



THE DEATH PENALTY PROJECT

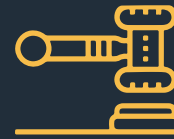


2022

OUR VISION

We believe the death penalty is a cruel and inhuman punishment that discriminates against the poorest and most disadvantaged members of society. We use the law to protect those facing execution and to promote fairer and more humane criminal justice systems, where the rights of all individuals are upheld and respected.

WHAT WE DO



Represent and assist individuals facing the death penalty and other vulnerable prisoners, free of charge.



Deliver targeted and practical capacity building to members of the judiciary, lawyers, mental health professionals, and others working within the criminal justice system.



Commission original research and publish training resources that challenge misconceptions and deepen understanding around the death penalty.



Engage with governments, policymakers, and other key stakeholders in a constructive dialogue on how abolition of the death penalty can be achieved.

In 2022, we worked in more than 20 countries:

Three
individuals
had their sentences
quashed and were
removed from
death row

100 lawyers
and mental
health care
professionals
benefited from our
training, ensuring that
more individuals
gain access
to justice

We provided
over 100
individuals
with free legal
representation;

50 of these
individuals are
currently
on death
row, at risk
of a capital
sentence, or were
previously
sentenced
to death



A MESSAGE FROM OUR EXECUTIVE DIRECTORS



It has been another rewarding year for The Death Penalty Project. Our work in 2022 has spanned more than 20 countries, representing more than 100 individuals, many of whom are currently serving a capital sentence or have been previously sentenced to death. Across the year, our work took us to the Caribbean, Africa, South America, and Asia.

Globally, we are seeing encouraging trends. The use of the death penalty continues to decline. At the end of 2022, 165 countries had abolished the death penalty in law or are classified by the United Nations as abolitionist *de facto*. Most recently, Zambia joined the ever-growing number of countries that have taken the significant step to abolish the death penalty through legislative reform. However, with more than 30,000 people, including at least 1,000 women, estimated to be on death row worldwide, much work still needs to be carried out in those countries that execute persistently and where there is continued reluctance to follow the global trend to abolition.

This underscores the importance of the day-to-day work of our team. Our legal arm continues to seek out and challenge the death penalty through the courts, uncover miscarriages of justice, and drive fairer and more transparent justice systems.

Our projects and research group uses its expertise to deliver capacity-building events to judges, lawyers and mental health

professionals. It also continues to develop original research to help shape the conversation around the death penalty and challenge common misconceptions, raising awareness of the ongoing use of the death penalty and supporting wider criminal justice reform.

We pay tribute to James Guthrie KC, a friend, colleague, and trustee of The Death Penalty Project since 2005, who sadly died on 26 December 2022. James was one of the UK's leading barristers – one of the finest advocates of his generation. He brought his extensive legal knowledge, reputation and experience to help our work supporting those seeking to appeal potential miscarriages of justice, and those in need of representation. We will miss James' friendship and will continue to remember his enormous contribution to our work.

We would like to recognise all our partners across the countries where we work and our *pro bono* network of lawyers, medical experts and academics for their dedication and commitment. We thank our funders for their continuous and generous support, enabling us to make great strides in our mission to end the use of the death penalty worldwide. Finally, we thank our wonderful team at The Death Penalty Project for all their hard work over the year.

Parvais Jabbar and Saul Lehrfreund
December 2022



WE PROVIDE A LEGAL LIFELINE

Berthill's story

Berthill Fox's journey through the criminal justice system and St Kitts and Nevis's parole system has been lengthy. For more than two decades, we have provided him with a vital legal lifeline and, in August 2022, we secured his immediate release from prison.

In 1999, The Death Penalty Project began assisting Berthill and provided free legal representation to challenge his mandatory death sentence in an appeal to the Judicial Committee of the Privy Council (JCPC). In 2002, the JCPC delivered a landmark judgment, ruling that his mandatory death sentence was unconstitutional, abolishing the practice in the country. Consequently, he was resentenced, and his death sentence was replaced with a sentence of life imprisonment. Over the years that followed, we continued to work with local attorneys and legal experts to assist his eventual release.

In 2021, a further legal challenge was brought on the basis that the authorities had failed to review his sentence and consider his release, a breach of his constitutional rights. In 2022, his case was finally heard, and his continuing detention reviewed – and, in August, he was granted immediate release.

Prior to his conviction, Berthill was a professional bodybuilder and two-time winner of Mr Universe. A dual national of St Kitts and Nevis and the UK, Berthill returned to his family in the UK upon his release, after spending 24 years in prison.

“Families like mine are indebted to you; the work you do not only saves your clients' lives, but you also save the lives of us, the families, as you give us hope”

– Sandra, daughter of Berthill Fox

STRATEGIC LITIGATION

At the forefront of our work, we identify and pursue legal challenges to abolish or restrict the use of the death penalty. The Death Penalty Project has been instrumental in bringing strategic challenges, and relying on constitutional rights, to oppose the death penalty throughout the common-law world.

We are currently pursuing a landmark challenge to the constitutionality of the death penalty *per se* in Guyana. We will ask the Caribbean Court of Justice to strike down the use of the death penalty, arguing that the punishment is contrary to the rule of law, is arbitrary, does not deter crime, and violates international legal norms.

The global decline in the use of the mandatory death penalty in recent years continues to encourage and inspire us. Over the past 20 years, we have successfully challenged the mandatory death penalty in more than 12 countries where it has been

imposed automatically, depriving judges of the discretion to impose a lesser sentence. However, this work is not without its challenges and there is much more to do.

In the past year, we received decisions from the JCPC in an appeal from Trinidad and Tobago, and the Court of Appeal of Tanzania, that refused to strike down laws mandating the death penalty in these countries.

These decisions only serve to make us more determined and more committed to our vision of fairer, more humane criminal justice systems. Where the courts will not intervene to stop the mandatory death penalty, we believe governments have a duty to do so. Relying on our data and research, and using our advocacy at a national, regional and international level, we will continue to address human rights violations in the use of the death penalty, strengthen dialogue, and encourage legislative change.



Represent

We provide free legal representation to individuals on death row and those in need of legal assistance across the globe. In 2022, we assisted eight British nationals facing the death penalty in the Caribbean, Sub-Saharan Africa and South Asia. Using our global contacts, we provided high-quality legal advice in some of the most serious and politically sensitive cases.

Throughout 2022, we also worked to uncover miscarriages of justice and create fairer criminal justice systems. Our work bringing cases to the JCPC shaped practices in a number of jurisdictions.

In Bermuda, our challenge to the use of gunshot residue evidence resulted in convictions being overturned.

Furthermore, we brought a challenge in the Turks and Caicos Islands that will have an impact on how and when prosecutors can offer immunity from criminal prosecution for the purposes of gathering evidence.



Lescene Edwards – Jamaica

The case of **Lescene Edwards**, whose conviction was overturned by the JCPC in 2022, exemplifies our work in uncovering miscarriages of justice. In 2013, Lescene was convicted of the murder of his partner; the cause of death was a single gunshot wound. Even though a suicide note was found by the deceased's body, Lescene was arrested and charged, and waited 10 years to be tried.

“If it wasn’t for The Death Penalty Project, I might have died in prison”

On a review of his case, there appeared to be serious failings in the gathering of evidence in the immediate aftermath of his arrest. Working with barristers and forensic experts, we brought fresh evidence to the JCPC.

Having reviewed the new forensic evidence, the Board described the prosecution's theory as a “near impossibility”. It seriously questioned whether this case would have reached a jury if the expert evidence had been available at the time of the trial, stating that there was “simply no satisfactory explanation” as to how Lescene could have committed an offence.

Lescene said: “The pro bono services that The Death Penalty Project offers to people around the world is a mere drop in the ocean. But if that drop was not there, justice around the globe would be missing something.”

Deliver

Legal training in Kenya

With local partner the Katiba Institute, we delivered capacity-building programmes supporting criminal justice professionals working on capital cases. We delivered training across the seven regional provinces in Kenya, attended by more than 60 defence lawyers.

These training events focused on sentencing principles in capital cases and the relevance of mental disorders in the sentencing process.

The sessions were designed to support defence lawyers in navigating the new system of discretionary sentencing, introduced after the landmark 2017 Supreme Court ruling that declared use of the mandatory death penalty in the country to be unconstitutional.

Capacity building in Sierra Leone

A joint campaign, in collaboration with local civil society organisations (CSOs), the Bar Association, leading academics, and the diplomatic community, resulted in Sierra Leone making the historic decision to abolish the death penalty in 2021. Since this milestone, we have continued to work with partners to encourage the judiciary to develop sentencing guidelines. We lead workshops for members of the judiciary, the legal profession, CSOs and other stakeholders in Freetown, focusing on the need to establish a new sentencing framework for serious criminal offences and individualised resentencing hearings for 90 individuals who were on death row at the time of abolition.



Commission

New research

In 2022, we published several new studies challenging misconceptions about the use of capital punishment, to influence government policy and to build a better framework for abolition. All reports can be viewed online or downloaded via [our website](#).

Dealing with Punishment: Risks and Rewards in Indonesia's Illicit Drug Trade

We conducted a **first-stage study** on the use of the death penalty to deter drug-related crime, in partnership with local partners the Community Legal Aid Institute, LBH Masyarakat, and Atma Jaya. This study is part of a wider programme of research that aims to thoroughly challenge the assumption that harsh punishments deter drug offenders in the region.

Legislators' Opinions on the Death Penalty in Taiwan

In collaboration with our long-standing partner the Taiwan Alliance to End the Death Penalty, we launched a report exploring Taiwanese **legislators' attitudes** towards capital punishment. The study reveals that the majority of Taiwan's legislators would like to see the death penalty abolished.

Living Under Sentence of Death – Bangladesh

Working with the Department of Law at the University of Dhaka, and the Bangladesh Legal Aid and Services Trust, a **study** was conducted to investigate the socio-economic characteristics and experiences of death row prisoners in Bangladesh. Consistent with similar studies carried out around the world, the findings evidence that the death penalty is disproportionately used against the most vulnerable and marginalised sections of society.



In partnership with the Kenyan National Commission on Human Rights, we launched two crucial studies in Kenya:

The Death Penalty in Kenya: A Punishment that has Died Out in Practice

This opinion research investigates attitudes towards the death penalty among the public (**Part One: A Public Ready to Accept Abolition**) and opinion formers (**Part Two: Overwhelming Support for Abolition Among Opinion Leaders**). Findings show that neither group strongly supports the retention of capital punishment and would be open to abolition if the government were to implement it as policy.

Living with a Death Sentence in Kenya: Prisoners' Experiences of Crime, Punishment and Death Row

We also launched a **ground-breaking socio-economic study** that sheds light on the backgrounds of death row prisoners, their pathways to – and motivations for – offending, as well as their experiences of the criminal justice system and incarceration. The report findings reveal that death row prisoners in Kenya are some of the most disadvantaged members of society and that more than half have been sentenced to death for crimes of 'robbery with violence', often non-fatal offences.





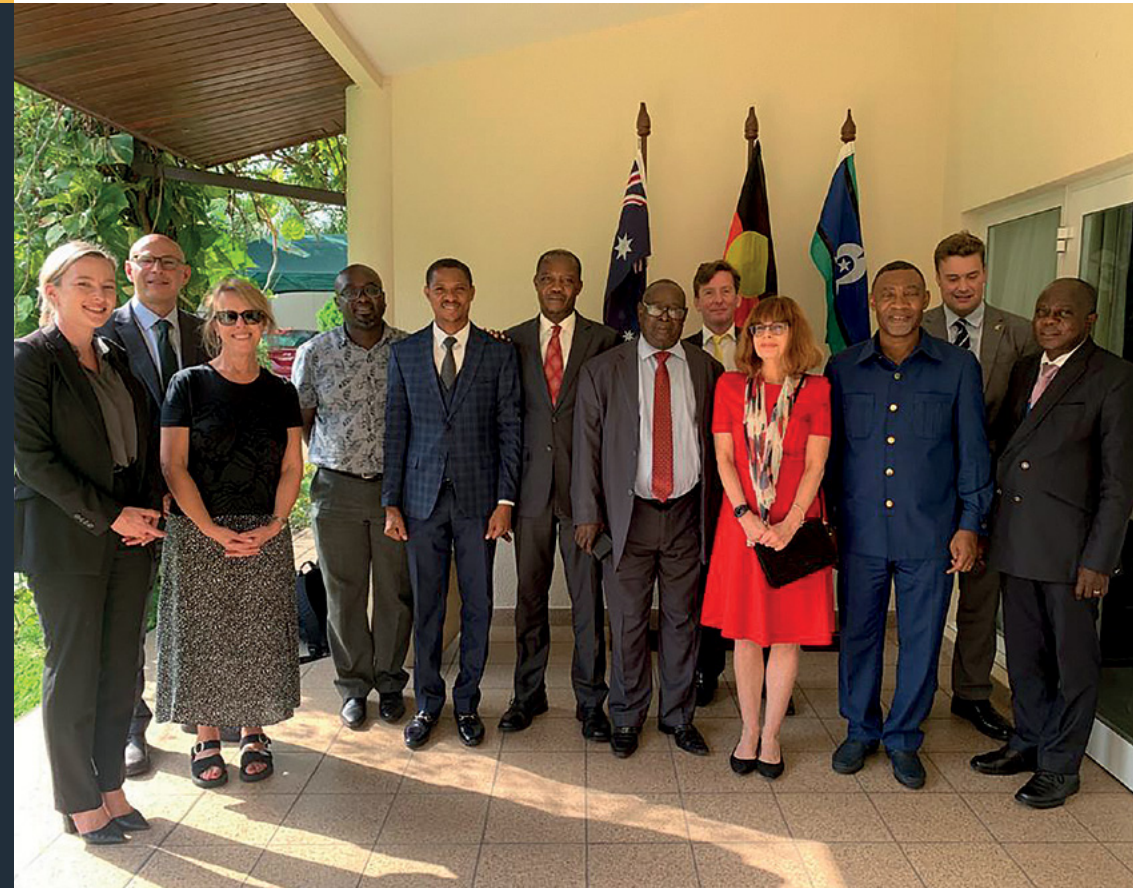
Engage

World Congress Against the Death Penalty

Our team attended the 8th World Congress Against the Death Penalty in Berlin, organised by Ensemble Contre la Peine de Mort (ECPM). It was a pleasure to reconnect with individuals and our partners, and to engage with the rest of the global abolitionist community.

World Day Against the Death Penalty 2022

On this day, and linking to this year's theme of torture and the death penalty, we highlighted some of the **harrowing testimonies** from death row clients we have represented over the years. We were also among the signatory organisations supporting the World Coalition Against the Death Penalty's **20th Day statement** on the death penalty and human rights of women and LGBTQIA+ individuals.



Delegations in Ghana

Supported by the British and Australian High Commissions in Accra, we led two delegations to Ghana, to engage with parliamentarians and other key stakeholders to provide technical advice and support legislative reforms to end the death penalty. We also submitted a memorandum to the president and all parliamentarians, endorsed by the Commonwealth Lawyers

Association, to raise awareness of issues surrounding capital punishment and to address human rights violations in the use of the death penalty. Two private members' bills seeking to abolish the death penalty for all criminal offences have subsequently been tabled in parliament, and we will continue to support those working to end the death penalty in the country.

WHERE WE WORK



WHAT'S NEXT FOR 2023?

Represent

We will continue to represent those facing the death penalty and victims of miscarriages of justice and unjust and unconstitutional treatment.

Bahamas – Bangladesh – Barbados – Bermuda – Cayman Islands – Grenada – Guyana – Ghana – India – Jamaica – Kenya – Nigeria – Sierra Leone – St Kitts and Nevis – Trinidad and Tobago – Turks and Caicos – Uganda – Zimbabwe

Engage

We will continue to work collaboratively with our partners to achieve eventual abolition across the world.

Antigua and Barbuda – Belize – The Bahamas – Barbados – Bermuda – Dominica – Ghana – Grenada – Guyana – Indonesia – Jamaica – St Lucia – St Kitts and Nevis – St Vincent and the Grenadines – Taiwan – Trinidad and Tobago – Zimbabwe

Deliver

We will continue to strengthen local capacity with our legal training and knowledge-sharing events.

Kenya – Bangladesh – India – Taiwan

Commission

We will continue to produce new empirical research on the death penalty, socio-economic profiles of death row inmates, and the deterrent effect of the death penalty, as a means of influencing governments to abolish it.


Indonesia – Kenya – Bangladesh – Taiwan


THANK YOU TO EVERYONE WHO FUNDED OUR WORK:

- Simons Muirhead Burton LLP
- UK Foreign, Commonwealth and Development Office
- European Union
- Swiss Federal Department of Foreign Affairs
- Allen & Overy Foundation
- The Joffe Charitable Trust
- The David and Elaine Potter Foundation
- Capital Cases Charitable Trust
- The Roddick Foundation
- Zitrin Foundation
- The Kalisher Trust
- Lady Edwina Grosvenor
- Hasluck Charitable Trust
- All our individual donors and everyone who supported our 2022 CrowdJustice fundraising appeal, raising more than £6,000.


The Death Penalty Project is a registered charity (no.1115035) and non-profit limited company (no. 05579286) with special consultative status before the United Nations Economic and Social Council.

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