

Death Penalty in Pakistan



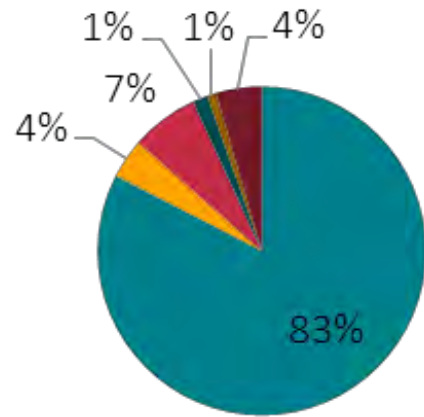
**JUSTICE
PROJECT
PAKISTAN**

“No mercy will be shown to terrorists”

*President Mamnoon Hussain,
December 18, 2014*

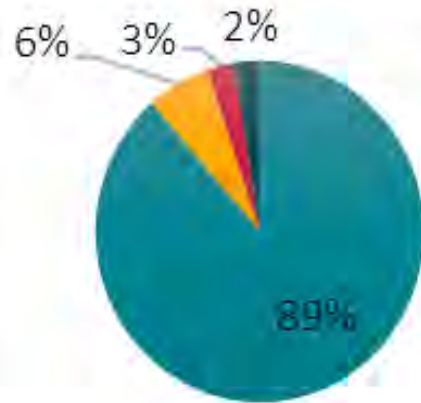
- On 14th December 2014, the Government of Pakistan lifted a 7 year de-facto moratorium on the death penalty.
- Between December 2014 to July 2017, there have been **465** executions at an average of **3.5** executions per week.
- Estimated Death-row population: **6000-8000** (Largest in the world)
- Less than **16%** of all those executed since December 2014 were for terrorism crimes.
- Disproportionate impact on the most vulnerable: poor, juvenile offenders, victims of torture, mentally ill and physically disabled.
- Unjust trials: Acquitted after death
- No mercy petitions have been accepted since December 2014
- Failures to protect safeguards has been highlighted by Committee on the Rights of the Child(May 2016); Committee Against Torture (March 2017) and Human Rights Committee (July 2017).

**Executions by Province
(Dec 2014 - May 2017)**

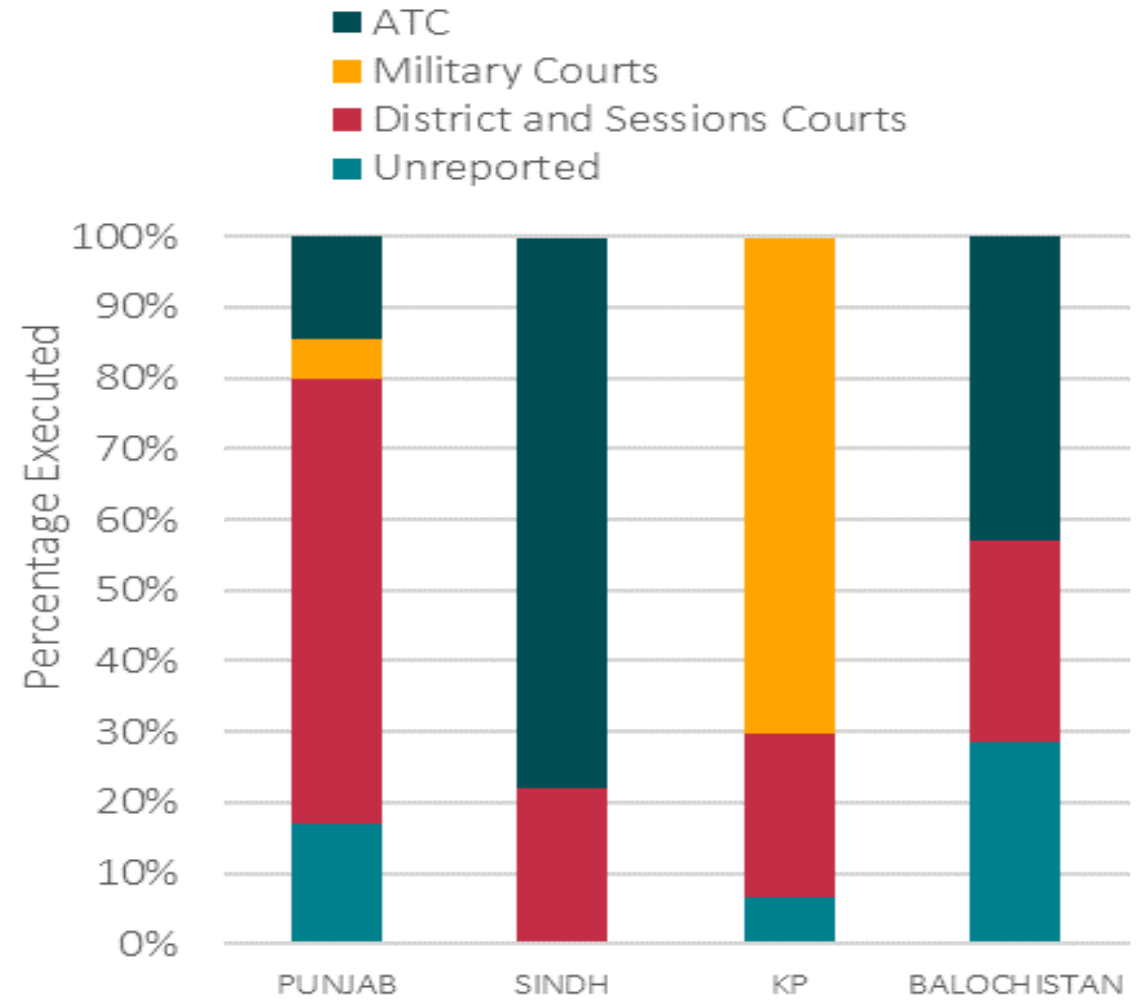


- Punjab
- Sindh
- Khyber Pakhtunkhwa
- Balochistan
- Azad Kashmir
- Unreported

**Death Sentences by Province
(Jan 2004 - Jan 2017)**



Executions by Court Type



- ATC
- Military Courts
- District and Sessions Courts
- Unreported

The Most Serious Crimes

CAPITAL OFFENCES DEEMED BY HRC AS VIOLATIONS OF ICCPR	CORRESPONDING OFFENCES IN PAKISTAN
Drug Trafficking or Drug-related Offences	Drug smuggling; importing or exporting dangerous drugs into and from Pakistan
Abduction not resulting in Death	Kidnapping or abduction, including for the purpose of extorting property hijacking and harbouring hijacking
Robbery or threat of force	Haraba (highway robbery)
Vague offences related to internal and external security	Sabotage of the railway system
Apostacy	Blasphemy

Executions of Juvenile Offenders

- Prohibition of death sentences and executions under domestic and international law: Juvenile Justice Systems Ordinance 2000 and UN Convention on the Rights of the Child
- At least **6** juvenile offenders executed since December 2014 and hundreds on death row
- Less than **32%** birth registration and **NO** age determination protocols.
- Analysis of over **140** cases proves that the burden of proof is always posited upon the accused who is not granted any benefit of doubt.
- Case study: Ansar Iqbal
- **Juvenile Justice Systems Bill, 2017**

Executions of Persons with Mental Illness

- **100th** person to be executed in Pakistan since December 2014 was Muneer Hussain: a paranoid schizophrenic
- Lack of awareness regarding mental health means that the criminal justice system is unable to identify mentally ill persons.
- Kept in death row along with other prisoners which makes them targets of attacks and abuse. E.g Khizar Hayat
- No commutation or mercy from executions
- Case study: Imdad Ali - Importance of coalitions with medical community

Forced Confessions

- Constitution of Pakistan, Art 14 prohibits torture for the purposes of extracting evidence.
- Study by JPP and Yale University found **1,424** confirmed cases of torture in MLC's made by a government-appointed medical board in Faisalabad. No prosecutions and remedies.
- **Anti-Terrorism Act, 1997** allow for admission of evidence given in police custody.
- No independent investigation mechanism for police
- Anti-Torture, Custodial Death and Custodial Rape Bill (2 versions)

Vague and Broad Terrorism Laws

- Primary Anti-Terrorism Legislation: Anti-Terrorism Act, 1997
- Vague and Broad Definition of Terrorism: action or threat to create a “*sense of fear or insecurity in society*” (section 6)
- Research by JPP and Reprieve showed **88%** of all those convicted and **86.3 %** of those sentenced to death under ATA were for crimes bearing no connection to terrorism.
- Expedited Trials and suspension of fundamental safeguards: searches and seizures; admissibility of confessions in police custody; and restrictions on bail.
- **Muhammad Iqbal** – Juvenile Offender sentenced to death under ATA in 1999 despite an ossification test proving his age as 17.

Recommended Reforms

- **#BringItBack**: reinstate the moratorium on the death penalty and initiate an investigation into all cases where there is any evidence of torture, mental illness, juvenility and other international human rights violations
- Reduce the scope of the Death Penalty to only the most serious crimes
- Accept the Mercy Petitions of all prisoners on death row
- Formulate and institute age determination protocols through the Juvenile Justice Systems Bill, 2017
- Enact legislation criminalising torture and establishing an effective independent investigation mechanism