

PUBLIC

AI Index: ASA 11/005/2008

09 May 2008

UA 122/08 Death penalty

AFGHANISTAN Around 100 unnamed individuals sentenced to death

The Supreme Court of Afghanistan has upheld around 100 death sentences issued by lower courts against individuals convicted of crimes including murder, rape, kidnapping and armed robbery. The sentences require the approval of President Karzai before executions can be carried out. Amnesty International fears that sudden and large-scale executions may take place in secrecy as happened in October 2007.

On 16 April 2008, the Supreme Court confirmed the death sentences but withheld the names of the accused and the locations where they are being detained. Credible information received by Amnesty International shows that the trial proceedings in at least some of the cases fell far below international standards of fairness. Flaws in the trial procedures included inadequate time for the accused to prepare for their defence, lack of legal representation during court proceedings, weak evidence presented before the courts and the denial of the defendants' right to call and examine witnesses. A Supreme Court judge, Abdul Rashid Rashed, reportedly dismissed criticism concerning the court procedures, claiming that the trials had been "transparent".

Amnesty International, along with other human rights groups, the European Union (EU) and United Nations (UN) have previously expressed concern at the inability of Afghanistan's fledgling justice system to effectively guarantee due process and fair and transparent justice which meets international standards, such as Articles 6 and 14 of the International Covenant on Civil and Political Rights, to which Afghanistan is a state party, and the *UN Safeguards Guaranteeing Protection Of The Rights Of Those Facing The Death Penalty*.

Similar concerns have been voiced in Afghanistan in response to the 100 death sentences. Wadir Safi, a jurist and law professor at the University of Kabul stated in the media that in Afghanistan "court proceedings are carried out behind closed doors, without the presence of defence attorneys, and often without the presentation of any proof on the part of the public prosecutor".

BACKGROUND INFORMATION

Fifteen people were executed in October 2007, the first executions in Afghanistan for three years. The 15 were gunned down as they attempted to flee the execution. The executions were immediately followed by a 10-day hunger strike by some prisoners in Pul-e-Charkhi prison. The protesting prisoners argued that the executions had not been based on fair and transparent trials, that some had been politically motivated and that at least one person had escaped execution by paying bribes.

The Afghan authorities have upheld the death sentences despite the UN General Assembly's adoption of resolution 62/149 (18 December 2007) calling for a

worldwide moratorium on the use of the death penalty. The resolution was adopted by an overwhelming majority of 104 UN member states and at a time when a total of 135 countries have abolished the death penalty in law or practice.

Amnesty International opposes the death penalty in all cases. The death penalty is a symptom of a culture of violence, and not a solution to it. It has not been shown to have any greater deterrent effect than other punishments, and is known to have been carried out on the innocent. The organization considers the death penalty as the ultimate cruel, inhuman and degrading punishment, and a violation of the right to life.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Dari and Pashtu or your own language:

- calling on President Karzai to use his powers to commute or pardon these and all other outstanding death sentences in Afghanistan;
- expressing concern that the court proceedings in Afghanistan fall far below international standards of fairness such as those provided in Article 14 of the International Covenant on Civil and Political Rights, to which Afghanistan is a state party, as well as the *UN Safeguards Guaranteeing Protection Of The Rights Of Those Facing The Death Penalty* ;
- stating that as an immediate step, the executions should be suspended until those facing death at the hands of the state have been granted their fair trial rights;
- calling on President Karzai to re-introduce immediately a moratorium on all executions in Afghanistan, in line with the recent UN General Assembly resolution that was adopted in December 2007, with a view to an eventual abolition of the death penalty in line with the worldwide trend.

APPEALS TO: It is difficult to get letters and emails to Afghanistan. Please send appeals to diplomatic representatives of Afghanistan accredited to your country. Ask that they be forwarded to President Karzai, Attorney General Abdul Jabar Sabit and Minister of Justice Sarwar Danish.

Please also send copies to your country's Foreign Affairs Minister and the human rights department in your country's Ministry of Foreign Affairs.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 June 2008.