



Trustees' Annual Report for the period						
From	Period start date			To	Period end date	
	01	01	2020		31	12

Charity name	Evolve – Foundation for International Legal Assistance
Other names charity is known by	Evolve International
Registered charity number (if any)	1167888
Charity's principal address	C/O 1MCB, Third Floor, 15 New Bridge Street
	London
	Postcode EC4V 6AU

Names of the charity trustees who manage the charity			
	Trustee name	Office (if any)	Name of person (or body) entitled to appoint trustee (if any)
1	Tanya Murshed	As above	
2	Marianne Alton	As above	
3	Mohammed Ismail	As above	April- Dec 2020 Trustees
4	James Murray-Smith	As above	April- Dec 2020 Trustees
5	Bernadette Smith	As above	April- Dec 2020 Trustees
Names of the trustees for the charity, if any, (for example, any custodian trustees)			
Name		Dates acted if not for whole year	
Same as above			

Names and addresses of advisers (Optional information)		
Type of adviser	Name	Address

Name of chief executive or names of senior staff members (Optional information)

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Description of the charity's trusts

Type of governing document (eg. trust deed, constitution)	Constitution
How the charity is constituted (eg. trust, association, company)	Charitable Incorporated Organisation
Trustee selection methods (eg. appointed by, elected by)	Appointed by resolution

Additional governance issues (Optional information)

You **may choose** to include additional information, where relevant, about:

- policies and procedures adopted for the induction and training of trustees;
- the charity's organisational structure and any wider network with which the charity works;
- relationship with any related parties;
- trustees' consideration of major risks and the system and procedures to manage them.



Summary of the objects of the charity set out in its governing document

To promote the criminal justice system in Uganda and East Africa by providing assistance, advice, training, education and other forms of support to:

1. Those charged or convicted of a criminal offence, particularly those on death row
2. Members of the legal profession and
3. Individuals/organisations working within the criminal justice sector

Advisory work and reform:

Sentencing Guidelines Reform

Evolve deployed specialists in Feb-March 2020, and then in October-November 2020, to progress work on the draft High Court Sentencing Guidelines and other projects. The Sentencing Guidelines Committee were sensitised on amendments to the guidelines required to accommodate the new Law Reform (Penalties in Criminal Matters)

Miscellaneous (Amendment) Act 2019 which will introduce significant sentencing reforms when gazetted. Fresh commentary on the guidelines to facilitate these changes was provided on each occasion, and a renewed programme to support their release, implementation and monitoring was agreed at the end of the October trip.

Supreme Court Registry

In response to an invitation by the then Supreme Court Registrar, Evolve commenced reorganisation of the registry of the Supreme Court of Uganda in July 2020. Eight volunteers were recruited and led by Evolve's Junior Project Coordinator. The volunteers commenced hand sorting all of the case files in the registries, separating them into complete and incomplete files, and shelving them into newly organised registry and archive rooms. A digital database was developed and handed over to store case file information and permit swift retrieval of their physical locations.

Legal Reform and Advocacy

Evolve drafted guidance documents on the implementation of the new 2019 Act; challenges surrounding life sentencing; and challenges surrounding capital sentencing in Uganda and circulated them to key stakeholders. These documents are part of a wider sensitisation campaign on the significant reforms which will be introduced by the 2019 Act which legislates a new test for the discretionary death penalty, a new ceiling on life sentences of 50 years, and requires the creation of extensive parole and probation capacities.

Technical Legal Assistance

Evolve continued to offer technical legal assistance in individual capital appeals. Technical assistance in the capital case of *Mwanje Peter and Anr v. Uganda* resulted in the quashing of their convictions by the Court of Appeal in August 2020. Submissions were drafted in the capital cases of *Emmanuel Drazua v. Uganda*, and *Kizito David v. Uganda*, heard in

October 2020. Appeal against sentence succeeded in the former reducing a capital sentence to one of 23 years and seven months; appeal against conviction succeeded in the latter resulting in immediate release.

Judgment is still pending in other cases in which technical assistance was offered, the outcomes of which will be included in the next annual report.

Ministers Orders

Evolve advocated for a solution to the predicament of inmates held indefinitely on Minister's orders having been either declared unfit to plead, or having received an insanity verdict. The issue was raised with high level stakeholders including the Solicitor General; fresh data and psychiatric reports were gathered documenting the condition of relevant prisoners; and advice was provided on the legal processes available for their release.

File Tracing

Evolve's experts observed and participated in a multi-day plea bargaining exercise held in Mbarara. The research was used to inform commentary provided upon the draft sentencing guidelines to the Sentencing Guidelines Committee. The opportunity was taken to successfully trace a file which has been pending appeal in the Court of Appeal for eight years, in the High Court archives at Mbarara.

The trustees have had regard to the Charity Commission's guidance on public benefit.

Additional details of objectives and activities (Optional information)

You **may choose** to include further statements, where relevant, about:

- policy on grantmaking;
- policy programme related investment;
- contribution made by volunteers.

The work of Evolve is carried out by volunteers. Funds raised cover expenses only. Specific projects and trips were funded by the Rule of Law Expertise ('ROLE UK') Programme - a Department for International Development initiative (now FCDO) and Evolve.

Summary of the main achievements of the charity during the year

ADVISORY WORK AND REFORM

Review of the Sentencing Guidelines:

Evolve presented to the Sentencing Guidelines Committee on amendments to the draft guidelines necessitated by the passage of the Law Reform (Penalties in Criminal Matters) Miscellaneous (Amendment) Act 2019 which will introduce significant sentencing reforms when gazetted. The presentation briefed the Committee members on those reforms and indeed on the fact of passage of the new Act, which had evaded notice.

Evolve submitted technical commentaries on the draft guidelines in both Feb/March, and Oct/Nov after stakeholder feedback gathering exercises conducted during both trips. Evolve advocated for swift passage of the new guidelines, supported by road testing, training and capacity building, and monitoring over the next two years and agreed revised timelines with the Sentencing Guidelines Committee for those phases in light of Covid-19 disruption.

Legal Reform Advocacy

Evolve drafted legal briefings on the impacts of the new Act, and specific reports in the areas of Life Sentencing and Capital Sentencing for high level criminal justice stakeholders. The Act legislates a new definition of Life Sentences, and new duration of life sentences, with far reaching consequences. Most obviously it shifts the emphasis from capital to life sentencing, and with the introduction of minimum term life sentences requires the introduction of extensive parole and probation systems to enable prisoner release, permit prisoner monitoring, and facilitate prisoner recall in the event of reoffending or licence breaches. Evolve also consulted widely with relevant criminal justice stakeholders on the reforms to raise awareness.

Supreme Court Registry

Evolve was invited by the registrar of the Supreme Court of Uganda to organise the Supreme Court registry to prevent file loss, and increase efficiency in the appellate process. The registries were in an almost unusable state prior to intervention with no method of file organization or retrieval. Evolve recruited eight volunteers who were led by our Junior Project Coordinator to complete the work. The project involved hand sorting over 1300 individual files, rectifying their contents, and the creation of a digital database for storing and

retrieving file information and location, as well as the partitioning of a new archival area on top of the Supreme Court for storing completed files. Bookshelves are awaited for excess files in the archive, but all files have otherwise been sorted, shelved in order of procedural progress in the registries, and chronology in the archive, and logged onto a searchable digital database for the first time. The key innovation is creation of a digital record of physical file locations which should go a significant way towards reducing file loss, and enabling swift file retrieval for judges, appellate representatives, and appellants.

TRAINING, EDUCATION & ACCESS TO JUSTICE:

Mental Health Cases:

Evolve has continued to advocate for the resolution of a small number of mental health cases in which prisoners, originally remanded on fitness to plead, or insanity verdict bases have been held indefinitely in prison despite – in many cases – having in fact recovered soon after initial remand. In one of the worst cases the defendant has been imprisoned for over 20 years despite having recovered almost immediately from substance induced psychosis prior to trial.

The issue was raised with the Principal Judge and the Solicitor General. Evolve advised on different legal processes for securing the release of the affected inmates and liaised with a Consultant Psychiatrist to organise updated medical reports on their situations for the court's assistance pending relisting of the cases and decisions whether to retry inmates, or immediately release them where prosecution could not longer be realistically attempted due to passage of time.

Technical Legal Assistance:

Evolve continued to work closely with Ugandan advocates on capital appeal cases.

In the case of *Uganda v MP* the appellant appealed against conviction (murder) and sentence (death). The case was based almost entirely on circumstantial evidence, namely sightings of the appellant with the deceased before he had died. Tanya Murshed, Alex Bennie (Programme Director and Barrister at 1MCB Chambers) and Victoria Lewis (Lincoln House Chambers) assisted with written submissions addressing the grounds of appeal against conviction and sentence. The appeal against conviction was allowed, the conviction and sentence were quashed and the appellant was released.

In the case of *DE v Uganda* the appellant appealed against the death sentence following his conviction for murder by shooting. Richard English (Lincoln House Chambers) assisted with written submissions detailing why the imposition of the death penalty in the circumstances of the case was manifestly excessive and wrong in principle. The Court of Appeal allowed the sentence appeal, quashed the death sentence and substituted a sentence of 23 years and seven months imprisonment.

In the case of *DK v Uganda* the appellant appealed against conviction (murder) and sentence (death). The Prosecution case had relied upon weak and contradictory circumstantial evidence introduced by a police officer and flawed forensic evidence provided by a government analyst. Marianne Alton and Rachel Cooper (Lincoln House Chambers) assisted with written submissions addressing the grounds of appeal against

conviction and sentence. The Court of Appeal allowed the conviction appeal, the conviction and sentence were quashed and the appellant was released.

Marianne Alton recently provided technical assistance in the case of *SW v Uganda* - an appeal against conviction (murder) and sentence (death). The appeal against conviction centered around flaws in the key identification evidence. The outcome of the appeal is awaited.

File Tracing

In March 2020 Tanya Murshed, Alex Bennie and Vincent Lwanga spent several days in prisons in Mbarara observing and participating in plea bargaining sessions organised by Pepperdine University, the International Justice Mission, and the Ugandan Judiciary. They took the opportunity to trace for a capital case involving two appellants that had been pending appeal in the Court of Appeal for eight years without progress due to being physically lost. After several hours of a physical search, the file was found, and Evolve volunteers typed its contents up for the High Court Registrar to prepare the case for immediate Court of Appeal listing to prevent any further delay.

Brief statement of the charity's policy on reserves

The charity does not currently have a policy on reserves.

Details of any funds materially in deficit

Further financial review details (Optional information)

You **may choose** to include additional information, where relevant about:

- the charity's principal sources of funds (including any fundraising);
- how expenditure has supported the key objectives of the charity;
- investment policy and objectives including any ethical investment policy adopted.

The charity's general funds have come from individual donations. In addition, specific projects / trips were funded by ROLE UK (see above).

Section F Other optional information



The trustees declare that they have approved the trustees’ report above.

Signed on behalf of the charity’s trustees

Signature(s)

Tanya Murshed

Marianne Alton

Full name(s)

Tanya MurshedMarianne Alton

Position (eg Secretary, Chair, etc)

Chair/Deputy Chair

Date

30 October 2021



Receipts and payments accounts

Month		2020	
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Section A Receipts and payments

	Unrestricted funds to the nearest £	Restricted funds to the nearest £	Endowment funds to the nearest £	Total funds to the nearest £
A1 Receipts				
Donations	12,735	7,924	-	20,659
	-	-	-	-
	-	-	-	-
	-	-	-	-
	-	-	-	-
	-	-	-	-
	-	-	-	-
	-	-	-	-
Sub total(Gross income)	12,735	7,924	-	20,659
A2 Asset and investment sales, (see table).				
	-	-	-	-
	-	-	-	-
Sub total	-	-	-	-
Total receipts	12,735	7,924	-	20,659

A3 Payments

Travel, Hotel, Subsistence	5,905	3,473	#	-	9,377
Phone and Internet	16	20	#	-	36
Printing and Stationery	252	810	#	-	1,062
Volunteer Allowances	2,269	3,994	#	-	6,263
Media and Communication	212	-	#	-	212
Per Diem	-	-	#	-	-

Miscellaneous	221	982	#	-	1,203
	-	-		-	-
	-	-		-	-
Sub total	8,874	9,279		-	18,152
A4 Asset and investment purchases, (see table)					
	-	-		-	-
	-	-		-	-
Sub total	-	-		-	-
Total payments	8,874	9,279		-	18,152
Net of receipts/(payments)	3,861	- 1,355		-	2,507
A5 Transfers between funds	-	-		-	-
A6 Cash funds last year end	-	-		-	-
Cash funds this year end	3,861	- 1,355		-	2,507

Section B Statement of assets and liabilities at the end of the period

Categories	Details	Unrestricted funds to nearest £	Restricted funds to nearest £
B1 Cash funds	Cash in hand	150	-
	Cash at Bank	15,808	-
		-	-
	Total cash funds	15,958	-
	(agree balances with receipts and payments account(s))	Agreement Error	Agreement Error
	Details	Unrestricted funds to nearest £	Restricted funds to nearest £

B2 Other monetary assets

	-	-
	-	-
	-	-
	-	-
	-	-
	-	-

B3 Investment assets

Details	Fund to which asset belongs	Cost (optional)
		-
		-
		-
		-
		-

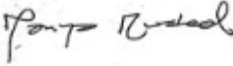
B4 Assets retained for the charity's own use

Details	Fund to which asset belongs	Cost (optional)
Asus Laptop	N/A	-
		-
		-
		-
		-
		-
		-
		-
		-

B5 Liabilities

Details	Fund to which liability relates	Amount due (optional)
		-
		-
		-
		-
		-

Signed by one or two trustees on behalf of all the trustees

Signature	Print Name
	Tanya Murshed

CC16a



Last year
to the nearest £

-
-
-
-
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-
-

-

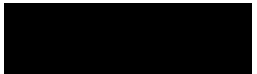
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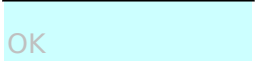
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**Endowment
funds**
to nearest £

-
-
-
-



**Endowment
funds**
to nearest £

-
-
-
-
-
-

**Current value
(optional)**

-
-
-
-
-

**Current value
(optional)**

-
-
-
-
-
-
-
-
-

**When due
(optional)**

Date of
approval

29 Oct 2021