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17 December 2015

OPEN LETTER TO THE PRIME MINISTER OF PAKISTAN: REIMPOSE THE MORATORIUM ON THE DEATH PENALTY

Dear Prime Minister Sharif,

Today marks one year since a six-year moratorium on executions was lifted in Pakistan. We are writing to express our deep concern at Pakistan's relentless use of the death penalty during the past year, and continued disregard for international law and standards in its application. Amnesty International has recorded more than 300 executions since the moratorium was lifted, giving Pakistan a place among the top executioners in the world. We urge you to re-impose a moratorium on all executions immediately, with a view to the eventual abolition of the death penalty.

We were deeply saddened by and have unequivocally condemned the armed attack in Peshawar on 16 December 2014, which resulted in at least 149 deaths including 132 children. It was indeed a horrific attack, and one which demanded a strong government response. We continue to call for perpetrators of attacks targeting civilians and other crimes to be brought to justice in fair trials, but without resorting to the death penalty, which is the ultimate cruel, inhuman and degrading punishment. There is no evidence that the death penalty deters crime, including armed attacks, more effectively than terms of imprisonment.

While the moratorium was initially lifted only for prisoners convicted of terrorism-related offences, by March it extended to all prisoners on death row, including those convicted of non-lethal crimes.

We are alarmed at death sentences imposed by military courts established in response to the attacks in Peshawar.

Military courts should not have the authority to try civilians and impose the death penalty.¹ The newly established military courts lack transparency and comprise of serving officers in the armed forces who are not required to have any legal training. On 2 December 2015, four men were executed at Kohat jail following convictions in one of the newly established military courts for their alleged involvement in the Peshawar attack. A press release from the military listed the men as: Maulvi Abdus Salam, Hazrat Ali, Mujeeb ur Rehman, and Sabeel alias Yaya. The exact charges have not been made public. The secrecy that surrounded the proceedings also raises questions about the reported self-incriminating "confessions" made by the men, the circumstances of which are also unclear. Past research by Amnesty International has revealed a wide pattern of torture and ill-treatment of suspects by military personnel.

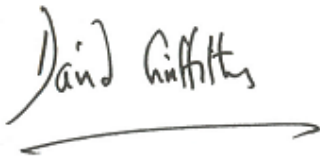
¹ Report of the Special Rapporteur on Extrajudicial, summary or arbitrary executions, UN document A/67/275, 9 August 2012.

We are equally concerned that in Pakistan's civilian courts many death sentences are handed down after trials that do not meet international standards of fairness, and also violate Article 10(A) of Pakistan's constitution.² Many defendants facing the death penalty have been represented at trial by appointed lawyers, who are mostly poorly trained and paid, and did not provide competent and effective legal counsel. Trial courts have routinely accepted evidence inadmissible under international law: for example, statements extracted through torture are admissible as evidence in Anti-Terrorism Courts.

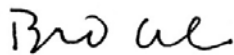
We are greatly concerned that people who were below 18 years of age when the alleged crimes were committed are at risk of execution in Pakistan. During the last year, Amnesty International has recorded the execution of at least five prisoners whose lawyers asserted were below the age of 18 at the time of the offence of which they were convicted. One of them, Faisal Mahmood, was executed on 27 May 2015. Even the Deputy Prosecutor General pleaded with the Supreme Court during Faisal Mahmood's appeal to halt his execution because he was below 18 years of age at the time of the offence of which he was convicted.³

We urge you to immediately halt all executions and commute all death sentences as first steps towards abolition. Perpetrators of crime, including acts of terrorism, must be brought to justice in public hearings before an impartial, independent and competent court and in proceedings in which fair trials safeguards are strictly adhered to, but without resorting to the death penalty. Today, 140 countries are abolitionist in law or practice and Pakistan should join this global trend towards the abolition of the death penalty.

Yours sincerely,

A handwritten signature in black ink that reads "David Griffiths". Below the signature is a long, horizontal arrow pointing to the right.

David Griffiths
South Asia Research Director
Amnesty International

A handwritten signature in black ink that reads "Brad Adams".

Brad Adams
Asia Director
Human Rights Watch

² Article 10(A) of Pakistan's constitution says: "For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process."

³ Supreme Court versus Faisal Mehmood, Lal Khan judgment in Criminal appeals no 20 & 21 of 2004 (Cr.As.20 &21/2004)