



Trustees' Annual Report for the period

From	Period start date			To	Period end date		
	01	01	2021		31	12	2021

Section A Reference and administration details

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, 5 Chancery Lane
	London
Postcode	WC2A 1LG

Names of the charity trustees who manage the charity

	Trustee name	Office (if any)	Dates acted if not for whole year	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		
4	James Murray-Smith	As above		
5	Bernadette Smith	As above		

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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Section B Structure, governance and management

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.

Section C Objectives and activities

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/organizations working within the criminal justice sector

Technical Legal Assistance

Evolve continued to offer technical legal assistance in individual capital appeals. Sessions of the Court of Appeal were held at Jinja, Kampala and Mbarara in 2021. Evolve offered technical assistance in seven capital cases heard during these sessions. In three cases, the Court of Appeal allowed the

appeals against sentence and reduced the appellants' capital sentences to determinate sentences of imprisonment (31 years, 29 years and 20 years respectively). One case was adjourned until 2022. When the Court of Appeal heard the case the following year, it quashed the appellant's convictions for murder and arson. In one case, Evolve identified that the appellant was suffering from a mental health illness at the time of the offence. Consequently, the case was adjourned for a mental health assessment to be obtained. Judgment is still pending in the remaining cases in which technical assistance was offered.

Supreme Court Registry Reorganization

In July 2020, Evolve commenced the reorganization of the registry of the Supreme Court of Uganda. Work continued prior to, and in April 2021, and in October 2021. Following a hiatus pending sourcing of more shelving space in the Archives, work remained ongoing.

The reorganization took a large team of volunteers led by Evolve's Project Coordinators hundreds of hours to complete. Evolve's team fully reorganized both the civil and criminal registries and the archives. They used the digital database created by Evolve in 2020 to log all Supreme Court cases. During the course of the project, volunteers viewed, vetted, boxed and shelved over 1300 case files, and logged them in the database. Supreme Court staff were given an induction on the use of the database and have been using it efficiently to locate files since.

Advisory work

In October 2021, Evolve presented a report on the completion of the registry reorganization to members of the Supreme Court, and presented also on current questions and challenges surrounding the transition away from mandatory death sentences.

Evolve deployed specialists in March/April 2021 and September/October 2021 to progress Evolve's ongoing work with the Sentencing Guidelines Committee in relation to drafting, releasing and monitoring new High Court Sentencing Guidelines.

Ministers Orders

Evolve continued to advocate 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. Evolve's collaboration with high level stakeholders on this issue culminated in significant progress being made in late 2022. This will be addressed in next year's report.

File Tracing

In December 2021, Evolve's Project Coordinators launched a programme to trace for capital case files and cases pending Minister's Orders, in the East of Uganda and Central Uganda. Several files were found.

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.

Summary of the main achievements of the charity during the year**ADVISORY WORK AND REFORM****Review of the Sentencing Guidelines:**

New Sentencing Guidelines remain a critical reform necessary to safeguard human rights on appeal, and promote a uniform approach to sentencing. Evolve's Directors visited Uganda in March/April 2021 and September/October 2021 to progress Evolve's work with the Sentencing Guidelines Committee, drafting, releasing and monitoring new High Court Sentencing Guidelines.

In March/April 2021 and September/October 2021, Evolve's team met with the Principal Judge with a view to progressing the finalised draft Guidelines. An accelerated timetable was agreed. Since then the Sentencing Guidelines have been considered by the Law Reform committee, and a final draft completed, incorporating Evolve's comments and proposed amendments to date. It is understood that the guidelines have been drafted into a statutory instrument ready to be laid before parliament.

Presentation to Supreme Court

In October 2021, Evolve presented to members of the Supreme Court on current questions and challenges surrounding the transition away from mandatory death sentences. The Chief Justice attended the presentation together with four other justices of the Supreme Court. Evolve presented on several issues which abolition of the mandatory death penalty has given rise to, and comparative strategies for dealing with them given experiences in other jurisdictions. Evolve also presented on the completion of the registry reorganization (see below).

Supreme Court Registry

In July 2020, Evolve commenced the reorganization of the registry of the Supreme Court of Uganda. As detailed in last year's Report, 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 a number of volunteers who were led by our Project Coordinators 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.

Registrars have recognised the quality of the work undertaken by the volunteers and the systems they have put in place; Evolve has received multiple requests to reorganize registries across the country, including the High Court registry.

Our volunteers consisted of prospective Ugandan lawyers and advocates, led by Evolve's Project Coordinators. They report finding the project eye-opening, enjoying an insider's view of case management logistics in the Supreme Court. They were able to observe the entire registry and archiving process in detail and to develop professional relationships with key members of Court staff. They also had the opportunity to read a great many of the case files passing through the system, gained exposure to the types of work carried out by the higher courts and observed the types of pleadings appropriate in appellate hearings. They reported this to be a very useful learning opportunity in their own professional development.

In October 2021, Evolve delivered a PowerPoint presentation to members of the Supreme Court, detailing Evolve's work in the Supreme Court Registry and Archive.

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. Evolve's collaboration with high level stakeholders on this issue culminated in significant progress being made in late 2022. This will be addressed in next year's report.

Technical Legal Assistance:

Evolve continued to work closely with Ugandan advocates on capital appeal cases. Sessions of the Court of Appeal were held at Jinja, Kampala and Mbarara in 2021.

Jinja

In the case of *KA v Uganda* the appellant appealed against a death sentence. The Evolve team worked with a local criminal advocate who presented the case to the Court of Appeal. The Court of Appeal allowed the appeal, replacing a capital sentence with imprisonment for 31 years from the date of conviction, subject to remission.

In the case of *OJ v Uganda* the appellant appealed against a death sentence. Evolve barristers collaborated again with a local advocate in preparation of the case. They identified *prima facie* evidence of mental disturbance prior to the commission of the offence. This was highly relevant to the appeal against the death sentence as international law prohibits the imposition of death sentences on individuals with mental disorders at the time of the offence or at the time of sentence or execution. The Court of Appeal was persuaded to adjourn proceedings in order to obtain a mental health assessment.

In the case of *ES v Uganda*, the appellant appealed against conviction (murder) and sentence (death). Evolve barristers perfected the grounds and submissions. The case concerned the Judge's treatment of the appellant's alibi, and its corroboration by an independent prosecution witness. Judgment is still pending.

Kampala

Evolve provided technical assistance in relation to a further three cases. In *KB v Uganda* and *RC v Uganda* the appellants appealed against the death sentence. In the case of *KB*, the Court of Appeal replaced a capital sentence with one of 20 years imprisonment (resulting in the appellant's immediate release). In the case of *RC*, the Court of Appeal replaced a capital sentence with one of 29 years imprisonment. In the case of *SF v Uganda*, the appellant appealed against conviction (murder and arson) and sentence (death). The case turned on the question of whether there was adequate evidence to establish that the appellant had caused a fire that killed the deceased. Judgment was delivered in 2022, allowing the conviction appeal and quashing the appellant's conviction. The Court found that it would be "speculative to assume that the appellant caused the fire which cause two deaths". The Court ordered the appellant's immediate release.

Mbarara

In the case of *KJ v Uganda* the appellant appealed against conviction (murder and aggravated robbery) and sentence (death). Evolve barristers perfected the grounds and submissions, which addressed a number of legal errors including the admission of repudiated confession evidence, the misapplication of the doctrine of recent possession, errors in relation to the trial Judge's treatment of telephone evidence, the Judge's approach to unreliable hearsay evidence and the failure to correctly apply the test for imposing a discretionary death penalty. Judgment is still pending.

File Tracing

In December 2021, Evolve’s Project Coordinators launched a concerted effort to trace for capital case files and cases pending Minister’s Orders, in the East of Uganda and Central Uganda.

This essential file tracing work intersects with Evolve’s projects to offer technical assistance in all current death row cases, and to address the situation of inmates wrongly detained under Minister’s Orders without release dates.

Evolve’s Project Coordinators eliminated the High Court Archives in Kampala as a possible location, locating seventeen lost capital case files there. They then travelled systematically to regional registries in the east to trace for files. Causes of lost files were various and surprising including insects, and previous fires. Where files could not be located, the Registrars in each registry confirmed this to be the case in writing.

Section E**Financial review**

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:

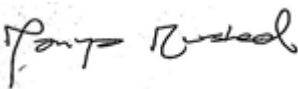

- the charity's principal sources of funds (including any fundraising);
- how expenditure has supported the key objectives of the charity;
- investment policy and objectives including any ethical investment policy adopted.

Section F**Other optional information****Section G****Declaration**

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

Signed on behalf of the charity’s trustees

Signature(s)

	
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Full name(s)

Tanya Murshed	Marianne Alton
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Position (eg Secretary, Chair, etc)

Chair/Deputy Chair	
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Date

25 October 2022



Receipts and payments accounts

Month

2021

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 £	Last year to the nearest £
A1 Receipts					
Individual Donation	22,816		-	22,816	-
ROLE Funding		13,738	-	13,738	-
SCCF Grant		13,443	-	13,443	-
			-	-	-
			-	-	-
			-	-	-
			-	-	-
			-	-	-
Sub total(Gross income)	22,816	27,181	-	49,998	-
A2 Asset and investment sales, (see table).					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total receipts	22,816	27,181	-	49,998	-
A3 Payments					
Hotel Travel and Subsistence	5,665	6,176		11,841	-
Bank charges	140	1,593		1,733	-
Volunteer allowances	243	1,522		1,765	-
Printing and Stationery	424	138		562	-
Phone & Internet	367	33		400	-
Consultancy fees & expenses	1,753	13,188		14,941	-
				-	-
				-	-
				-	-
Sub total	8,593	22,650	-	31,243	-
A4 Asset and investment purchases, (see table)					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total payments	8,593	22,650	-	31,243	-
Net of receipts/(payments)	14,223	4,532	-	18,755	-
A5 Transfers between funds	-	-	-	-	-
A6 Cash funds last year end	-	-	-	-	-
Cash funds this year end	14,223	4,532	-	18,755	-

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

Categories	Details	Unrestricted funds to nearest £	Restricted funds to nearest £	Endowment funds to nearest £
B1 Cash funds	Cash in hand	214	-	-
	Cash at Bank	34,396	-	-
		-	-	-
	Total cash funds	34,610	-	-
	(agree balances with receipts and payments account (s))	Agreement Error	Agreement Error	OK
		Unrestricted funds to nearest £	Restricted funds to nearest £	Endowment funds to nearest £
B2 Other monetary assets		-	-	-
		-	-	-



Receipts and payments accounts

Month		2021	
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Section A Receipts and payments

Unrestricted funds	Restricted funds	Endowment funds	Total funds	Last year
		-	-	-
		-	-	-
		-	-	-
		-	-	-

B3 Investment assets

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

B4 Assets retained for the charity's own use

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

B5 Liabilities

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

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

Signature	Print Name	Date of approval
	Tanya Murshed	30 Oct 2022

For the attention of:

The Trustees of Evolve – Foundation for International Legal Assistance

Independent examiner's report to the trustees of Evolve-Foundation for International Legal Assistance

I report to the trustees on my examination of the accounts of the Evolve-Foundation for International Legal Assistance (CIO) for the year ended 31 December 2021.

Responsibilities and basis of report

As the charity trustees of the Trust you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 ('the Act').

I report in respect of my examination of the Trust's accounts carried out under section 145 of the 2011 Act and in carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the Act.

I have completed my examination. I confirm that no material matters have come to my attention in connection with the examination giving me cause to believe that in any material respect accounting records were not kept in respect of the Trust as required by section 130 of the Act; or the accounts do not accord with those records; or the accounts do not comply with the applicable requirements concerning the form and content of accounts set out in the Charities (Accounts and Reports) Regulations 2008 other than any requirement that the accounts give a 'true and fair view which is not a matter considered as part of an independent examination.

I have no concerns and have come across no other matters in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the accounts to be reached.

Signed:

A handwritten signature in black ink, consisting of a stylized 'J' and 'E' followed by a horizontal line.

Name:

James Edwards

Director – Daizun Investments Limited

53 Davies Street, W1K 5JH

Date: 31/10/2022