

Client Profile

The Death Penalty Project



Parvais Jabbar and Saul Lehrfreund, directors of The Death Penalty Project.

20 years ago there were hundreds of prisoners languishing on Jamaica's death row. Today there is just a handful. This is due in no small part to the work of Lubbock Fine client, and niche non-governmental organisation (NGO), The Death Penalty Project at Simons Muirhead & Burton Solicitors (SMB).

"We're very proud to be associated with The Death Penalty Project," said Lubbock Fine partner, Lee Facey. "The work that they do, their highly professional, enthusiastic approach and significant achievements are much to be admired."

Based in Soho, The Project works to promote and protect the human rights of those facing the death penalty. Although operating in all jurisdictions where the death penalty remains an enforceable punishment, its actions are concentrated in those countries that retain the Judicial Committee of the Privy Council in London and in other Commonwealth countries, principally the Caribbean, Africa and South East Asia.

Amongst other activities, the Privy Council performs judicial functions through a committee comprising senior judges. It was formerly a final court of appeal for the entire British Empire and continues to hear appeals from British Overseas Territories, Sovereign Base Areas, Crown Dependencies and some Commonwealth countries, particularly in the English speaking Caribbean.

Executive directors Saul Lehrfreund MBE and Parvais Jabbar have run The Death Penalty Project since its inception (the firm was doing death row cases pro bono on an ad hoc basis for many years before). It began in earnest in 1992 when Lehrfreund joined SMB to work specifically on death row cases with the late Bernard Simons. Jabbar joined shortly afterwards, and over the coming years, The Project gathered momentum, providing free legal representation to anyone under sentence of death who requested help.

During the mid 1990s, funding came mainly from SMB and some small EU grants. This was back in the pre-email, pre-Skype era when overseas communication was a great deal more complex, time consuming and expensive. By 2000, whilst the work had expanded and the role had spread into many more countries and jurisdictions, funding was becoming increasingly important as budgets increased hugely. Notwithstanding that scores of barristers and doctors worked with the project pro bono, there was a need to diversify the funding base.

Because of this and the need to create a more formal legal identity, in 2006, The Death Penalty Project Limited was formed with its sister charity, The Death Penalty Project Charitable Trust. "Through those entities, we've become more viable to a hugely diverse set of funders from English charitable foundations to the Foreign Office, the UN and the EU," said Saul Lehrfreund. He explained, "The Death Penalty Project also continues to receive generous support from SMB. Without the firm, it would be impossible to survive."

"The more formal set up of The Project and diversified funding sources created the need for more sophisticated financial systems and reporting," says Lee Facey of Lubbock Fine.

Parvais Jabbar further explains, "Because of this new set up, we have worked closely with Lubbock Fine to design and implement a financial reporting system, which provides us with the information to monitor and control our project costs and cash-flow on a timely basis. In addition, we are now able to produce detailed or summarised information to facilitate grant funding reporting requirements. Lubbock Fine understands our requirements having seen the organisation grow over a long period and it has provided us with a personable and highly professional service in designing a dedicated financial reporting system that perfectly meets our present needs."

The Death Penalty Project acts for anyone who requests assistance anywhere around the globe and has never worked in any jurisdiction where not invited. Over the years, it has ventured into many corners of the world, although it doesn't work in the US (on the grounds that the US has reasonable resources and the necessary legal expertise). Nor does it undertake any work in the Middle East, although this is a region where the death penalty is frequently applied, and somewhere that Lehrfreund and Jabbar wouldn't rule out if asked for assistance.

Alongside its activities representing individuals at risk of execution, The Project also provides expert support to local lawyers and human rights organisations in bringing legal challenges to the application of the death penalty, with notable successes in a variety of jurisdictions. As examples, in the Caribbean, the mandatory death penalty for murder has now been removed in nine countries, most recently in the Bahamas, with legislative measures to abolish the mandatory aspect of the death penalty being considered in Barbados and Guyana. These

developments have influenced other countries, particularly in Africa. In Kenya, the Supreme Court abolished the mandatory death penalty for murder in 2010. In August 2009, the President announced his decision to commute all death sentences imposed upon condemned prisoners to sentences of life imprisonment. This affected 4,000 Kenyan prisoners and is thought to be one of, if not the, largest commutation of death sentences anywhere in the world. No executions have been carried out in Kenya for 23 years. It is anticipated that the application and scope of the death penalty will be further restricted by removing the mandatory aspect for all capital crimes.



Godfrey Mutiso (right) with his local counsel, William Wameyo, during the hearing in Kenya which resulted in the abolition of the mandatory death penalty.

The Project's continuing commitment to providing free legal representation to men and women on death row in the Commonwealth Caribbean has been crucial in redressing many miscarriages of justice there, promoting minimum fair trial guarantees and establishing violations of domestic and international human rights.

As a direct result of The Project's work, more than 50 death row prisoners who failed to receive fair trials and were the victims of miscarriages of justice have had their convictions quashed; various violations of international human rights laws have been established in more than 40 complaints on behalf of death row prisoners in the Caribbean,

and the lives of hundreds of prisoners, who may otherwise have been executed, have been saved.

Parvais Jabbar commented, "Countries often justify the use of the death penalty with reference to their own cultural values, high crime rates and public support. In our experience, whilst one cannot ignore the rising number of murders in some of these countries, the lack of movement towards abolition stems from a lack of strong leadership and political will."

"And the argument that the death penalty is a greater deterrent than, for example, a long term of imprisonment is utterly spurious," added Saul Lehrfreund. "The deterrence justification for the retention of the death penalty has been scientifically disproved by criminologists for many decades."

In the early days of The Project, it was not unusual for a death row inmate to be held for 25 years leading up to execution. The death penalty was automatic in all cases of murder and there was no differentiation between, say, a murder with no aggravating features or the worst sort of sadistic killing. A secretive, mysterious and inaccessible mercy committee would then decide whether execution should be carried out or mercy granted.

Parvais Jabbar explains, "Except in the most extenuating of circumstances, clearly no murder should go unpunished but it's surely a guiding principle of a civilised society that people must be treated fairly rather than being held indefinitely, alternating between hope and despair." Lehrfreund adds, "In the majority of Caribbean countries the death penalty is now the maximum but not the only sentence. Death row prisoners are able to access international human rights tribunals which means that for them, everything that existed 25 years ago has changed. In most jurisdictions where we work, the scope and breadth of the death penalty have been dramatically restricted." This may result in Lehrfreund and Jabbar doing themselves out of a job, to which they respond, "And wouldn't that be a great result?"

If you would like to know more about the work and activities of The Death Penalty Project, please email info@deathpenaltyproject.org, take a look at www.deathpenaltyproject.org or call Saul Lehrfreund on 020 3206 2746 or Parvais Jabbar on 020 3206 2747. ●

