

Features

Holding Redlich Distinguished Visiting Fellow Program

Holding Redlich has agreed to the establishment of a 'Distinguished Visiting Fellowship Program' under the auspices of the Castan Centre. The Program is designed to attract one or more high profile international and domestic human rights scholars or experts to be a Distinguished Visiting Fellow to the Castan Centre each year.

During the tenure of their Fellowship they will undertake research, teaching, seminars and workshops, other public speaking engagements and practice/advice work (or some combination of these activities), both within the Centre and for Holding Redlich.

The first Holding Redlich Distinguished Visiting Fellow was **Professor Keith Ewing of King's College London**, who visited the Centre in December 2001 and delivered a public lecture entitled 'The Human Rights Act 1998'. In March 2002 **Professor Harry Arthurs from Osgoode Hall Law School in Canada** delivered a public lecture on 'Globalization and the New Economy: Implications for Labour Law.'

Reprieve Australia Internship

Nick Button, Intern Summer 2001-02

Death row in Parchman, Mississippi is a cold place. Notorious for a woeful human rights record, Parchman has been the venue for some infamous executions, notably the execution of Edward Earl Johnson in 1987. Johnson, the subject of the BBC documentary, '14 days in May', was eventually proven innocent of his alleged crime.

Together with fellow intern Ashley Halphen, I visited some clients on Parchman's death row as part of my *Reprieve Australia* internship with the Louisiana Crisis Assistance Center (LCAC) last Australian summer.

As I walked up to the visitors' booth for the first time I kept thinking, 'what does one say to someone who has been on death row for 20 years, who spends 23 hours of every day locked in a small cell, with one hour of solitary exercise?' Howard Neal, who is the subject of the play 'This is a True Story' that came to Australia last year as part of the launch of *Reprieve Australia*, was one of the clients I visited at Parchman. Howard is mentally retarded, he has the IQ of a sweet 10 year old child. Fascinated by Australian wildlife, especially kangaroos, he told me poignantly, 'my favorite animal is a golden eagle'. I wondered if he perceived the irony, somehow I think he did.

The internship program has been developed by *Reprieve Australia*, the sister organization to Reprieve (UK). Reprieve was founded by **Clive Stafford Smith** who is also the director of the LCAC. Clive, who is one of the leading capital defence lawyers in America, heads a dynamic staff of people intensely committed to ending the death penalty. The organizational charter of the LCAC is to defend people who have been charged with a capital offence or people who have lost their direct appeal. The *Reprieve Australia* internship involves undertaking a range of responsibilities, some intense and confronting, some tedious, but all of which expose you to the ugly reality of the death penalty system. The interns' work is potentially extremely important. Three of the interns spent the first two and a half weeks ringing people from a seemingly endless list of names inquiring whether they had been wrongfully excluded from juries on the basis of their race and gender or as a result of being past convicted felons.

This part of the program was exceedingly dull, hard work, but it has proven worthwhile. Only last week one of the LCAC's clients, Rikki Langely, who has been on death row for 5 years, was granted a retrial on the basis of a

similar project conducted by interns at the LCAC a couple of years earlier.

Other work involves more direct contact with specific cases. Leslie Dale Martin is due to be executed on the 10th of May at Angola Prison in Louisiana. I worked on his case out of Lake Charles, Louisiana for two weeks. I was based in a Court House compiling evidence from trial transcripts and I interviewed two members of the jury who in 1992 convicted Leslie for the rape and murder of a young woman from Lake Charles and then sentenced him to death. The defence, led by Clive Stafford Smith, and Dave Lipka, an investigator with the LCAC, managed to get a stay of execution 27 minutes before the execution was due to take place. But the United States Supreme Court has since denied Les' petition, paving the way, subject to any further writs, for his execution.

[Editor's note: the execution took place by lethal injection on 10 May 2002.]

The case typifies the flaws in a legal system that was able to convict Leslie Martin on the basis of an alleged confession to a jail house cell mate (in American parlance, a snitch); it was the evidence of the 'snitch' that provided the legal basis for the imposition of the death penalty. It is sobering to realize that this witness had testified for the prosecution on at least 2 other occasions and further, that Leslie Martin's lawyer had also represented the snitch on at least 11 other occasions. Due to the lawyer's conflict of interest, it was not surprising that the snitch's testimony went unchallenged at trial.

The Les Martin case is one of many similar cases that an intern will encounter. There are many reasons to consider undertaking the internship including personal growth, the development of practical skills, etc. Perhaps the most important reason, however, is that you will have the opportunity to make a real difference in the lives of people who need your help.

Students who wish to express interest in the program can do so by checking out *Reprieve Australia's* website <http://www.reprieve.org.au/> and emailing contact@reprieve.org.au.

<http://www.law.monash.edu.au/castancentre/index.html>