

# REPRIEVE

Annual Report 2012

Reprive delivers justice  
and saves lives

## IN 2012 REPRIEVE

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**ASSISTED** over 90 people facing the death penalty in 14 countries around the world

**HELPED** ensure that 16 prisoners facing the death penalty either did not receive a death sentence or had their sentence overturned

**RESTRICTED** the flow of lethal injection drugs into the US by working with pharmaceutical companies and European regulators

**SECURED** unprecedented interventions from several European governments in US capital cases

**EXPANDED** our work on behalf of European nationals facing the death penalty to South East Asia, the Middle East and North Africa

**HELPED** secure a crucial innocence hearing for a death row prisoner in the USA

**REPRESENTED** 17 Guantánamo detainees, including Shaker Aamer, the last British resident

**BROUGHT** a landmark judicial review against the UK Government over its role in supporting the CIA's illegal programme of drone strikes in Pakistan

**REPRESENTED** two Libyan families 'rendered' by UK intelligence in their attempts to gain justice, assisting a Scotland Yard investigation into their cases and helping secure a major settlement for one of the families - the al Saadis

**ARGUED** the habeas corpus appeal of a detainee in Bagram airbase before the UK Supreme Court, leading to the court's recognition that the UK's conduct in this case may have constituted war crimes

**PUBLISHED** documents which built up the most complete picture yet of the role played by corporations in the CIA's secret prison programme

**RAISED** awareness of the impact of the US drone programme on civilian populations by organising a 'March to Waziristan' with prominent Pakistani activists

**MOUNTED** a campaign opposing the UK Government's 'Secret Courts' Bill, helping to ensure concessions were made

**ENDED** the UK Government's deeply flawed Gibson Inquiry as part of a coalition of NGOs, thereby avoiding a whitewashing of Britain's involvement in the 'War on Terror'

## KEN MACDONALD QC, CHAIR



2012 WAS A YEAR which demonstrated how, across all of its work, Reprieve remains at the forefront of challenging both the death penalty and serious human rights abuses associated with the 'War on Terror.'

Across the organisation, the common themes are clear: an inventive nimbleness, and an ability to spot and react quickly to new and emerging threats. All the while Reprieve ensures those who are most vulnerable and most persecuted – whether at risk of execution by needle or extra-judicial execution by drone – are at the centre of our efforts.

The bare figures demonstrate that, while a small organisation, Reprieve punches above its weight: 90 people facing potential executions around the world received assistance, with 16 of them either avoiding the death penalty or seeing it overturned in 2012 alone. On top of that, Reprieve continued to represent 17 Guantánamo detainees, along with two families "rendered" to Gaddafi by British intelligence and a number of prisoners held beyond the rule of law in Bagram prison, Afghanistan – often described as "Guantánamo's evil twin."

Digging down further, Reprieve's creativity shows through: the Stop Lethal Injection Project (SLIP) continued to block just about the entire US execution system, cutting off the flow of drugs used in the death penalty through a multi-pronged approach which saw UK and EU export bans put in place alongside distribution controls by major pharmaceutical companies – ensuring that medicines are used to treat patients, rather than kill prisoners.

Reprieve's death penalty team was successful in persuading European governments to intervene on behalf of their nationals on death row, in ways they had never done before, bringing crucial and heavyweight help to those whose cases seemed most hopeless and abandoned.

2012 also saw a pioneering case brought against the UK Government which aims to blow open its involvement in the

CIA's illegal campaign of drone strikes in Pakistan – a case which has made headlines on both sides of the Atlantic. More widely, Reprieve was instrumental in developing a growing debate over this shadowy programme which was all but absent from the public sphere when work first started on it.

Reprieve continued its work on one of the worst examples we have yet seen of UK involvement in rendition and torture: the kidnap and forcible transfer of two anti-Gaddafi dissidents, along with their wives and young children, into the hands of the dictator in 2004. With Reprieve's help, the al Saadis, who were rendered along with their four children (all aged between six and twelve at the time) secured a major settlement from the British Government in their case brought over the joint MI6-CIA-Libyan operation. Abdul Hakim Belhaj – who was rendered along with his pregnant wife – is continuing with his case, as the Metropolitan Police are with their criminal investigation.

Even one of the more negative developments of 2012 was, in some ways, a back-handed compliment to Reprieve's work: the UK Government's Justice and Security Bill sought to roll out secret courts across the civil justice system, in an attempt to stop cases of Government wrongdoing coming to light in future – precisely the kind of cases through which Reprieve has unearthed British collusion in torture and rendition in the past. Reprieve's efforts to head off this dangerous move – while generating substantial amounts of press coverage opposing the measure in everything from the Daily Mail to the Guardian, and helping to bolster Parliamentary opposition – have sadly not been successful.

However, rest assured that wherever those involved in executions, torture or drones seek to close off one of the ways out for their victims, Reprieve will open another. The lengths to which the executioner now has to go to secure the tools of his trade, or the torturer to cover his tracks, are testament to the endlessly inventive ways in which Reprieve has successfully sought to deliver justice and save lives in 2012.



# DEATH PENALTY

## IN 2012, REPRIEVE ASSISTED OVER 90 PEOPLE FACING THE DEATH PENALTY IN 14 COUNTRIES AROUND THE WORLD

A KEY PART OF REPRIEVE's work is helping European governments to support their nationals facing the death penalty overseas. 2012 saw Reprieve secure such assistance from a range of governments. Among those were unprecedented interventions by:

- Italy, which for the first time submitted an amicus curiae brief, in support of Anthony Farina; and
- Hungary, which submitted its first ever amicus curiae brief in a capital case, in support of William Morva.

Other countries which took action included:

- Serbia, whose government Reprieve assisted in submitting a second amicus brief in support of Avram Nika in July;
- Germany, which recognised German nationality in one case and agreed to submit an amicus brief; and
- Britain, which made representations on behalf of nationals in a number of countries, including China, Indonesia, Pakistan, Thailand, the United Arab Emirates and the USA.

Reprieve also continued to carry out investigations. These are vital and one discovery can entirely change the course of a case. A notable example from 2012 is that of Ivan Teleguz, a Ukrainian currently on Virginia's death row: Reprieve's investigation work in the Ukraine and Kazakhstan was crucial in securing an innocence hearing for Ivan.

British grandmother Linda Carty remains on death row. However, although Linda exhausted her appeals in 2010, the authorities in Texas have so far made no attempt to set an execution date for her. This may in part be because Texas has experienced shortages in execution drugs as a result of Reprieve's highly successful Stop Lethal Injection Project.

Reprieve's increasing work in South East Asia bore positive results in 2012, notably in Thailand, where we worked to secure clemency for three Hong Kong fishermen sentenced to death on drugs charges. Chi Fai Leung, Shun Wa Ng and Kam Chuen Leung had seen their conviction in Thailand overturned in 2008 when the captain of their

ship testified that they knew nothing of its narcotic cargo. However, in December 2011 the Supreme Court reversed their acquittal and re-sentenced them to death. Reprieve worked with lawyers in Hong Kong and the UK Government to prepare clemency petitions, which were successful in August 2012.

Reprieve also took on the case of Lindsay Sandiford, a British grandmother facing the death penalty in Bali on

**" ... Reprieve's investigations can entirely change the course of a case ... "**

drugs charges. Reprieve facilitated the provision of expert evidence from an academic specialising in the drugs trade who concluded that Lindsay was "subjected to coercion." Lindsay was sentenced to death in January 2013 and Reprieve continues to assist Lindsay and her family in navigating the tortuous Indonesian appeals process.



Lindsay Sandiford, facing death by firing squad in Indonesia



### ANTHONY FARINA

In 2012, Reprieve facilitated the involvement of the Italian Government in support of Italian national Anthony Farina, currently on death row in Florida for murder despite never having killed anyone.

When he was 18, Anthony Farina was involved in a restaurant robbery in which his brother, then aged 16, stabbed an employee who subsequently died in hospital. Although it was confirmed by witnesses that Anthony did not harm anyone, he was tried alongside his brother and sentenced to death. His brother's sentence was subsequently reduced to life as a result of his being a juvenile.

Towards the end of the year, the Italian Government submitted an amicus curiae brief to the US Court of

Appeals, ahead of Anthony's final appeal against his death sentence (to be heard in 2013). It called upon the court to reverse Anthony's sentence, explaining that: "Italy does not file this brief lightly, nor does it seek to interfere with judicial proceedings in this country. However, it is compelled to explain the important international interests raised by the imposition of the death penalty in this case."

**" ... Anthony is currently on death row for murder despite never having killed anyone ... "**

Italy's outstanding work in support of its citizen, facilitated by Reprieve as part of its EC Project (see p.8), forms a crucial part of efforts to ensure Anthony is not executed for a murder he did not commit.

### KHADIJA SHAH

In 2012, Reprieve began assisting Khadija Shah, a heavily pregnant 25-year-old mother of two from Birmingham being held in Pakistan on drugs charges which could see her facing the death penalty. Since her arrest, Khadija has given birth to a baby girl, Malaika, who remains in prison with her in alarmingly unsanitary conditions. Reprieve carried out investigation in both the UK and Pakistan ahead of Khadija's trial, which is ongoing, and is working on securing bail.

2012 also saw the beginning of a Judicial Review, brought by Reprieve, of British Government policy on counter-narcotics cooperation with Pakistan. This cooperation threatens to put British citizens – such as Khadija – onto death row: through the provision of millions of pounds' worth of aid to Pakistan's notoriously corrupt Anti-Narcotics Force (ANF), the UK is effectively contributing aid to executions, as a result of Pakistan's imposition of the death penalty for drugs offences.

By challenging this policy – which is at odds with the UK's stated opposition to capital punishment – Reprieve is aiming to help Khadija and hundreds of others like her to avoid the hangman's noose, in a country with the largest death row population in the world.



**" ... Khadija remains in prison with her baby in alarmingly unsanitary conditions ... "**

# STOP LETHAL INJECTION PROJECT

IN 2012, REPRIEVE RESTRICTED THE FLOW OF LETHAL INJECTION DRUGS INTO THE USA



REPRIEVE'S STOP LETHAL INJECTION PROJECT (SLIP) continued to cut off the supply of execution drugs to US death rows through a multi-pronged strategy.

On one front, we continued our groundbreaking work with major pharmaceutical companies to help them put in place distribution controls which ensure that their products can only reach legitimate medical users, and not execution chambers. Fresenius Kabi, a major global pharmaceutical company, worked with us to do just that in 2012. Fresenius was at the time the sole supplier in the US of a drug called propofol, to which US death rows had started to turn after supplies of previously-used drugs (sodium thiopental and latterly pentobarbital) were restricted. Their action closed off a major potential supply of death penalty drugs and deterred other states from moving to the same drug.

Meanwhile, Reprieve engaged with both national governments and international bodies to prevent the export of drugs for use in executions. In the UK, Reprieve successfully secured export controls on propofol where there is a risk it could be used in executions from the British Department for Business, Innovation and Skills (BIS).

At a European level, Reprieve was asked to participate in an expert group to ensure the EU as a whole controls the export of potential lethal injection drugs. The expert group was convened to work on wide-ranging amendments

to the so-called 'Torture Reg' (EC Regulation 1236/2005) to control exports of any drugs which might be used in lethal injection executions around the world.

“ ... key execution drug was being sold by a UK firm to prisons across the US ... ”

Finally, in America's courtrooms, Reprieve's work fed into a landmark ruling in which a US Federal judge banned the import of a key execution drug that was being sold by a UK firm to prisons across the US. Reprieve's investigations revealed that the firm was a pharmaceutical wholesaler operating out of the back room of a driving school in West London, and that the drugs were of unsound quality and had been used in a number of executions across the US, some of which were likely 'botched'. Judge Leon declared the import of unapproved foreign-made drugs for use in executions to be unlawful and ordered that the prisons relinquish all supplies of the British drugs.



The outside of Dream Pharma Ltd's premises in Acton

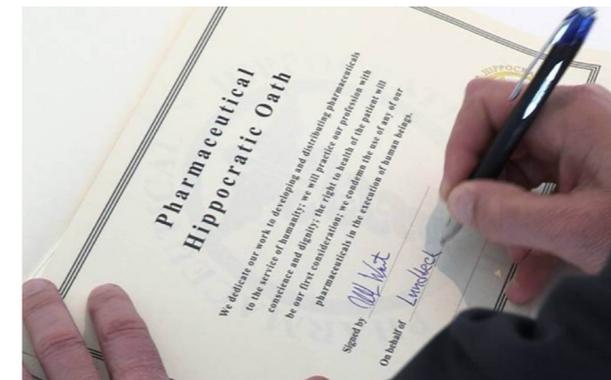
# STOP AID FOR EXECUTIONS

IN 2012, REPRIEVE LAUNCHED a new project, Stop Aid for Executions (SAFE). It aims to expose the direct link between European counter-narcotics aid to developing countries and the death sentences meted out in those countries to people convicted of drug offences.

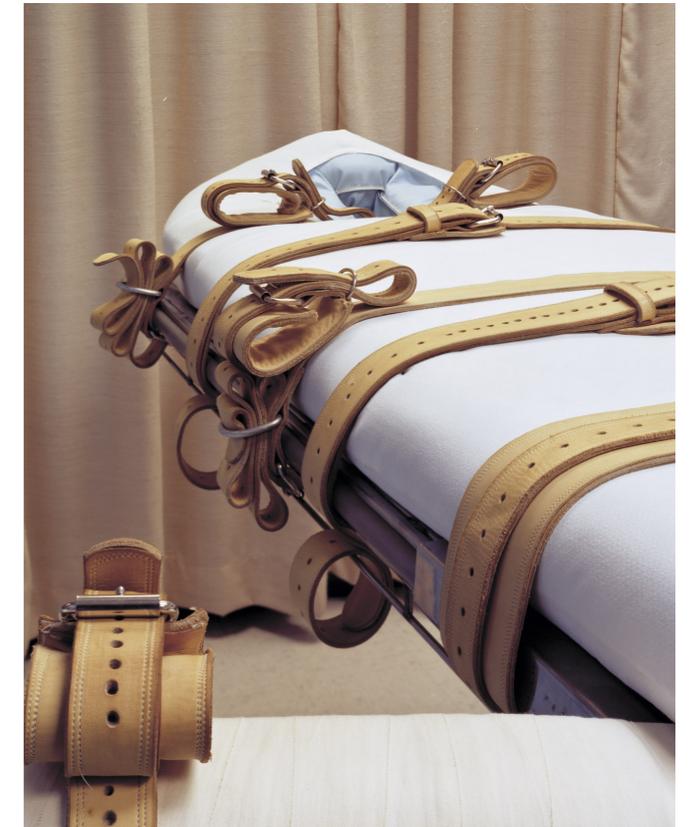
The project will demonstrate the ineffectiveness of a policy which focuses on capturing vulnerable 'drug mules' while ignoring the key perpetrators. Using a combination of legal and political pressure and media coverage, Reprieve is encouraging governments to put conditions on the aid that they give to such programmes, so that they do not result in executions.

Reprieve hopes to use SAFE to reduce the number of executions for drug-related offences. A key part of this project is a Judicial Review of British Government policy in this area (see Khadija Shah, p.5). Reprieve has also engaged with MPs and the media in order to question the Government over aid for executions and raise the profile of the issue in the press.

“ ... Reprieve hopes to use SAFE to reduce the number of executions for drug-related offences ... ”



Lundbeck CEO signs Pharmaceutical Hippocratic Oath



“ ... The project will demonstrate the ineffectiveness of a policy which focuses on capturing vulnerable 'drug mules' and ignores the key perpetrators ... ”

## IN 2012, REPRIEVE SECURED INTERVENTIONS FROM SEVERAL EUROPEAN GOVERNMENTS IN US CAPITAL CASES

IN AUGUST 2012, Reprieve concluded its three year European Commission-funded project, "Engaging Europe in the fight for US abolition", which sought to identify and assist European nationals on death row in the USA. In the course of what came to be known as 'the EC Project', a team of Research Fellows, based in New Orleans, conducted a survey of nearly the entire US death row population, looking for entitlement to foreign nationality and other foreign links.

The team in New Orleans identified 18 prisoners facing the death penalty in the United States who were confirmed European nationals. The Fellows' research findings were captured in two reports, which can both be found on Reprieve's website: "Honored in the Breach - The United States' Failure to Observe its Legal Obligations Under the Vienna Convention on Consular Relations (VCCR) in Capital Cases" and "Delivering Effective Assistance to Prisoners with Foreign Ties on Death Row in the United States". The work of the Research Fellows has now concluded. Reprieve would like to thank the Fellows for their hard work and dedication to a challenging but ultimately highly successful project.

Once the confirmed European nationals had been identified by the team in New Orleans, Reprieve's caseworkers in London were able to assist the prisoners

in taking advantage of legal and investigative avenues that might previously have gone unexplored. By the end of the first Project in August 2012, Reprieve had provided varying degrees of assistance in 14 of the 18 cases involving confirmed European nationals, from mitigation investigation in the European country of origin, to consultation with local US counsel, to outreach to the European government of nationality. The Project also provided the same form of assistance in approximately 50 further cases concerning prisoners with European ties facing the death penalty.

Reprieve secured funding from the European Commission for a further three year project, EC Project 2, which started in November 2012, to build on the success of the first EC Project. The project continues to identify and assist European nationals facing the death penalty in the United States, including in pre-trial cases, and then works with European governments and consular staff to assist their nationals. In addition, the project expands this work to the Middle East & North Africa and Southeast Asia regions. As part of this second EC Project, in late 2012 we recruited a US Liaison Counsel Fellow, to be based in Washington, DC, as well as two part-time Legal Fellows in Indonesia, who started work in early 2013.



Fellow Catherine Higham in Reprieve's New Orleans office.

## IN 2012, REPRIEVE PARTNERED WITH FELLOWS IN ISLAMABAD, LAHORE, NEW ORLEANS AND TUNISIA

REPRIEVE WOULD NOT BE ABLE to do the work it does without our Fellows around the world. It is impossible to separate their huge contribution from Reprieve's overall successes – this page simply aims to provide an overview of the (often challenging) countries and regions in which they work.

In Islamabad, Shahzad Akbar and the Foundation for Fundamental Rights (FFR) have undertaken groundbreaking work on drones accountability, bringing cases on behalf of victims in the courts there while providing crucial support to Reprieve's efforts in other forums. Shahzad is also working on the case of young British mother Khadija Shah (see p.5).

In Lahore, Sarah Belal and Justice Project Pakistan (JPP) have brought a landmark legal case on behalf of detainees held beyond the rule of law in Bagram Prison, Afghanistan, while continuing their invaluable work on death penalty cases in the country with the world's largest death row population.

2012 saw Reprieve's team in New Orleans complete their project to identify European nationals on death row in the US, as part of the EC Project (see p.8). The second

EC project will see a new US fellow, based in Washington, DC, and two part-time fellows based in Indonesia who will expand Reprieve's work in Southeast Asia.

Reprieve's Life After Guantánamo Team successfully established Fellows in Tunisia in 2012, while the drones project has recruited two further Fellows in Yemen.

*"... Reprieve would not be able to do the work it does without our Fellows around the world ..."*

Closer to home, Reprieve staff have been able to benefit from the wealth of experience of Sandra Babcock, Joe Margulies, Robert McDuff and Robert McGlasson, all of whom visited and worked with the London office in 2012. Everyone at Reprieve is enormously grateful for their enduring help and commitment to the organisation.

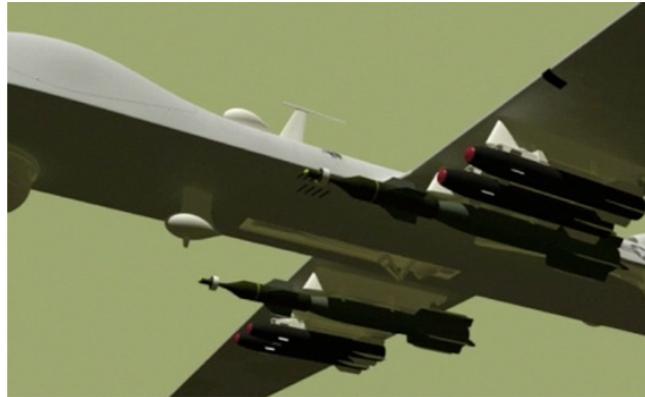


Reprieve Fellow Mariam Kizilbash crossing a river on her way to visit two Reprieve clients in prison in Pakistan

# DRONES

## IN 2012, REPRIEVE BROUGHT A JUDICIAL REVIEW AGAINST THE UK GOVERNMENT OVER ITS ROLE IN THE US DRONE PROGRAMME

2012 SAW REPRIEVE START to map out the complicity of corporations in America's illegal programme of covert drone strikes in Pakistan and Yemen. Reprieve investigations identified a number of companies operating in the UK and elsewhere making crucial components for the Predator and Reaper drones, which are the weapons of choice for the CIA – including big names such as General Electric. Acting on this information, Reprieve threatened Judicial Review proceedings against the UK Government's Department for Business over its failure to adequately regulate the export of these components, while pursuing a parallel strategy on Corporate Social Responsibility (CSR), highlighting the firms' activities with their investors and in the media.



### DRONES IN PAKISTAN

In the first half of 2012, Reprieve and its Pakistani partner organisation FFR assisted Stanford and New York Universities with an independent study into the impact of drone strikes on civilians in Pakistan. While the research team was in Pakistan, we arranged for them to meet a number of our clients, as well as members of the communities with whom we work. The results of the Stanford study, titled Living Under Drones, were published in September 2012 and made a significant impact on raising the profile of civilian harm caused by drones.

In March 2012, FFR also launched legal action against the Pakistani Government in Peshawar's High Court in response to a deadly CIA drone strike that killed upwards of 40 community elders in March 2011. Citing the constitutional duty of the Government to protect its citizens' right to life, the petition asks the court to order the Pakistani Government to take proactive steps to stop the strikes. The litigation scored its first big victory in July 2012 when the Court ordered the Government to produce any and all records it had pertaining to the victims of drone strikes in North and South Waziristan.

Simultaneously Reprieve, acting on behalf of more than a dozen Pakistani families who have lost loved ones in drone strikes, filed a complaint against the United States

before the United Nations Human Rights Council. The complaint asks the Council to condemn the attacks as illegal human rights violations.

“ ... Reprieve acted on behalf of more than a dozen Pakistani families who have lost loved ones in drone strikes ... ”

In October 2012 Reprieve and FFR worked with Imran Khan to organise an unprecedented two day peace march to protest against US drone strikes. The march, which was attended by tens of thousands, travelled 250 miles from Islamabad to the border of the tribal belt, the area most affected by drones. Reprieve arranged for two dozen American peace activists to join the march, so they could meet people from the affected areas and take their stories back to the US. The march was a huge success, garnering international media attention and putting a spotlight on the civilian impact of drones.



NOOR KHAN JR

In March 2012, Reprieve helped Noor Khan, a man from Waziristan in North West Pakistan whose father was killed in a drone strike on a peaceful council, or jirga, to bring a case against the British Government over its reported policy of supporting CIA drone strikes. Mr Khan's father, Malik Daud Khan, was killed in March 2011 along with many others when a Hellfire missile fired by a CIA drone hit a peaceful gathering of elders meeting to resolve a chromite mining dispute. Reprieve and Mr Khan are challenging the UK Government policy of providing intelligence to the CIA in support of strikes such as the one which killed his father, asserting that this practice is illegal. British law makes it clear that in these circumstances UK intelligence staff and those who direct their actions could be committing various criminal offences, including conspiracy to murder.



Clive Stafford Smith and Reprieve Fellow Shahzad Akbar at the anti-drones march.

### FOLLOWING THE ANTI-DRONES MARCH ON TWITTER

By Clemency Wells



Over the weekend I followed a march to Waziristan. Not in person, unfortunately. Instead I followed the historic anti-drones peace march all the way from Islamabad to Waziristan and back again...via Twitter.

On Saturday morning Reprieve's Director Clive Stafford Smith sent me the first of 182 text messages. Bit-by-bit, over the following two days, I posted these messages on Twitter to the organisation's 9000+ 'followers'.

After months of complicated preparation, Clive's first text was jubilant: "Massive crowds huge media discourse project already a success." Punctuation, it seemed, was a luxury to be jettisoned in favour of expediency. I typed it up and we were off.

Quickly I was hooked: to my phone as the messages from Clive flooded through, and to Twitter as I watched the same messages reverberate around the world, sometimes to hundreds of thousands of people (via Imran Khan's retweets) and sometimes just to tens of people (via retweets from my personal account).

I followed as the march made its way through Talagang... buzz... "Hard to get through this small town as the goodwill among locals for our solidarity is astounding"... then wound slowly to Dhulli... buzz... "more loud cheers and trumpets. Poverty all around now donkeys rest in the midday heat the cost of a hell fire missile could do much good here"... and on the way to DI Khan... buzz... "Biggest crowd yet but speeches over back on road to di khan. News of car bomb in peshawar far away but sad."

As an ever greater number of Clive's messages flew out into the ether, and as news of the march spread across the wider media, I sat and watched people's reactions streaming onto the screen in front of me. It was extremely - and somewhat surprisingly - moving.

## IN 2012, REPRIEVE REPRESENTED 17 DETAINEES, INCLUDING SHAKER AAMER, THE LAST BRITISH RESIDENT

PRESIDENT OBAMA has not lived up to his promise to close Guantánamo, showing neglect at best and antipathy at worst. In 2012, the legal-political climate in the United States continued to prevent any effective pathway for release from Guantánamo Bay. Since 2010, no one from Guantánamo has won their habeas corpus case within the DC federal court system. Additionally, the annual defence spending omnibus bill known as the National Defense Authorization Act (NDAA) has, since 2010, contained onerous provisions making it difficult for Guantánamo detainees to be released, repatriated or resettled.

Nevertheless, Reprieve continues to work tirelessly on behalf of its clients who remain in the island prison. On the legal front, Reprieve worked with other Guantánamo counsel to litigate against efforts by the US Department of Justice (DOJ) to restrict the terms of access to our clients. In early 2012 the US Department of Justice sought to force defence counsel to sign a new agreement that would give inordinate power to the military commanders at Guantánamo to decide when and how lawyers could see their clients. This was contested in court and resulted in a resounding legal victory for defence lawyers in which the judge unequivocally ruled that the current terms of

access could and should stand “as is.”

In September 2012, the US Department of State unexpectedly published a list of 55 names of Guantánamo detainees who have been “cleared for release,” meaning that the US Government does not consider these men a threat, will not be pursuing any charges against them, and that they can be released or resettled (assuming they can meet the onerous requirements of the NDAA). The majority of Reprieve’s clients were on this list.

Reprieve had long been aware of their “cleared” status; however, the information was deemed “protected,” meaning we couldn’t discuss it publicly. Now that the information is public, we are able to use it in advocacy on behalf of our clients; we immediately shared the news with journalists and updated their profiles on our website to include this detail. We also included our clients’ “cleared” status in ongoing discussions and advocacy efforts with governments, including interaction with the British Government on behalf of Shaker Aamer (the last British resident in Guantánamo), the Tunisian Government on behalf of Hisham Sliiti and Adel Hakeemy, and the French Government on behalf of Nabil Hadjarab.



**SHAKER AAMER**

2012 marked ten years since Shaker Aamer, the last British resident in Guantánamo Bay, was arrested. Shaker was tortured in Guantánamo and has remained there ever since. He has been cleared for release – a process involving unanimous agreement by no less than six US Government agencies - since 2007, yet remains seemingly no closer to being returned to his four British children and his British wife. The UK Government has repeatedly called for Shaker’s return home and it is within their power to bring him back to London – yet they continue to drag their heels. Shaker has told his lawyer, Clive Stafford Smith, that UK agencies are still telling lies about him – lies which prevent him from being released.

Reprieve was finally able in 2012 to declassify enough material through the US censorship process to move forward with litigation, and call the UK agents out on their defamation. The defamation consists of untrue allegations and includes a picture of Shaker wearing normal Arabic clothes in London as proof of him being an extremist.

Comedian and Reprieve supporter Frankie Boyle – himself no stranger to defamation – very kindly agreed to act as Shaker’s spokesperson on this issue and spoke at a successful press conference held at our offices. Staunch Shaker supporter Caroline Lucas MP also kindly supported the case.

2012 ended with this action moving forward and Reprieve poised to initiate a raft of other actions on Shaker’s case to ensure that the UK government does the right thing and brings Shaker back home to his family where he belongs.

## IN 2012, REPRIEVE ESTABLISHED THE FIRST MULTIDISCIPLINARY TORTURE REHABILITATION PROJECT IN TUNISIA

TUNISIA’S 2011 JASMINE REVOLUTION meant that for the first time, some former Guantánamo detainees who had been resettled in Europe could return home without fear of persecution. Six former detainees have now returned to their families in Tunisia and are working to rebuild their lives. However, five remain in Guantánamo after more than a decade without charge or trial, despite being cleared for release.

In January 2012, Reprieve was the first international NGO invited to meet President Marzouki, who committed to securing the release of the five remaining Tunisians in Guantánamo. Reprieve initiated a series of meetings which pushed negotiations with the US into the next phase. In July 2012, the Tunisians sent a delegation to visit their citizens in Guantánamo, three of whom - Adel El-Hakimi, Hisham Sliiti and Mohammed Abdul Rahman - are Reprieve clients.

Concurrently, the Life After Guantánamo project in Tunisia established the first multidisciplinary torture rehabilitation services in the country. Reprieve’s Tunisian clinical and social care Fellows have been a lifeline to men who are still recovering from years of inhumane treatment,

their families who were stigmatised and isolated under the Ben Ali regime, and those whose family members remain imprisoned.

After a decades-long dictatorship, Tunisia’s democratic transition will not be easy. The Coalition Government is deeply divided and political rhetoric posits a faultline with which we have become all too familiar since Bush’s invention more than ten years ago of the ‘War on Terror’: the West (represented in this case by the secularists) v. Islamists. Every day our three Tunisian Fellows must negotiate this faultline, balancing their personal convictions, their faith and their hopes for the future of their country and society with the practical and political implications of supporting some of their most stigmatised and marginalised compatriots – former Guantánamo detainees. In the hands of a sensationalist media or a provocative politician, these former prisoners are the bogeymen in their midst. In Tunisia, as in America and much of the West, Guantánamo is shorthand for anything that is to be feared. The work of Reprieve’s Fellows proves their commitment to the tolerance necessary to build a pluralistic democracy and an open society.



## IN 2012, REPRIEVE REPRESENTED TWO LIBYAN FAMILIES 'RENDERED' BY UK INTELLIGENCE



Sami al Saadi and his daughter Khadija.

2012 OPENED WITH THE NEWS that the Metropolitan Police would be investigating the cases of two Reprive clients who were 'rendered,' along with their families, into the hands of Colonel Gaddafi by British intelligence. Reprive had been investigating the cases of the al Saadi family – Gaddafi opponent Sami, his wife and four young children – and fellow dissident Abdul Hakim Belhaj and his wife Fatima Bouchar since evidence emerged of the UK's part in their rendition and torture, following the fall of Gaddafi.

In November 2011, Reprive filed a complaint with the Metropolitan Police on their behalf. The following January, the Met and the Crown Prosecution Service opened their investigation, stating that the cases were "so serious that it is in the public interest for them to be investigated now." The investigation has continued throughout 2012, with police interviewing the victims in July.

**"... My family suffered enough when they were kidnapped and flown to Gaddafi's Libya ..."**

Mr Belhaj and the al Saadis had also brought civil claims against the UK Government in 2011 over its central role in their rendition and mistreatment. Following reports in 2012 that then-Foreign Secretary Jack Straw had signed off on their rendition and had been confronted by the security

services with evidence that he had done so, the victims extended their action to include Mr Straw as a defendant.

Along with the UK Government and Mr Straw, the other defendant in the case is Sir Mark Allen, the former head of counter-terrorism at MI6 who authored a notorious fax to Gaddafi's spymaster boasting that while "I did not pay for the air cargo," for Mr Belhaj, "the intelligence about [him] was British."

2012 ended with a significant offer by the UK Government to settle the al Saadis' case, which was accepted. Mr al Saadi said:

"My family suffered enough when they were kidnapped and flown to Gaddafi's Libya. They will now have the chance to complete their education in the new, free Libya. I will be able to afford the medical care I need because of the injuries I suffered in prison."

Mr Belhaj's case is still continuing – on the day the al Saadis settled, he said:

"I understand and support his decision to provide his family with security, pay for his medical care, and support other victims of torture. I intend to fight to ensure the truth is told. I have said before, and I say again now, my wife and I will not allow the truth to be concealed. We look forward to giving evidence at trial, and seeing those responsible for our torture and that of Sami and his family held to account."

Between civil claims and assisting with the police investigation, Reprive is helping to hold accountable the British Government for one of the worst excesses of the 'War on Terror', the only known instance in which young children (all aged between six and twelve at the time) and a heavily pregnant woman were kidnapped and forced on 'rendition' flights to a known torturer.

## IN 2012, REPRIEVE PUBLISHED DOCUMENTS ON THE ROLE PLAYED BY CORPORATIONS IN THE CIA'S SECRET PRISON PROGRAMME



IN 2012, REPRIEVE SECURED a historic victory by winning a writ of habeas corpus (an order to charge or release) on behalf of Yunus Rahmatullah, who was detained by UK forces in 2004 and rendered to Afghanistan, where he has been held without charge or trial ever since.

The British Government sought to overturn that order in the Supreme Court but

Reprive was again successful, with the judges dismissing the Government's appeal. In a significant ruling, the court found that the UK Government's failure to secure Mr

**"... On that account alone, his continued detention post-transfer is unlawful ..."**

Rahmatullah's release may have amounted to a war crime, stating that:

"The, presumably forcible, transfer of Mr Rahmatullah from Iraq to Afghanistan is, at least prima facie, a breach of article 49 [of the fourth Geneva Convention]. On that account alone, his continued detention post-transfer is unlawful."



### RENDITIONS DOCUMENTS

In 2012 Reprive's Renditions Inc. investigation continued to publish previously unseen documents, helping us to build up the most complete picture yet of the role of private corporations in the CIA's secret prisons programme. These documents showed how US companies DynCorp and Computer Sciences Corporation were pivotal to the functioning of the programme, working with a number of small executive plane operators to subcontract flights into and out of secret detention locations. Documents resulting from this investigation were submitted to the European Court of Human Rights to supplement the case of Abu Zubaydah v. Lithuania in September 2012.

The Renditions Inc. investigation also enabled Reprive to assist the European Parliament's rapporteur for Civil Liberties, Justice and Home Affairs in her work on accountability for Europe's role in hosting CIA black sites. Reprive's investigator Crofton Black gave evidence to the parliamentary committee's hearing in March 2012. The parliament's resolution on failures in European accountability to date was passed by a landslide majority in September 2012.



IN 2012, REPRIEVE MOUNTED A HIGH-PROFILE CAMPAIGN OPPOSING THE UK GOVERNMENT'S 'SECRET COURTS' BILL

IN 2012, REPRIEVE'S PRESS TEAM WON PR TEAM OF THE YEAR AT THE PRESTIGIOUS THIRD SECTOR EXCELLENCE AWARDS

SINCE THE BRITISH GOVERNMENT'S announcement that it would be setting up the 'Detainee Inquiry' to look into UK involvement in torture and rendition, Reprieve had tried to ensure that it would have the powers and independence it needed to get to the truth. However, by late 2011 it had become clear that this would not be the case. Among other serious shortcomings, it would have lacked the power to compel the provision of evidence or the attendance of witnesses, and the Government would have retained total control over what, if anything, it eventually published. In response to this, Reprieve – along with other organisations, lawyers and victims – decided to boycott the Inquiry in its proposed form.

In early January 2012, Reprieve announced that Libyan

rendition victim Abdul Hakim Belhaj (see p.14) had said he would not be participating in the Inquiry due to its shortcomings. Later that month, Cabinet Minister Ken Clarke announced that the Inquiry would be cancelled, with a new one to take place at a later date, after the conclusion of police investigations into UK involvement in Libyan renditions. Sadly, this was the best result that could have been hoped for given the fundamental problems with the Inquiry – as Reprieve's Executive Director, Clare Algar, said at the time: "We have all attempted to engage constructively with this inquiry for as long as we felt was possible, but the sad fact is that this got us nowhere. An inquiry as inadequate as the one currently established risks a whitewash that will do more harm than good."

Secretary Ken Clarke and his advisers on a number of occasions to discuss our concerns: that secret courts would allow the Government to cover up its involvement in serious crimes such as torture and rendition, and would result in a deeply unfair system in which ministers and officials would be able effectively to put themselves above the law.

During the course of 2012, Reprieve met with numerous MPs and Peers to help build opposition to the Bill, while securing media coverage against the proposals across the political spectrum: notably from the Daily Mail, which ran a campaign in opposition to secret courts, as well as others including the BBC, Guardian, Times, Independent, Observer, Mail on Sunday and Sunday Express. Ultimately, five of the UK's daily national newspapers ran editorials in opposition to the Bill's proposals. Reprieve's work played a crucial role in turning the Bill from a little-known piece of legislation into a highly controversial and politically-charged debate: autumn 2012 saw the Lords inflicting defeats on the Government with 100+ majorities, and the Liberal Democrats' Annual Conference carrying a motion against the Bill by an overwhelming majority.



May 2012 saw the UK Government publish the Justice and Security Bill – following on from a Green Paper in 2011 – which proposed to roll out secret courts known as 'Closed Material Procedures' across the civil justice system.

Reprieve had opposed the proposals since the Green Paper's publication in 2011, and met with then-Justice

REPRIEVE'S PRESS AND COMMUNICATIONS TEAM is a vital part of Reprieve's work securing justice and accountability. Reframing inaccurate and dangerous narratives, influencing public policy and political debate, engaging with Reprieve's supporters and raising the profile of the people and issues central to the organisation's work is all part of the press and communications team's remit. Throughout 2012 the team delivered this work across a variety of different platforms.

Despite the hype, traditional media – newspapers and broadcasters – aren't going away just yet, and their influence remains decisive. Understanding and prioritising this is crucial to keeping Reprieve's goals of advancing human rights and the rule of law in the media, and therefore the political, agenda. In 2012 Reprieve's work appeared in every major newspaper and broadcasting outlet in the UK including the BBC, ITV, Sky News, the Guardian, the Telegraph, the Times and the Daily Mail. This reach extends globally with our work being picked up by international news outlets including CNN, Fox News, the New York Times, the LA Times, Der Spiegel, Le Monde, Bloomberg, Associated Press, the South China Morning Post, Dawn, and the Times of India, to name just some.

Social media and digital content are increasingly powerful and essential to advancing Reprieve's mission around the online – and therefore offline – world. In 2012 Reprieve's communications team made huge progress in this area. At the beginning of the year our Facebook page had approximately 6500 'likes'; this increased to nearly 8000 by the end of the year. Reprieve's Twitter following made enormous gains in 2012, beginning at around 6900 followers, and ending the year at approximately 11,700.

Our website continued to act as the hub from which our media work emanates and grew significantly throughout the year. Reprieve's website had more than 313,000 unique visitors and just shy of a million page views.

Excitingly, the achievements of Reprieve's Press and Communications team were recognised by the prestigious Third Sector Awards when they won PR team of the year.



## REPRIEVE SUPPORTERS

All the work detailed in this report has been made possible by the commitment and generosity of Reprieve's supporters. Without them, we would simply not be able to continue.

We've had another successful year, with thousands of people supporting Reprieve by donating, raising funds for our work and joining our mailing lists.

The Big Give Christmas Challenge matched giving competition was a particular highlight. Reprieve patron Jon Snow appealed for donations, encouraging a fantastic response: our supporters helped us to raise over £40,000 in just three days. This is an amazing achievement, and will help us to reach even further in 2013.

## EVENTS



Our fundraising events programme goes from strength to strength: November saw our flagship House of Trivia quiz night, hosted by Jon Snow and Jacquetta Wheeler. It raised vital funds and awareness of Reprieve's work, as well as teams' competitive hackles.

In October, Reprieve patron Baroness Martha Lane-Fox hosted an inspiring evening at her London home in celebration of female achievement, forging links between Reprieve staff and new supporters.

Our early morning breakfast briefings continue to attract

eminent speakers: in July, host Captain Jason Wright, US Military Defence Counsel for several Guantánamo Bay detainees, drew a huge crowd. He compelled guests with his revelations and insights into the inner legal workings of the prison camp.

## AWARDS



Reprieve's pioneering work was recognised with a host of accolades this year: Clive Stafford Smith won both the inaugural Sheila McKechnie 'Be the Change' award, and the Association of Muslim Lawyers' 'Lawyer of the Year' award; Reprieve's two-person press team was named 'Communications Team of the Year' at the prestigious Third Sector Excellence Awards; and our Stop Lethal Injection Project was 'Highly Commended' at the Charity Awards.

## THANK YOU TO THESE ORGANISATIONS FOR THEIR SUPPORT:

- |  |  |
|--|--|
| Anonymous                              | Smythson   |
| Antigone                               | The Atlantic Philanthropies                              |
| Appletree Fund                         | The Body Shop  |
| Ashurst                                | The Bromley Trust  |
| AW.60 Charitable Trust                 | The Bryan Guinness Charitable Trust                      |
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| Mishcon de Reya                        | UK Foreign and Commonwealth Office                       |
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| Pears Foundation                       | Vital Projects Fund                                      |
| Reed Smith                             | Vivienne Westwood  |
| S.C. & M.E. Morland's Charitable Trust | Vodafone World of Difference                             |

## A BIG THANK YOU TO ALL OUR VOLUNTEERS

Reprieve's volunteers made an enormous contribution to every aspect of our work in 2012. They provide invaluable support to our casework, fundraising, communications and operations teams for which we are hugely grateful.

# STATEMENT OF FINANCIAL ACTIVITIES

# BALANCE SHEET

(INCORPORATING INCOME AND  
EXPENDITURE ACCOUNT)  
FOR THE YEAR ENDED 31 DECEMBER 2012

AS AT 31 DECEMBER 2012

	Restricted funds 2012 £	Unrestricted funds 2012 £	Total funds 2012 £	Total funds 2011 £
<b>INCOMING RESOURCES</b>				
<b>Incoming resources from generated funds:</b>				
Voluntary income	80,527	896,583	977,110	829,565
Activities for generating funds	-	21,200	21,200	12,889
Investment income	-	14,144	14,144	12,085
Incoming resources from charitable activities	852,909	425,591	1,278,500	910,489
<b>TOTAL INCOMING RESOURCES</b>	<b>933,436</b>	<b>1,357,518</b>	<b>2,290,954</b>	1,765,028
<b>RESOURCES EXPENDED</b>				
<b>Costs of generating funds:</b>				
Costs of generating voluntary income	73,753	220,737	294,490	200,054
Charitable activities - Promotion of Human Rights	938,259	929,642	1,867,901	1,570,148
Governance costs	1,638	20,552	22,190	19,664
<b>TOTAL RESOURCES EXPENDED</b>	<b>1,013,650</b>	<b>1,170,931</b>	<b>2,184,581</b>	1,789,866
<b>MOVEMENT IN TOTAL FUNDS FOR THE YEAR - NET INCOME/(EXPENDITURE) FOR THE YEAR</b>	<b>(80,214)</b>	<b>186,587</b>	<b>106,373</b>	(24,838)
Total funds at 1 January 2012	254,473	1,006,904	1,261,377	1,286,215
<b>TOTAL FUNDS AT 31 DECEMBER 2012</b>	<b>174,259</b>	<b>1,193,491</b>	<b>1,367,750</b>	1,261,377

	2012 £	£	2011 £	£
<b>FIXED ASSETS</b>				
Tangible assets		18,479		20,192
<b>CURRENT ASSETS</b>				
Debtors	145,688		68,182	
Cash at bank	1,302,411		1,308,973	
	1,448,099		1,377,155	
<b>CREDITORS: amounts falling due within one year</b>	<b>(98,828)</b>		<b>(135,970)</b>	
<b>NET CURRENT ASSETS</b>		<b>1,349,271</b>		1,241,185
<b>NET ASSETS</b>		<b>1,367,750</b>		1,261,377
<b>CHARITY FUNDS</b>				
Restricted funds		174,259		254,473
Unrestricted funds		1,193,491		1,006,904
<b>TOTAL FUNDS</b>		<b>1,367,750</b>		1,261,377

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Julie Christie  
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Richard Rogers  
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[ **REPRIEVE** ]