



ANNUAL REPORT  
2006

Reprive provides frontline investigation and legal representation to prisoners denied justice by powerful governments across the world, from death row to Guantánamo Bay.

We provide direct, on-the-ground help to prisoners through investigation and litigation. We trace the evidence, find witnesses, stand up in court and fight for justice around the globe. We work within a legal framework – applying domestic and international law. We bring injustices to light which would otherwise go wholly unmarked, making the case for world-wide legal reform and abolition of the death penalty.

We prioritise the cases of prisoners held by powerful governments, especially those that should be upholding the highest human rights standards enshrined in international law. We help prisoners facing the death penalty in the USA, and in other countries when British nationals are involved. We help prisoners denied justice in the name of the “War on Terror”, such as those held without charge or trial in Guantánamo Bay and the countless secret prisons beyond. None of these prisoners can afford to pay for representation.

Reprive’s lawyers represent prisoners who are accused or convicted of the most serious crimes and are despised by their own societies. Many people believe that such prisoners do not deserve legal rights or protection. The law should act as their shield, but instead they are often denied a fair hearing in the courts.

We focus on prisoners held by the world’s most influential nations because these are the countries that can and should be setting the standard for protecting human rights. When powerful governments resort to the kind of abuses they condemn, civil society is demeaned. Every time a prisoner is held without charge or trial, our principles are devalued.

Reprive’s successes come from the unique first-hand expertise of our founders, Board, Fellows and Volunteers, and our strategic partnerships with other organisations around the world.

### **Casework**

Reprive’s Casework Programme provides legal and investigative help to prisoners held on death row, and to those held in Guantánamo Bay. We focus our resources on cases which are likely to lead to strategic changes in the law and which expose systemic flaws in the administration of justice.

### **Advocacy**

Reprive’s Advocacy Programme sends lawyers and investigators to work full time on behalf of death penalty defendants in the United States, tackling a criminal justice system that is shockingly under-funded and ridden with unfairness.

### **Outreach**

Our Outreach Programme raises the profile of human rights abuses surrounding the death penalty and the war on terror, educating the public and provoking debate.

Introduction from Reprieve's Chair Paul Hamann

Dear Friends

The past year has been one of mixed emotions for those of us at Reprieve and for our many supporters who share our belief in justice for those on death row, or held without charge in the 'war on terror'.

We have seen many positive developments, including a decline in the number of death sentences in the US. This fall was fuelled by the recognition that, far from being a humane way of killing, lethal injection leads to an agonising death. Even the state of Texas, which normally leads the way in the number of people it kills, saw a reduction in executions.

One of the highlights of 2006 came in November 2006 when Mirza Tahir Hussain was released after 18 years on death row in Pakistan. My Reprieve colleagues - supported by many public figures - had fought tirelessly on Tahir's behalf and the news that he was finally to be freed was met with great joy and relief. Tahir is now back in Leeds with his family.

Less positively, at the time of writing eight British residents remain as prisoners at Guantánamo Bay. Some of these eight men have never seen a lawyer; none has been charged with any offence. The fact that the legal blackhole that is Guantánamo continues shames all of us who believe in the rule of law. Reprieve will continue to fight for legal rights for these prisoners.

As an organisation, Reprieve thrived during last year. We recruited three new Fellows, Frances Bourliot, Christine DeMaso and Michael Moore, who will be battling on behalf of the men and women in the southern US facing the executioner.

We added three new staff members to our team: Hayley Ichilcik, our legal adviser, working exclusively on death penalty cases; Clara Gutteridge and Ordesse Hamad, investigating extraordinary renditions and secret prisons.

We also staged several high profile and entertaining fundraising events, culminating in our first ever major comedy and music evening at Shakespeare's Globe Theatre in London.

We remain hugely grateful to the law firm Freshfields Bruckhaus Deringer for its support, including providing us with our office space. And we thank all of you for your support during 2006 and hope it will continue during 2007. There is still much to do.

Paul Hamann  
Chairman, Reprieve

## Casework

The prisoners that we represent are at the heart of Reprive's work. Below, we outline the stories of a handful of the prisoners we have worked with during 2006. Some of these have now been released and are back home with their families; for others, the fight for freedom and justice goes on.

### Mirza Tahir Hussain

The highlight of Reprive's casework this year was the release of Tahir Hussain after 18 years on Pakistan's death row. Tahir's ordeal is now over and in November 2006 he was reunited with his family.

Reprive is grateful that Prince Charles intervened on his behalf as did the Prime Minister – it is clear to us that that these high level interventions made all the difference. Tahir comes from Leeds and previously served in the British Territorial Army. At the age of 18, he decided to visit family in Pakistan. On his second day in the country, Tahir 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.

Tahir was tried for murder and sentenced to death. After several appeals, his conviction was quashed by the Supreme Court and he was ordered to be released. However, the victim's family intervened and succeeded in having Tahir's case transferred to Pakistan's parallel Sharia court system. In 1998, the Sharia court by a two-to-one vote once again sentenced Tahir to death. The dissenter lambasted the decision as a "miscarriage of justice".

In 2006, Reprive was contacted about the case and immediately began working with the Foreign & Commonwealth Office and other organisations to secure a pardon for Tahir. Reprive educated leading politicians, including the Prime Minister, Prince Charles and the president of Pakistan, President Musharraf, about the case. Reprive also played a key role in publicising the case in the media.

In October 2006, Reprive's Senior Counsel Zachary Katznelson visited Tahir in prison in Pakistan and met with numerous Pakistani officials and judges to press for justice in the case.

### Neil Revill

Neil Revill was born in County Durham in August 1972 and spent his school years traveling between RAF bases in Germany and England, where his father was stationed. By 1998 he was living in Los Angeles, California.

In October 2001, a small time drug dealer Arthur Davodian and his girlfriend, Kimberley Crayton, were stabbed to death. According to the prosecution, Neil Revill was the last person to be seen with the couple. Neil was charged with their murder.

Neil has been in prison awaiting trial since November 2001 and the prosecution is seeking the death penalty, despite the fact that the police still have other suspects. Neil has always maintained his innocence.

In 2006, working with a pro bono team from UK law firm Freshfields Bruckhaus Deringer, Reprive provided legal consultation, worked with experts on the forensic evidence, continued to investigate the case, and provided support for the local lawyers' submission to the Special Circumstances Committee requesting that the prosecution desist in seeking the death penalty.

**Linda Carty**

British woman Linda Carty is one of a relatively small number of female prisoners on death row in the US (under two percent of the total).

After a drastically flawed trial, Linda was convicted in February 2002 for taking part in the murder of a neighbour. The prosecution's rather implausible theory was that Linda wanted to "cut the victim's baby out" and to steal the child, though in fact the child had already been born..

The failings in the prosecution's case were obvious from the start. However, as Linda was prevented from hiring her own defence lawyer, she had to rely on a notorious local lawyer who was appointed for her by the court. This lawyer's incompetence has already led to 21 of his clients ending up on death row, more than any other defence lawyer in the U.S. Despite the fact that Linda's life was at stake, the lawyer did not have one meaningful discussion with her until after her trial had already begun.

The prosecution's case against Linda was based on the testimony of the three men also accused of the neighbour's murder. All were known as career criminals and, by blaming Linda, were saving themselves from likely execution.

Linda's case has now passed through both stages of the appeals process in Texas. Despite new evidence pointing to innocence and of the incompetence of her court appointed lawyer, her death sentence was affirmed. Linda's last hope of staying alive is by taking take her case to the federal courts - the final stage in the US appeals process.

Reprive is now working with a U.S. firm that we helped to recruit, seeking a hearing in federal court. We have convened a panel of experts, including local lawyers, British lawyers and investigators, who are working with Linda's attorney to prove her innocence. At the end of 2006, Reprive sent an investigator to Texas to continue the fight to save Linda's life.

**Kenny Richey**

In 1987, Scotsman Kenny Richey was convicted of murdering a child after a fire in an apartment building. He has been on death row in Ohio ever since.

The prosecution claimed that Kenny set fire to the building in order to try to kill his ex-girlfriend. At trial, they presented highly dubious forensic evidence that the fire must have been deliberately started. This evidence was subsequently condemned by forensic experts as based on "unsound scientific principles". The new experts concluded that the fire was almost certainly an accident.

Kenny has already had his conviction overturned once, after concerns about the quality of the defence at his 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. So Kenny was returned to death row.

Kenny is getting free legal representation from the Boston law firm Godwin Proctor, originally recruited by Reprive counsel. Last summer, Reprive sent an investigator to Ohio, who found further evidence that the fire was an accident. The Reprive team has also helped with legal consultation, UK government liaison, and public education.

**Kenny Gay**

Kenny Gay was born in Swindon. He is 50 years old and has been on death row in California since 1985. Kenny was convicted along with another man - also sentenced to death - for killing a

police officer in Los Angeles in 1983. It was only through Reprive's work that the UK government learned that he was on death row, many years later.

The prosecution's claim - which was accepted by the jury - was that Kenny and the other man had shot the police officer in turn, using the same gun. Under this scenario, both were equally guilty of murder and so both equally eligible for the death penalty. There is now, however, evidence that it wasn't Kenny but the other man who fired all the shots.

After Kenny's initial conviction and death sentence, the California Supreme Court recognised that there had been problems over the quality of his legal representation at trial: his lawyer had been ineffective and was facing his own criminal charges at the time he was supposed to be representing Kenny. The California court, therefore, vacated the original sentence of death. However, at the resentencing hearing, Kenny's lawyers were prevented from presenting evidence of his innocence and he was, once again sentenced to death.

In 2006, Reprive, together with Kenny's San Francisco-based lawyers, demonstrated his British citizenship to the UK government. Kenny is therefore entitled to have the British government make representations on his behalf. Reprive has also advised on international law relating to the case.

### **Krishna Maharaj**

Krishna Maharaj (Kris) was born in Trinidad, when it was in British possession and has been a British citizen all his life. Kris was convicted of the murders of Derrick and Duane Moo Young in Florida in 1987 and sentenced to death.

Kris has always maintained his innocence. He was convicted because of poor representation at his trial and because of misconduct by the prosecution. Subsequent investigations, conducted by Reprive counsel, revealed that the victims had been laundering money in the Caribbean to the tune of \$5 billion, and that the murders were almost certainly carried out by the Medellín drug cartel.

We have already had some partial success on Kris's case - but it was a bittersweet victory. In 2002, his death sentence was quashed, but instead of being released, he was resentenced to life imprisonment. Kris is now 68 years old.

There is overwhelming evidence of his innocence and Reprive continues to work to have him exonerated. In 2006, our attempts to secure a retrial were rejected. Pardon, commutation, or 'prisoner repatriation' are Kris's remaining hopes, and Reprive is working on all these fronts on his behalf.

### **Paco Larrañaga**

Francisco Juan 'Paco' Larrañaga, who holds both Spanish and Filipino nationality, was one of seven men found guilty by Cebu City Regional Trial court for kidnapping and illegally detaining sisters Marijoy and Jacqueline Chiong in the Philippines in 1997. The prosecution alleged that Paco and his co-accused abducted and raped the sisters before throwing their bodies over a cliff.

At first, Paco was sentenced to two life sentences, but in February 2004 the Supreme Court of the Philippines added convictions for rape and murder and imposed a death sentence. Paco has always maintained that he was not in Cebu on the day of the crime. He was with friends in a restaurant in Quezon City, Manila, until early the next morning. Witnesses have come forward to confirm this. Reprive conducted a substantive investigation of the case in late 2005, and in April

2006, the president of the Philippines commuted the death sentences of all death row prisoners to life imprisonment. However, only exoneration and release will amount to justice for Paco.

### **Eric Kong**

Eric is a British National from Hong Kong, who was facing the death penalty in Thailand. The prosecution claimed that Eric was part of a drug smuggling operation in which his step-father and two other men were smuggling heroin produced in the north of Thailand to Australia. Eric denied any involvement and indicated that he that was beaten up until he and his co-defendant confessed. The confession led to a conviction for which he was given a mandatory death sentence. Reprive monitored the case, supporting Eric with visits and letters, and liaising with the UK government about his situation. Eric was finally granted clemency in June, 2006.

### **Chan King Yu**

Chan King Yu, a British National Overseas from Hong Kong, was arrested in a hotel room in Malaysia in June 2000 for possession of drugs and was later charged, along with 11 others for trafficking.

As jury trials were abolished in Malaysia in 1995, the trial was conducted in front of a single judge. Far from being innocent until proven guilty, the law under which Chan was charged reversed the usual burden of proof, and placed the burden on Chan to prove his innocence.

Chan was sentenced to death by hanging (the statutory penalty for trafficking under Malaysian law) after losing his case at the appeal stage. In 2006, a team of Reprive volunteers who speak Malay translated the case file so that Reprive could effectively monitor the case and liaise with the Foreign & Commonwealth Office about the situation.

### **Chu Tak Fai**

Chu Tak Fai is a British National Overseas from Hong Kong, who was facing execution in Malaysia for smuggling drugs into the country from Thailand.

Chu has said that he was forced to participate in the operation by a gang of money launderers. His mother is reported to have owed them money and Chu says he was forced to work for the gang's smuggling operation to clear his mother's debt.

In 2006, Chu's death sentence was commuted to life by the King of Malaysia.

### **Detention without Trial in the "War on Terror"**

Reprive's Legal Director Clive Stafford Smith and Senior Counsel Zachary Katznelson are working on the cases of up to 40 of the prisoners held beyond the reach of the law in Guantánamo Bay, Cuba. They have filed lawsuits on the prisoners' behalf, and have made multiple visits to the military base to meet their clients.

Reprive has been challenging the men's continued detention without recourse to courts, and highlighting the shocking human rights breaches taking place at Guantánamo.

Reprive has played a pivotal role in exposing the illegal rendition of Guantánamo prisoners to other countries for torture. In 2006, Reprive began an ambitious project, funded by the JEHT Foundation, to investigate European complicity in extraordinary rendition and try to identify the location of the secret prisons being used to hold suspects. Two researchers joined Reprive in 2006 to work on this project, tracing the CIA's nightmarish system of extra-judicial kidnappings

and imprisonment. Working closely with other human rights organisations, they have been compiling information on flights, prisoners and prisons. They have also organised a series of hearings in the British and European Parliaments to present evidence of government complicity in the illegal kidnapping, imprisonment and torture of terrorism suspects like British residents Bisher Al Rawi, Jamil El Banna and Binyam Mohamed.

Reprive has represented all eleven of the British residents held in Guantánamo. These men, many of whom were recognised refugees in Britain, have strong ties to the UK, but the British government has refused to help them.

### **Omar Deghayes**

Omar Deghayes is a British refugee from Libya who is being held in Guantánamo Bay on evidence that has been shown to be false. A person appearing on a Chechen training videotape seized by the Spanish Government was identified as Omar. Omar insisted that he had never been to Chechnya. However, it was not until Reprive counsel was able to meet with him, that we proved that the person portrayed in the video was actually a man called Abu Walid, who died in Chechnya in April 2004.

Based on this misidentification, Omar was placed on the list of the top 50 terrorists in the world. He was seized in Pakistan, taken to Bagram Airforce Base, tortured, and then transferred to Guantánamo Bay, where he has been held for three years. In one beating by the ERF (Emergency Reaction Force) team, he was blinded in his right eye.

Even though Omar has been a long-term refugee in Britain, due to persecution of his family by the oppressive Gaddafi regime in Libya, the British Government insists Omar must apply to Libya for "consular assistance". Libyan delegates did indeed visit Omar in Guantánamo. They told him: "You have no problems with the US. Your problems are with us." The delegate added: "You will be brought to judgment in Libya. When we bring you to Libya, I will personally teach you the meaning of this... In here I cannot do anything, but if I meet you [later] I will kill you, if you don't kill me."

### **Shaker Aamer**

Shaker Aamer is a long-term British resident who, when he was abducted in Pakistan and sold to US forces for \$5,000, had already applied for British nationality.

He has been married to his British wife, Zennira, for eight years and they have four young British children, one of whom was born after Shaker was seized, a child he has never met. Even though his family lives in London, the British Government refuses to accept any legal or moral responsibility for him.

Shaker suffered particularly vicious torture in Bagram and Kandahar. When he arrived in Guantánamo Bay, he became a respected spokesman for the prisoners due to his eloquent English and was dubbed "the professor" by the US military. During a hunger strike in July 2005, Shaker became a leader on the Prisoners' Council and successfully negotiated a settlement with the military to prevent the tragedy of a prisoner's death. At long last, the authorities agreed to respect the Geneva Convention and treat prisoners who have been neither charged nor convicted of any crime in a humane manner. Unfortunately, the authorities reneged on the agreement and soon after the hunger strike began again on 11 August 2005, Shaker was locked in solitary confinement. Solitary confinement consists of a six foot by eight foot cell with the lights on 24 hours a day and no natural light at all, completely cut off from fellow prisoners. Shaker remains in isolation to this day.

To date, the British government has declined to intervene on Shaker's behalf.

### **Bisher Al Rawi & Jamil El Banna**

Bisher Al Rawi and his entire family has lived in Britain for years, after escaping Saddam Hussein's regime in Iraq. The only reason Bisher did not take out British nationality was that, one day, he hoped to return to Iraq and reclaim his family's property. Jamil El Banna is a British refugee from Jordan. His wife and five children live in London. All his children are British citizens.

Contrary to US Secretary of Defense Donald Rumsfeld's claim that all the Guantánamo Bay prisoners were seized on the battlefield of Afghanistan, Bisher and Jamil were grabbed in the Gambia, some 500 miles further from Kabul than London. They had gone there with Bisher's brother to set up a mobile peanut processing plant. The family had invested £250,000 in the project, but the money was stolen by the Gambian authorities, who seized Bisher and Jamil and turned them over to the US authorities. They took them first to Afghanistan and then to Guantánamo Bay.

The US insists that Bisher took a "weapon of mass destruction" device with him to Gambia. It turns out this was nothing more than a battery charger, as his UK lawyer Gareth Peirce has proved by going to a High Street retailer to buy one.

Under pressure from court proceedings being brought on his behalf in the UK, the British Government agreed to intervene to secure Bisher's release. However, the government steadfastly refuses to help Jamil, claiming it has no responsibility for him because he is not a British national, just a British resident. The British nationality of his children has not changed the government's stance.

### **Binyam Mohamed**

Binyam was born in Ethiopia and came to Britain in 1994, where he lived for seven years, sought political asylum and was given leave to remain while his case was resolved. While travelling, Binyam was arrested in Pakistan on a visa violation and turned over to the US authorities. When they refused to let him go, he asked what crime he had committed, and insisted on having a lawyer if he was going to be interrogated. The FBI told him: "The rules have changed. You don't get a lawyer."

Binyam refused to speak to them. British agents confirmed his identity to the US authorities and he was warned that he would be taken to a Middle Eastern country for harsh treatment. On 21 July 2002 Binyam was rendered to Morocco on a CIA plane. He was held there for 18 months in appalling conditions. To ensure his confession, his Moroccan captors tortured him, stripping him naked and cutting him with a scalpel on his chest and penis.

His ordeal in Morocco continued for about 18 months until January 2004, when he was transferred to the Dark Prison in Kabul. From there he was taken to Bagram Air Force Base in Afghanistan, and finally on to Guantánamo Bay in September 2004, where he remains.

### **Sami Al Haj**

Sami Al Haj is a cameraman for Al-Jazeera who has spent over five years in Guantánamo Bay. He was sent on assignment by the station to cover the war in Afghanistan in October 2001. The following month, after the fall of Kabul, Sami left Afghanistan for Pakistan with the rest of his crew.

Still on assignment for Al-Jazeera, in early December the crew were given visas to return to Afghanistan. When Sami tried to re-enter Afghanistan with his colleagues, he was arrested by the Pakistani authorities – apparently at the request of the US authorities. He was imprisoned, handed over to the US authorities in January 2002, taken to Bagram, then Kandahar, and finally to Guantánamo in June 2002.

For months, the US did not even discuss any allegations against Sami, instead demanding that he should become a witness against Al-Jazeera and accuse the television station of links to terror. Sami has refused to do so, insisting consistently that there are no such connections between Al-Jazeera and Al-Qaida.

### **Secret prisons and extraordinary renditions**

Donald Rumsfeld said in the early days of Guantanamo Bay that the Cuban gulag was “*the least worst place to put them.*” Over five years on and after serial media revelations about a global matrix of CIA torture flights and secret prisons scattered from Poland to Afghanistan, the shocking truth of those words is just beginning to reveal itself.

The U.S. government now itself admits to holding 14,000 people without charge and without access to lawyers in various locations – some still undisclosed - around the world, mostly in Iraq, but with significant numbers elsewhere.

The U.S. has engaged in a systematic process of extraordinary rendition, that is illegally transferring prisoners to be interrogated in nation states with a reputation for torture. European nations appear to have colluded in illegal renditions.

Reprive’s work on renditions is focused on uncovering the extent of the renditions network, exploring the extent of European collusion in the rendition process, gaining access to the prisoners and helping them, and exposing the multiple state duplicity and collusion that puts so many people beyond the rule of law and due process.

We do this primarily through field research, data analysis, and advocacy. Reprive identifies groups of rendered prisoners and advocates on their behalf, throwing light on their illegal incarceration “below the radar”, and working to effect their fair trial or release. Our work continues to shape public debate on the issue and empowers decision makers with the facts needed to make a positive change.

## Advocacy

Reprive's Advocacy Programme has two elements: Fellows and Volunteers. Both have a vital role to play in building a corps of skilled advocates to be deployed strategically in death penalty jurisdictions.

### Reprive Fellows

At the senior level are the Reprive Fellows, where individuals with first-hand experience of working in capital defence initiate a project or take up a position in a host office in the Southern United States. Reprive regards the Fellowships as seed money to start projects or careers in capital defence in the most under-resourced death penalty jurisdictions.

The criteria and priorities of the Fellowship Programme are responsive to the needs of the death penalty defence community in the US; capital defendants, their families and local lawyers. These needs include leaders to run strategic projects, and high-quality direct representation in jurisdictions where the state fails to provide funding for counsel.

Candidates submit applications to Reprive for projects or positions devised by the Fellowship candidate and the proposed host organisation. To be successful, an application must demonstrate an excellent match between the problem to be addressed, the experience and qualities of the candidate, and the commitment and ability of the host organisation to support the project.

In 2006, Reprive selected three new Fellows to start work in 2007: Frances Zeon, Christine DeMaso and Michael Moore, all from the United States. Frances will be aiming to transform the way the state of Texas conducts eyewitness identifications to minimise the likelihood of wrongful convictions. Christine will be challenging the execution of accomplices to murder who did not actually kill or intend to kill. Michael will be enlisting a new generation of capital defence investigators to work in the Deep South.

Meanwhile, five other Reprive Fellows are already hard at work.

Alma Lagarda is working with the Texas Defender Service as a two-year Reprive Fellow. Her project aims to stem executions by screening the cases of 20-30 men and women who arrive on Texas death row each year for winnable legal or factual issues. Alma's work targets the most critical part of the judicial process: the point at which evidence must be developed and presented in order to preserve the right to appeal against a death sentence.

Terrica Redfield is using her one-year Reprive Fellowship with the Southern Center for Human Rights to provide direct representation to people facing the death penalty at trial, on appeal, and in the post-conviction review process in the state of Alabama. She provides assistance to trial counsel in Alabama, and works to ensure that capital juries in Alabama include more black jurors. Terrica is an African-American woman from McComb, Mississippi. Her family history inspired her to work for human rights. "My grandmother and great-aunt were the first blacks to register to vote in Liberty, Mississippi, and I have always been amazed by their bravery. At the time, they could have been killed or assaulted and not many people would have cared. The fact that they took that risk is continually amazing, and I think maybe I have some of their spirit in me."

Caroline Meyer is working in Harris County, Texas, at the Gulf Regional Advocacy Center (GRACE) to resolve breakdowns in relationships between clients and their attorneys ahead of trial. Caroline is also working to build a partnership between GRACE and the historically black

Thurgood Marshall School of Law to encourage black students to do capital defence work, and to address the long history of racial bias in the selection of juries in Harris County.

Eleni Antonopoulos is using her two year Fellowship at the Louisiana Capital Assistance Center (LCAC) to investigate cases in Texas and Louisiana that lack proper state funding. She also provides investigative support for challenges to the use of lethal injection in Louisiana, and to the Blackstrikes initiative, challenging racial discrimination in the use of peremptory strikes by prosecutors in Jefferson Parish. In the wake of Hurricane Katrina, Eleni has taken over as lead investigator at LCAC. Eleni was also a key member of the team of lawyers and investigators who worked day and night to secure the release of the 7,000 prisoners who were in Orleans Parish prison when the hurricane hit New Orleans and whose cases remained in limbo for months afterwards, due to the suspension of courts and loss of records.

Richard Bourke, Reprive's Senior Fellow at the Louisiana Capital Assistance Center is continuing to provide legal assistance on cases in Mississippi, Texas, and Louisiana which the state will not fund or is under-funding. He also acts as consultant counsel to public defenders in jurisdictions with a high rate of death sentences. In 2006 he has focused attention on the reform of the indigent defense system in Louisiana, which, always inadequate, collapsed after Hurricane Katrina. Richard helped lead the project to secure the release of prisoners trapped in the system after Hurricane Katrina.

### **Reprive Volunteers - USA**

Another key component in the Reprive Advocacy Programme is the work done by our volunteers. Volunteers are trained in the UK and then placed for a minimum of three months at non-profit law offices dedicated to capital defence work in the USA, predominantly in the Deep South. The volunteers help these under-resourced offices with investigation, interviewing, legal research, case management, prison conditions, and general administration. They are also work on issues such as standards of representation or prosecution practices in a particular jurisdiction. Reprive places volunteers in the states of Alabama, Arizona, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia.

To date Reprive has supplied over 80 volunteers to work on the frontline in death penalty defence.

The 2006 Reprive US volunteers were:

Amber McIlwain  
Sarah Daley  
Chris Beckerson  
Sarah Stephanou  
Steven Veitch  
Laura Stebbing  
Sheana Campbell  
Patrick Fitzgerald  
Cianan Good  
Catherine Kearns  
Daniel Carey

### **Reprive Volunteers - UK**

Most of our UK volunteers work in Reprive's office in London, but some do research for Reprive from their homes all over the country. Typically, they find themselves reviewing and managing case files, doing legal or internet research, organising events and outreach activities,

assisting with training, helping to produce Reprive's magazine or just generally helping around the office.

The 2006 UK volunteers included:

Amanda Montreuil  
Amanda Telfer  
Ashlie McDonough  
Cassie Slovo  
Chris Chang  
Clara Gutteridge  
Cori Crider  
Denise Eastlake  
Faisal Ariff  
Fei-Jing Goh  
Frances Ibekwe  
Hayley Ichilcik  
Helen Nicholls  
Helen Wood  
Ida Harniza Johar  
James Barry  
Jerry Wai Kong Loo  
Joe Hingston  
Kate Means  
Kerry Haggerty  
Laure Augier-Tessier  
Mohbuba Choudury  
Molly Philips  
Patrick Mulvaney  
Philippa Traynor  
Renee Alberty  
Sithisakdi Apichatthanapath  
Sarah Stephanou  
Serena Chiew Hwa Lim  
Wei Lih Ho  
Zach Lane

### **Outreach**

Through the Outreach Programme, Reprive engages in human rights education, focusing on the death penalty and Guantánamo Bay.

2006 was a big year for our outreach work, with a plethora of events and high profile coverage of the essential services that Reprive provides.

The year began with a reading of the play 'Guantánamo: Honor bound to defend freedom' at the Houses of Parliament in February. It was very poignant to have Moazzam Begg in the audience, watching his ordeal in Guantánamo Bay being played out.

In May, Reprive held a gala performance of 'The Exonerated' at the Riverside Studios in London, with Vanessa Redgrave playing the part of Sunny Jacobs. Sunny, who spent 16 years in prison before being exonerated and released in 1976, was in the audience and joined Clive Stafford Smith and Vanessa Redgrave in a panel discussion after the play.

Reprive was the Globe Theatre's nominated charity this year and, in June, Reprive held its first ever comedy and music benefit night at this spectacular venue. Performers included the likes of comedians Stephen K Amos and Mark Thomas, and musicians Steve Earle and The Proclaimers.

Having previously been performed at the Edinburgh Festival and in London, the play *Lorilei*, which dramatises the true story of a mother's meeting with the death row prisoner who murdered her son, was broadcast on Radio 4 in July.

We are very lucky to have persuaded Nick Yarris to act as spokesperson for Reprive and undertake speaking engagements at schools and colleges around the country. Nick spent 23 years on Pennsylvania's death row before being exonerated in 2004. Despite living through such an unimaginable ordeal, he is rebuilding his life and is now married with a new baby.

Nick and Clive both spoke at Greenbelt Festival in the summer, which brought Reprive many new supporters.

### **Death Penalty Defence Training**

Reprive and Amicus jointly ran two death penalty defence training sessions in April and October. The sessions were attended by over 140 participants, including lawyers, journalists and investigators, as well as Reprive Volunteers.

### **Reprive in the news**

Reprive's work continued to receive extensive media coverage throughout the year. We summarise a very small selection of the highlights below:

Independent, 16 March 2006: The first three pages of the Independent tell, for the first time, the inside story of Britain's shadowy role in the Guantánamo scandal. The article, by our co-counsel George Brent Mickum highlights the plight of Reprive clients and British residents Bisher Al Rawi and Jamil El Banna who are both in Guantánamo Bay. The article focused on their connections with MI5 and their abandonment by the British Government.

Sunday Times Magazine, 16 April 2006: A Life in the Day: Clive Stafford Smith. Clive Stafford Smith talks about Guantánamo Bay, the death penalty and Reprive.

Independent on Sunday, 28 May 2006: The children of Guantánamo Bay. More than 60 of the detainees at Guantánamo Bay were under 18 when they were captured. Mohamed el Gharani was only 14 at the time of his arrest while Omar Khadr, who has spent several years in solitary confinement, was 15. Reprive legal director Clive Stafford Smith quoted: "Even if these kids were involved in the fighting - and Omar is the only one who the military pretends was - then there is a UN convention against the use of child soldiers. There is a general recognition in the civilised world that children should be treated differently to adults."

BBC News, 2 June 2006: Camp deportee may fight decision. Former British resident, Jamal Kiyemba, released from Guantánamo to Uganda may fight decision banning him from UK. Reprive's Zachary Katznelson speaks against the decision which prevents Jamal Kiyemba from returning to his family in the UK.

Evening Standard, 6 June 2006: Reprive Benefit Evening, review by John Aizlewood. Rated 4/5 stars.

Guardian 12 June 2006: A tunnel without end. Reprive's Zachary Katznelson describes the desperate situation of the detainees in Guantánamo Bay and calls for them to be brought to trial or released.

New Statesman, 12 June 2006: The silent world of Sami. Clive Stafford Smith writes about Al-Jazeera cameraman Sami Al Haj, who has been in Guantánamo Bay for over four years. He was a witness to a recent "disturbance" between detainees and guards but the US military rules prevent his lawyers from revealing his version of events.

New Statesman, 10 July 2006: Calling time on Guantánamo. Clive Stafford Smith writes about the Supreme Court's ruling in June that military tribunals were unconstitutional. The military continues to push for secret trials. In the meantime Binyam Mohamed and other detainees remain in Guantánamo with no opportunity to defend their cases.

Independent 5 September: The Good List 2006 . The Independent compiled a list of 50 people who are making the world a better place. Clive Stafford Smith, founder and legal director of Reprive, was number 10.

Sunday Times, 10 September 2006: CIA still hiding "ghost" captives, by Stephen Grey and Sarah Baxter. The US claims to have emptied its secret prisons but "dozens" of terrorist suspects have disappeared entirely. Reprive believes that they are being held in "joint custody" and imprisoned in countries such as Afghanistan and interrogated by the CIA.

New Statesman, 11 September 2006: Death Sentence for Independence. Clive Stafford Smith writes that Briton Mirza Tahir Hussain has been on death row in Pakistan for 18 years following an unfair trial. President Musharraf has the power to commute his sentence but may not do so for fear of being accused of bowing to foreign pressure.

Guardian 13 September 2006: Falconer condemns "shocking" Guantánamo, by David Fickling. Lord Chancellor Lord Falconer calls Guantánamo Bay a "shocking affront to the principles of democracy". Reprive's Zachary Katznelson says that the British residents would be released immediately if the British Government agreed to take them.

Guardian 27 September 2006: "This is our last chance to save my brother," by Emine Saner. Amjad Hussain speaks about his brother, Mirza Tahir Hussain who has been on death row in Pakistan for 18 years.

Guardian, 3 October 2006: Britain to US: we don't want Guantánamo nine back -- "I thought Britain stood for justice but they just abandoned us". Front page on British Government's refusal to accept back the British Residents. Profiles of each of the British Residents.

Evening News, 2 November 2006: MP to plead Death Row Scot's case Alistair Carmichael is going to Ohio to plead for constituent Kenny Richey, with contribution from Clive Stafford Smith.

Independent, 18 November 2006: British man freed from death row in Pakistan returns home. Mirza Tahir Hussain returns home having been on death row in Pakistan for 18 years. His family believe that Prince Charles' intervention in the case played a vital role in securing his release.

Guardian, 18 December 2006: Letter from Annabel Harris. In response to an article on an innocent man in India. Annabel writes that 123 people have been exonerated from death row in the last 30 years, often moments before their execution. The previous week a man in Florida took over half an hour to die by lethal injection. "Every time powerful governments submit prisoners to such abuses, human rights standards across the world are eroded.

## Organisational Development

It has been a year of growth for Reprive. Three new staff members were recruited: Hayley Ichilcik, Legal Advisor, who is heading up our death penalty casework; and Clara Gutteridge and Ordesse Hamad, who are both researching and investigating renditions and secret prisons. Reprive is still enjoying donated offices courtesy of Freshfields, Bruckhaus Deringer.

## Reprive's Resource Development

2006 has again seen a dramatic increase in Reprive's ability to meet its mission, thanks to increased financial and in-kind assistance.

Reprive is funded at present by five principle sources:

1. Grants from foundations. These include Unltd; Joseph Rowntree Charitable Trust (through a personal award to Clive Stafford Smith for five years under their Visionaries scheme); Law Society Charity; Sigrid Rausing Trust; Echoing Green; Open Society Institute; The Funding Network; Network for Social Change; Roddick Foundation; Baring Foundation; Bodyshop Foundation; Jeht Foundation; Oak Foundation, Tinsley Foundation, Two Garden Court Chambers, Bryan Guinness Trust, Rowan Charitable Trust.
2. Recurring or one-off funding from major individual and corporate donors.
3. Regular donations by standing order or one-off donations from individual and corporate supporters.
4. A government grant from the Foreign & Commonwealth Office to assist British nationals facing the death penalty overseas.
5. Events, training sessions and merchandising-derived income.

In-kind support in the form of pro bono legal services, office space, computer equipment, and volunteer labour, has also increased in the last 12 months.

While it is not possible to list everyone individually, Reprive would like to thank all its supporters, both on behalf of the organisation, and on behalf of the prisoners who have benefited from our work. Reprive would also like to extend a special thank you to our regular donors, whose continued support enables Reprive to predict its income and plan effectively.

Reprive expresses exceptional gratitude to Freshfields Bruckhaus Deringer for its steadfast support, and would also particularly like to thank the following supporters (in alphabetical order):

Amicus  
Amnesty International  
Anonymous  
Vera Baird MP  
Fiona Bawdon  
Alan Bennett  
Peter Bottomley MP  
Victoria Brittain  
Florence Brocklesby  
Alistair Carmichael MP  
Jeremy Carver

Champollion  
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Anna Galvin  
John Gummer MP  
Hands Off Cain  
Nick Harrington  
Human Writes  
Nicolas Kent  
Mette Klarskov Larsen  
Martha Lane Fox  
Harriet Laurie  
Lifelines  
Linklaters  
Lovells  
Luther Pendragon  
Bruce Macpherson  
Matrix Chambers  
Sir John Mortimer  
Mike & Claire Phillips  
Reprive Australia  
Reprive USA  
Riverside Studios  
Raul Sanchez Inglis  
Shakespeare's Globe Theatre  
Simons Muirhead and Burton  
Gillian Slovo  
Hugh Southey  
Sarah Teather MP  
Yasmin Waljee  
Marina Warner  
Webster Dixon LLP  
Tim & Sue Wells  
Charles Wheeler  
White & Case  
Jenny Willott MP  
Nick Yarris

Thanks also to everyone who bought Reprive Christmas cards and dog tags in 2006.

**Board**

Jo Bragg - Advisor  
Paul Hamann – Chairman & Trustee  
Andie Lambe - Advisor  
Shauneen Lambe - Advisor  
Martha Lane Fox – Trustee  
Emma-Sue Prince - Trustee  
Ben Rich - Advisor  
Clive Stafford Smith – Trustee & Legal Director

**Staff**

Annabel Harris – Director  
Marc Callcutt – Programmes Officer  
Cori Crider – Harvard Fellow  
Clara Gutteridge – Researcher  
Ordesse Hamad – Investigator  
Sam Hew – Office Coordinator  
Hayley Ichilcik – Legal Advisor  
Zachary Katznelson – Senior Counsel

2006 case investigators: Amanda Telfer, Clementine Harrison.

**Summary of 2005 audited accounts**

**Income**

Donations	159912
Grants	123663
Other income	75843
<b>Total Income</b>	<b>359418</b>

**Expenditure**

Programmatic expenditure	203980
Other charitable activities	7479
Fundraising and other costs	11800
Support costs	4581
Management and administration	23522
<b>Total Expenditure</b>	<b>251362</b>

**Expenditure on charitable activities by programme area**

Casework	71304
Outreach	58346
Advocacy	74330
	<b>203980</b>

