening – all the more remarkable given that it was organised from start to finish by **REPRIEVE** staff and volunteers in little over three months. The Evening Standard newspaper's subsequent review

gave it 4/5 stars.

Headlining was country legend Steve Earle, whose songs included his 1988 single, 'My Old Friend the Blues', and a duet with his wife, country singer Allison Moorer.

Mr Earle is a long-standing campaigner against the death penalty, which he described as 'an unspeakable act'. He revealed that he once witnessed an execution, at the request of the man who was to die. Mr Earle had, he said, regretted it ever since and had 'never completely recovered from' being exposed to such brutality.

Allison Moorer also performed a solo set, which included her version of the soul classic 'A Change is Gonna Come'. It was the second time the audience heard that particular song played that night. The original by Sam Cooke was chosen by death row exoneree Shareef Cousin as his favourite song. Cousin's selection was one 14 tracks played during the course of the evening which had been chosen by those currently or previously facing execution. Other songs played selected by prisoners included Lynyrd Skynyrd's 'Free Bird'; Joss Stone's 'Right to be Wrong'; and Frankie Beverly's 'Happy Feelings'.

During their set, The Proclaimers dedicated 'Sunshine on Leith' to Kenny Richey, currently on death row in Ohio ('Hopefully, one day soon, he'll be free'). The Scottish duo's set – which would have raised the roof if the Globe weren't an open air theatre, – included favourites like 'Letter from America'; 'I'm on my way'; 'Scotland's Story' and 'I'm Gonna Be (500 miles)'.

The other musicians who also gave their time free to perform

at the event were Dire Straits founder David Knopfler and his regular collaborator Harry Bogdanovs, who were joined by Scottish folk singer Karine Polwart.

REPRIEVE legal director Clive

should expect a degree of surveillance when the sound of a passing police helicopter could be heard overhead.

Kevin Eldon appeared as his alter ego poet Paul Hamilton performing works from his



The Proclaimers

Stafford Smith – who had returned from one of his regular trips to Guantánamo Bay the morning of the event – spoke about the role of music in providing solace to those on death row, and inspiration to their lawyers. ‘Musicians have a lot more influence than lawyers when it comes to saving people’s lives,’ he said. ‘Every time I’m doing a death penalty case, I pick one song and play it over and over again.’ He also talked about the ‘remarkable capacity for humour’ of death row clients.

Comedians on the bill at the Globe included the activist and human rights campaigner Mark Thomas; Kevin Eldon; and Stewart Lee.

Mr Thomas revealed that his activism had once led him and four mates to chain themselves to the underside of an arms dealer’s car. When a police officer inquired who was the ringleader of the protest, all four yelled out: ‘I’m Spartacus!’

Stand-up comedian Stewart Lee had just finished irreverently warning the audience that, by attending the event they’d be considered subversives and

‘Shadows Of Reflections: A Vision Of Words’ collection. He reassured the audience of the strength of his opposition to the death penalty: ‘Those who advocate capital punishment should be strung up...’

For many in the audience, the highlight of the night was hearing from the former prisoner Nick Yarris. Yarris told the Globe audience that he ended up on death row after a chain of events that began with being stopped for a traffic violation. After more than two decades in solitary confinement (‘locked in a room no larger than most people’s bathroom’) he finally ‘got [his] life back’ in 2004, when DNA evidence proved his innocence. He now lives in England with his wife and baby daughter, Lara.

‘My story is an example of what goes wrong when governments believe they have the right to kill people’, he said.

Reprieve would like to thank the Globe, lastminute.com and all the performers who donated their time. A similar event is planned for next year. More details will be published in due course.



Mark Thomas

SPOTLIGHT ON REPRIEVE FELLOWS

As part of our regular look at the work of those on the frontline of the fight for the lives of people facing the death penalty, we report on the work of Terrica Redfield



2006 **REPRIEVE** Fellow Terrica Redfield has begun her work in Alabama and has gained a deeper understanding of what it means to stand up in court for a capital client. 'Being on death row or facing the death penalty is more than walking through the "valley of the shadow of death"; it is living there. It is understanding every day that someone wants you dead and is determined to kill you. And sometimes what my clients need more than anything is to know that someone is on their side fighting for them, protecting them, and caring about them.'

Terrica's efforts on behalf of her clients include drafting motions and petitions, meeting with the defence teams, brainstorming case strategy, visiting her clients, and consulting with experts. She has four clients in Alabama and three in Georgia.

In addition to representing her clients in court, Terrica has been working with local community groups in Alabama, Mississippi, and Georgia, focusing on the problems of racial discrimination, lack of funding and

resources for defence counsel, innocence, mental illness, and the importance of jury service, particularly among African-American communities.

Terrica explains: 'Most people would rather avoid jury service at all costs. But this attitude when expressed by African-Americans and other racial minorities is particularly dangerous for defendants. Studies have shown that racially diverse juries are less likely to recommend a death sentence. So, I try impress upon those present at the community meeting the historical injustices inflicted upon African-Americans by law enforcement and other criminal justice agencies and members. I try to get those present to view jury service, not as a burden, but as a small step that they individually can make toward enhancing the goal of social justice.'

'Going into Alabama communities to educate citizens about the importance of jury service and problems in the criminal justice system is proving to be an enormous task.'

But Terrica faces an uphill battle. She says: "Through this process, I am introducing myself to leaders and asking them to carry the message to members of their community. This is an exciting adventure and one that I think over a period of time will have tremendous positive results for defendants facing capital trials in Alabama.'

Classical Concerts at St Bride's Church, Fleet Street

St. Bride's Church, Fleet Street, London will be hosting a series of classical concerts during Lent 2007 in aid of Reprive. The Miserere Music Festival will begin on Ash Wednesday, 21 February 2007 and will be followed by three further Wednesday evening concerts, culminating with a gala performance of Handel's Messiah on 18 April 2007.

Details of how to buy tickets will be on Reprive's website in due course: www.reprive.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 key members of our team



Clemmie Harrison, volunteer, US; staff member, London office

One of Clemmie's earliest tasks as a **REPRIEVE** intern at the Louisiana Capital Assistance Center (LCAC) was driving through the night to Mississippi to get a death row prisoner's signature on a vital legal document.

She describes the work as 'utterly compelling'. Although Clemmie originally planned a three-month stint, starting at the end of 2004, she ended up staying for double that time – and returned in 2005 for a further eight months.

'After three months, I felt I was just getting useful to the office. It didn't feel right to leave and luckily I had the flexibility to stay on.'

Her second visit in summer 2005 coincided with the aftermath of Hurricane Katrina, so she was temporarily relocated to Houston. She spent a couple of months working with local attorneys desperately trying to save the life of a prisoner already under warrant of death. They didn't succeed. Texas is a 'ruthlessly efficient machine' when it comes to executions, she says.

A key part of her intern work – which covered everything from filing to driving families on prison visits – was providing the social contact to prisoners that the overworked attorneys couldn't manage. 'I met so many impressive people. People who had lives I could never possibly have imagined beforehand.'

Clemmie is now working three days a week in the **REPRIEVE** London office.



Helen Wood, volunteer, London office

Helen remembers watching the film '14 days in May', as a teenager. The 1987 BBC documentary is a searing account of the last two weeks in the life of Edward Earl Johnson, as his defence lawyer, Clive Stafford Smith, fought (and failed) to save him from the gas chamber. 'It had a powerful effect on me,' says Helen.

Helen, a former corporate lawyer, describes her opposition to the death penalty as 'a core belief; a core value'.

Since the beginning of the year, she has worked two days a week in the **REPRIEVE** office, fundraising and organising events. 'It's a fun office to be in. The character of it is constantly changing because of the interns. It's nice to be surrounded by young, passionate people,' she says.

Helen has already helped pull off two spectacular fundraisers – a gala performance of the play *The Exonerated* at the Riverside Studios in west London (which included veteran actor and human rights campaigner Vanessa Redgrave among the cast); and, more recently, **REPRIEVE's** first ever evening of music and comedy at Shakespeare's Globe Theatre (see pages 4-5).

Of the latter, Helen says: 'It was a total leap in the dark. We had no idea what we were doing! None of us had done a fundraising event on this scale before.' Despite this, the evening was a great success and Helen is already working on a similar event for next year. She is also organising an event at St Bride's Church on Fleet Street for next Lent.

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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tel: 020 7353 4640
email: info@reprieve.org.uk
web: www.reprieve.org.uk