

THE  
DEATH  
PENALTY  
PROJECT



2023

[www.deathpenaltyproject.org](http://www.deathpenaltyproject.org)

# Who we are

Driven by a belief that the death penalty is cruel and often discriminates against the poorest and most disadvantaged members of society, we work strategically to safeguard the rights of those facing the death penalty and other vulnerable people. We are extremely grateful to our incredibly hard-working team, as well as interns and volunteers, who make our work possible.



Pictured: The Death Penalty Project Team. Photo credit: DPP

We also extend thanks to our Trustees, Directors, and Patrons for their committed support:

### Trustees and Directors

- Anthony Burton CBE
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# Our vision

**Our vision** is a world without the death penalty, with strong and fair criminal justice systems that uphold human rights and offer access to justice for all.

**Our mission** is to protect people facing the death penalty or other cruel punishments, and to support the movement towards abolition in retentionist countries through systemic reform.

We provide access to justice for individuals and uncover miscarriages of justice, develop and promote human rights standards in criminal justice systems, encourage and facilitate evidence-based discussion on capital punishment, and engage with policymakers around the world to advocate for penal reform.

# What we do



We **REPRESENT** and assist those facing the death penalty and other cruel punishments, free of charge.



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



We **DELIVER** targeted and practical capacity building to judges, lawyers, mental health professionals, and others working within the criminal justice system.



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

# Our work in 2023...

We provided **more than 90 individuals in 20 countries** with free legal representation

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

**10 of these individuals are British nationals facing a death sentence abroad**

We supported **3 challenges to the legality of the death penalty, in Kenya, Guyana, and Taiwan**

We had **7 judgments** delivered by the Judicial Committee of the Privy Council

## A message from our Co-Executive Directors



**“The past year has been rewarding and challenging in equal measure, with landmark victories and ongoing struggles to create fairer and more transparent justice systems”**



In Ghana, we drew upon our experience and expertise to support legislators, civil society organisations, and the diplomatic community to put abolition on the political agenda. We succeeded in influencing the national conversation on abolition and providing critical contributions in the lead-up to the parliamentary vote on capital punishment. In July 2023, Ghana abolished the death penalty, voting overwhelmingly against its continued use for criminal and military offences. We are optimistic that Zimbabwe will become the next African country to achieve abolition and we are part of focused efforts to make this a reality in 2024.

In Kenya, our sustained engagement in collaboration with our local partners, new empirical research, and knowledge sharing have helped lead to a series of policy changes that unfolded during 2023. This includes the commutation of sentences for more than 400 people on death row, as well as a bill seeking to abolish the death penalty beginning its progression through parliament.

In Malaysia, the mandatory death penalty was abolished in April. Capital punishment is no longer the automatic sentence for specific crimes and the process to review

the death sentences of more than a thousand people is under way. This move away from the mandatory death penalty is a real breakthrough and leaves us hopeful for similar progress in the region.

While the abolitionist movement is making positive gains, and more countries than ever have removed capital punishment from their statutes, 2022 saw the highest number of recorded executions in the past five years, with a staggering 53% increase on executions in 2021. This reinforces why our work is more important than ever. Until the death penalty is abolished completely in law, the ever-present risk that executions could resume persists.

Thank you for supporting The Death Penalty Project. With the steadfast commitment of our partners, generosity of our funders, and *pro bono* support from many academics and legal and medical professionals, we have made some remarkable progress this year, and look forward to 2024.

**Parvais Jabbar and Saul Lehrfreund**

December 2023

# Closing Ghana's death row

We have worked in Ghana for more than a decade, building strong partnerships with organisations such as the **Legal Resources Centre (LRC Ghana)** and assisting with its appeals for people on death row.

This year, our efforts have focused particularly on supporting abolition through the political process. In July, Ghana did just that. Parliament made history with an **overwhelming vote** to pass two private members' bills abolishing the death penalty for all ordinary and military crimes. Ghana became the 29th African country to abolish capital punishment.

Abolition was ultimately achieved through the collaboration, commitment, and dedication of many individuals and organisations. Following our partnership with local organisations in Sierra Leone, which abolished the death penalty for all crimes in 2021, we have also successfully helped to influence significant policy changes this year in Ghana.

**"The Death Penalty Project's thorough, meticulous research, constant engagement, tenacity, and financial support were of incalculable value in garnering majority support for the legal abolition of the death penalty" – MP Francis-Xavier Kojo Sosu**

We collaborated with high-level stakeholders, including MP Francis-Xavier Kojo Sosu, who introduced the private members' bills to parliament, the Speaker of Parliament, and government bodies. We engaged with policymakers

from across the political spectrum and the wider diplomatic community to build strong support for reform. We supported local voices by working with civil society organisations and engaging with religious leaders, who challenged misconceptions and cultivated public momentum for abolition.

We are immensely proud to have played such a direct and pivotal role in abolition in Ghana. Our work in the country persists, and we continue to assist LRC Ghana to bring a series of appeals for people who were on death row at the time of abolition. We would also like to thank all the individuals and organisations who have worked with us, lending their expertise and contributing to this monumental achievement.

## As a direct result of abolition, 180 people who were on death row will be resentenced.



Saul Lehrfreund (DPP), Andrew Nethercott (British High Commission in Ghana) and MP Francis-Xavier Kojo Sosu in conversation with Cassiel Ato Forson MP, the Minority Leader in the Parliament of Ghana. Photo credit: The Parliament of Ghana.



MP Francis-Xavier Kojo Sosu. Photo credit: Office of the Parliament of Ghana.

## MP Francis-Xavier Kojo Sosu

We spoke to MP Francis-Xavier Kojo Sosu – human rights lawyer, advocate, and the Member of Parliament with whom we have been working closely over the past year – to discuss his role and motivation for ending the use of the death penalty in Ghana.

**What inspired you to sponsor the private members' bills calling for abolition?** The death penalty is cruel and dehumanising. Long before I became an MP, I had become aware of miscarriages of justice and flaws in our criminal process that had led to innocent individuals being sentenced to death... In my view, it is always wrong for the state to take human life, but when the legal system is imperfect and arbitrary, to allow the death penalty to exist in law is truly pernicious.

**What added value has The Death Penalty Project, and the experts we have engaged, been able to bring to the conversation?** The Death Penalty Project made our advocacy richer, allowing us to explore different dimensions in our advocacy. While local efforts had made some progress, thanks to the advocacy and work of Amnesty International Ghana, The Death Penalty Project was able to accelerate and enhance it.

The full interview is available to read on our [website](#).

# We provide a legal lifeline

## Vinson's story

**Forced to confess: After serving more than a decade in prison for a crime he did not commit, we helped Vinson overturn his conviction and clear his name. Vinson is one of 12 people that we represented or assisted in 2023 who suffered from torture or ill-treatment resulting in forced confessions.**

In 2010, **Vinson** Ariste was arrested at his home in The Bahamas on suspicion of armed robbery. Over six days in police detention, he was subjected to violence and denied legal representation by members of the Central Detective Unit, resulting in a forced 'confession'. During his ordeal, Vinson was also forced to sign confessions to multiple other serious offences, including a separate armed robbery and a murder, crimes to which he had no connection. All questioning took place without the presence of a lawyer.

Vinson always maintained his innocence. At trial, he gave an account of the police violence, including being beaten with

a cutlass and baseball bat, and being suffocated by a bag and water in a practice known as 'fish bagging'. A doctor gave evidence of the abuse to which Vinson was subjected in police custody, including injuries to his wrists, head, and buttocks. Regardless, the trial judge refused to exclude the evidence of his 'confession', sentencing him to 15 years' imprisonment.

In 2019, we agreed to provide free legal representation to Vinson to challenge his conviction through an appeal to the Judicial Committee of the Privy Council (JCPC). This is the highest court of appeal for many Commonwealth countries, including The Bahamas.

Working alongside barristers from Brick Court Chambers (UK) and the Bahamian legal team, the appeal was allowed by the JCPC, overturning Vinson's conviction in May 2023. After 12 years in prison for a crime he did not commit, Vinson was set free.

Unfortunately, Vinson is just one of thousands who are wrongly convicted across the globe. We continue to provide legal assistance to protect people at risk of unsafe convictions and unjust sentencing, providing a vital legal lifeline.

**"I am just so happy that I can move on and get my life back together. I feel uplifted. Thank God!" – Vinson**

## Wenceslaus's story

**Released after 30 years: The longest-serving prisoner in Trinidad and Tobago was granted immediate release by the High Court.**

In 1996, **Wenceslaus** James was convicted of the murder of a taxi driver. Wenceslaus and his co-defendant Antony Briggs were sentenced to death, as this is the mandatory punishment for murder in Trinidad and Tobago. Stories such as Wenceslaus's illustrate the inhumanity that people subjected to the death penalty can experience.

Wenceslaus spent 24 years on death row, for most of which he was isolated in solitary confinement. Not only did he live with the anguish of not knowing when his execution would be carried out, but he also experienced several traumas.

In 1999, he was read his warrant of execution and taken to the cell awaiting his hanging. For reasons still unknown to him, however, his execution was abruptly halted. That same day, he heard his cell-mate and co-defendant Antony's execution. Within the same year, housed in a cell next to the gallows, he also experienced the trauma of hearing the executions of nine other people.

**"I could see the rope and hear the snap of the trapdoor. It still haunts me. I feel sick and weak. It was the most horrible experience of my life" – Wenceslaus**



**"It's a joy and a feeling I can't really explain. Just a happiness" – Wenceslaus**

In 2019, barristers from Doughty Street Chambers (UK) joined Wenceslaus's lawyers in Trinidad to support his case. After years of sustained effort, the High Court of Trinidad and Tobago quashed his death sentence in 2020 and ordered him to be resentenced. In November 2023, the court retrospectively sentenced him to 30 years imprisonment, to take into account his experience on death row and good conduct in prison over the years. As Wenceslaus had already served more than three decades in custody, he was granted immediate release.

On his release, Wenceslaus and his elderly mother shared their gratitude that they were able to hug each other for the first time in more than 30 years.

# A spotlight on our Caribbean casework

Our approach is strategic. We work to create fairer criminal justice systems, where – pending the complete eradication of capital punishment – the death penalty is not the only option, and judges can exercise greater discretion in sentencing, significantly reducing the number of people who are sentenced to death and the rate of executions.

Throughout 2023, we have addressed failings in sentencing processes and brought important challenges, expanding due process rights across the Caribbean.

## Mandatory minimum sentences for juveniles

We challenged the practice of mandatory minimum sentences for children in Jamaica, in an appeal concerning a **16-year-old**. He had received a mandatory minimum sentence of 15 years' imprisonment for aggravated robbery. We argued that this practice was out of step with international law and prevented courts from considering wider factors that lead children to offending, such as social complexities and individual lived experiences. In this case, he was a primary carer for a disabled mother and was led astray by trusted adults. We will continue to help challenge unjust sentences for children in Jamaica and beyond, assisting those in society in need of greater legal safeguarding and continuing our work challenging mandatory minimum sentences in other Caribbean countries.



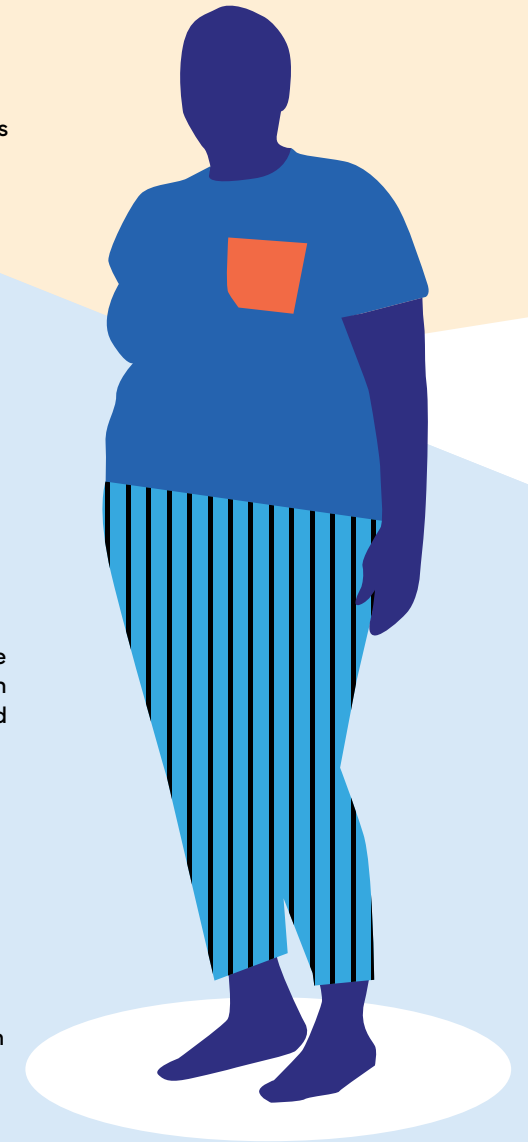
## Access to appeals from prison

Appealing on behalf of a person who suffered a **10-year trial delay** because of multiple administrative failures, including the loss of transcripts, we successfully reinforced the duty of the prison service to facilitate prisoners' appeals in Jamaica. This is an important case, because it enables greater access to justice for all current and future prisoners to appeal their sentences and convictions from prison in Jamaica.

## Excessive sentences

In The Bahamas, we worked to rectify two excessive sentencing decisions. In September, following an appeal, the JCPC overturned a **50-year prison sentence for a man convicted of manslaughter**. The sentence had been given by the Court of Appeal in The Bahamas, which the JCPC noted had failed to hear arguments or give adequate reasons for the sentence. This had been the longest sentence given for manslaughter in the history of The Bahamas. We also helped a woman quash a 35-year sentence for conspiracy to murder. We argued that the sentencing court failed to acknowledge she had acted because of threats and intimidation, and that this should have been reflected in her sentence. Both are due to be resentenced in the Court of Appeal of The Bahamas.

In St Kitts and Nevis, we appealed the excessive sentence of a man who had been on death row for almost two decades, and who has since been sentenced to a further 40 years' imprisonment. We are continuing to assist him in appealing his sentence, arguing that it is excessive and disproportionate given the time he has already spent on death row.



# Tackling the death penalty head on

Since The Death Penalty Project's inception, we have worked with leading experts across different fields – including law, academia, and forensic science – and developed an unparalleled depth of knowledge and breadth of expertise in the use, efficacy, and legality of the death penalty. We have brought legal challenges in courts around the world to many aspects of capital punishment. As a result of these cases, we have successfully restricted the imposition and use of the death penalty, with mandatory death sentencing and delays on death row declared unconstitutional in many countries.

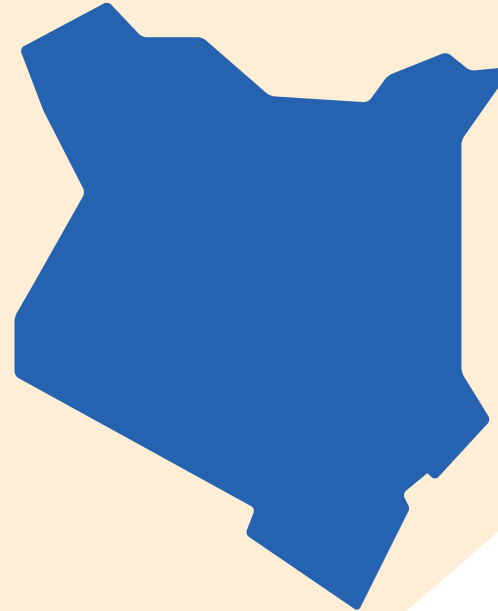
This year, we have gone further, and developed a framework of legal arguments for an unprecedented level of direct legal challenges designed to end the use of the death penalty altogether, no matter the jurisdiction.

We argue that the death penalty violates key constitutional protections to the right to life and rights preventing inhuman and degrading treatment. Our years of research and experience show that the death penalty has no deterrent effect on serious crime. Using evidence from leading academics and experts, we can show that the death penalty leads to arbitrary outcomes and can never be imposed fairly.



## Guyana

Our challenge to the death penalty before the Caribbean Court of Justice in 2022 resulted in the **removal of three people from death row**. However, the legality of the death penalty was not addressed by the court and the issue remains open. We are formulating a further challenge to the death penalty for all individuals on death row in Guyana, so that the courts can rule on the constitutionality of capital punishment. We will continue our efforts to keep abolition of the death penalty on the legal and political agenda.



## Kenya

We are supporting a group of former death row prisoners who are leading the challenge against the legality of the death penalty in Kenya. We have convened a team of lawyers in Kenya and barristers from Doughty Street Chambers (UK), in coordination with our partner the **Katiba Institute**. A petition has been filed with the High Court of Kenya.



## Taiwan

We are contributing to efforts led by our partner **Taiwan Alliance to End the Death Penalty** (TAEDP), and Taiwanese lawyers, to prepare several interlinking cases. These include a challenge to the legality of the death penalty before the Constitutional Court, and a challenge against the practice of imposing death sentences on those with mental health issues. We have worked with TAEDP throughout the year to support progress towards abolition, including holding joint meetings with Taiwanese legislators to discuss ending capital punishment.



Pictured from left to right: Kane Nosworthy, Legal Trainee; Bethany Jackson, Legal Officer; and Killian Moran, Senior Legal Officer. Photo credit: DPP.

# Working in partnership in Kenya

Partnership is at the heart of what we do. Wherever we operate, we always work closely with local lawyers and dedicated human rights organisations. We will never work in a country without an invitation.

Over the past five years, we have been working in partnership with the **Kenyan National Commission on Human Rights (KNCHR)** and the **Katiba Institute** to accelerate further policy changes crucial to ending capital punishment in Kenya. This has included providing training and practical assistance to judges and defence lawyers involved in capital cases, and creating research-led media campaigns.

In partnership with KNCHR, we commissioned Professor Carolyn Hoyle, Director of the **Death Penalty Research Unit (DPRU)** at the University of Oxford, to conduct several studies into the death penalty in Kenya. This included researching **public attitudes** and the attitudes of **opinion formers** towards the death penalty, with both showing overwhelming readiness and support for abolition.

In addition, we commissioned research into the **socio-economic profiles of people on death row** in Kenya, as well as their experiences of the criminal justice system and incarceration.

We believe this research, the accompanying media campaign, and the range of training and knowledge-sharing events delivered with KNCHR and the Katiba Institute have been catalysts for several subsequent policy changes.

In July 2023, President Ruto commuted the death sentences of all those who had been sentenced to death before November 2022; the previous commutation to tackle the growing number of death row prisoners had occurred in 2016. The Justice and Legal Affairs Committee subsequently adopted a private member's bill seeking to abolish the death penalty by amending the Penal Code. The bill has since undergone its first and second readings in parliament. These are significant steps in the political process towards abolition in Kenya.



Pictured from left to right: Rebecca Olschner-Wood, Deputy Director and Silvia Galimberti, Senior Projects Officer. Photo credit: DPP

**There is little appetite for the death penalty – only 32% of the public surveyed strongly favoured retention.**

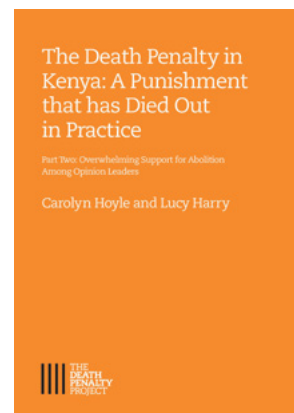
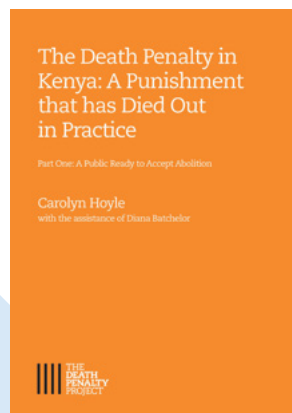
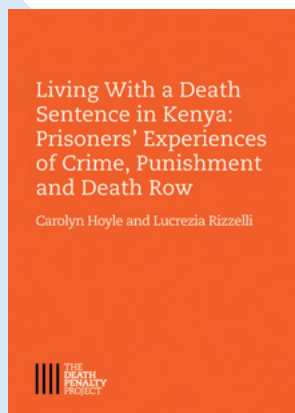
The Death Penalty in Kenya: A Punishment that has Died Out in Practice. Part One - A Public Ready to Accept Abolition (2022).

## Achievements from partnership with KNCHR and the Katiba Institute:

- **More than 100 judges and magistrates** took part in our judicial training sessions
- **150 lawyers** were at our knowledge-sharing events
- **1 expert report** prepared on **fair and effective alternatives to capital punishment**, following the abolition of the mandatory death penalty in Kenya
- **3 research reports** commissioned and published, providing evidence that supports abolition
- **5 briefing notes** produced to make our research findings more accessible to different audiences
- **More than 30 media articles** featuring research findings and **4 opinion pieces** making the case for abolition
- **2 animated videos** explaining the research findings and the death penalty in Kenya

**More than half of the people on death row (56%) have been sentenced to death for non-fatal robbery with violence crimes.**

Living with a Death Sentence in Kenya: Prisoners' Experiences of Crime, Punishment and Death Row (2023).





# Events

## Launching new research

In 2023, we launched our research report *Dealing with Punishment: Risks and Rewards in Indonesia's Illicit Drug Trade* at the Harm Reduction International Conference in Melbourne, Australia. Authored by Professor Carolyn Hoyle, Director of the DPRU, we commissioned this study with our partners the **LBH Masyarakat** (Community Legal Aid Institute) and **Atma Jaya**. It explored the economic and social motivations for entry into the illicit drug trade in Indonesia. The Harm Reduction International Conference is the largest forum for public health, human rights, and drug policy, providing an excellent platform for active discussion on the application of the death penalty for drug crimes in Southeast Asia and beyond.

## Public talks in Taiwan

In February, we led a presentation at a public seminar on the findings from our empirical research on Taiwanese **legislators' attitudes** to the death penalty.

With our partner TAEDP, we had commissioned Professor Carolyn Hoyle and Professor Shioh-duan Hawang, at Soochow University, to conduct the research, which revealed that the majority of Taiwan's legislators are in favour of abolition. They cited as their primary reasons the risk of wrongful convictions, the abuse of human rights, and awareness that the death penalty has no unique deterrent effect.



Pictured: Isobelle Degale, Senior Communications Officer. Photo credit: DPP.

In September, we spoke on two panels at an international seminar on the right to life in Taiwan. Our Co-Executive Director Saul Lehrfreund presented on the use of litigation to challenge the constitutionality of the death penalty, drawing on our experience litigating similar cases and representing

people on death row. He also joined a panel discussion on the findings of a psychological study of those on death row in Taiwan. The conversation explored the ways in which the death penalty disproportionately impacts vulnerable people, including people with pre-existing mental health conditions.



Pictured from left to right: Carolyn Hoyle (DPRU), Parvais Jabbar (DPP), and Awaludin Muzaki (LBH Masyarakat) at the Harm Reduction International Conference. Photo credit: DPP.

## Art exhibition: Voices from death row

In May, we supported an art exhibition at the University of Oxford organised by PhD students Amelia Inglis and Lucrezia Rizzelli at the Centre for Criminology, which brought together artwork from people on death row and exonerees from around the world. Peter Ouko, former death row prisoner and now Executive Director of Kenyan organisation **Crime Si Poa**, spoke at the event, alongside a panel including Professor Carolyn Hoyle, photographer Toshi Kazama, whose work focuses on depicting the inhumanity of death row, and our Co-Executive Director Parvais Jabbar.

Peter shared his experience of life on death row, explaining the injustice of capital punishment and highlighting the need for policy reform. The exhibition was an extension of our work in Kenya to advance public discussion on the death penalty.



Artwork from the exhibition 'Voices from death row'. Photo credit: Amelia Inglis.



Standing, Peter Ouko (Executive Director of Crime Si Poa), speaking at the University of Oxford art exhibition 'Voices from death row'. Photo credit: Amelia Inglis.

# What's next for 2024?

## Caribbean

Alongside our strategic legal challenge to the death penalty *per se* in **Guyana**, we will continue to engage with political stakeholders in **Trinidad and Tobago**, in an effort to abolish the mandatory death penalty through the legislative process.

Throughout the **Caribbean region**, we will continue to provide free legal representation to assist current and former death row prisoners, as well as individual cases of miscarriage of justice, in appeals to the Judicial Committee of the Privy Council and the Caribbean Court of Justice, and applications to regional and international tribunals.

## Africa

The National Assembly of **Zimbabwe** has adopted a motion to bring a bill to abolish the death penalty. In 2024, we will continue to work with parliamentarians across the political divide to build cross-party support for the bill as it progresses through parliament and public consultation. This will involve close coordination with our partner **Veritas**, diplomatic allies, and other political stakeholders.

In **Ghana**, following abolition of capital punishment for all ordinary and military crimes, we are working towards the removal of the death penalty for treason, as retained in its constitution, and supporting our partners with appeals for people on death row at the time of abolition.

Following the abolition of the death penalty in **Sierra Leone** in 2021, we are leading efforts to develop new sentencing guidelines with the judiciary.

## East Asia & Southeast Asia

In **Taiwan**, we will continue supporting TAEDP on the legal challenge to the death penalty *per se*. We will also continue to engage with civil society and legislators, in an effort to maintain momentum towards abolition of capital punishment.

We will continue our research into the deterrent effect of the death penalty in drug-related offences in **Indonesia**. We expect that the findings from this study will have relevance to policymaking and the public conversation about capital punishment across Southeast Asia.

## South Asia

In **India**, in partnership with **Project 39A**, we will run a training programme at several medical institutes to address how expert evidence from mental health professionals can be introduced to court, and to explore related ethical issues. In **Bangladesh**, in collaboration with our partner the **Bangladesh Legal Aid and Services Trust (BLAST)**, we will conduct follow-on training from previous workshops with judges and lawyers on assessing mental health in capital sentencing, and an e-learning course on forensic psychiatry that we developed for mental health practitioners. These targeted and practical capacity-building activities address critical gaps in the treatment of mental health in the countries' criminal justice systems.

We will also begin new research in **Bangladesh**, in partnership with the University of Dhaka, to study the quality of legal representation provided to people under sentence of death. This follows on from a **previous study** examining the profiles and perspectives of people on death row.

Thank you to everyone who funded our work in 2023, including:

- Simons Muirhead Burton LLP
- UK Foreign, Commonwealth and Development Office
- European Union
- The Joffe Charitable Trust
- The Lucid Foundation
- The David and Elaine Potter Foundation
- The Roddick Foundation
- Lady Edwina Grosvenor
- Zitrin Foundation
- All our anonymous and individual donors, including the supporters of our CrowdJustice fundraising appeal.

We would also like to thank all the barristers, medical and forensic experts, academics, and other individuals who continue to support our work so generously by providing their time, services, and expertise without charge.

# Fighting for every person facing the death penalty

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