

# URGENT ACTION

## EXECUTION DATE SET FOR MENTALLY ILL MAN

**Khizar Hayat's execution is scheduled for 28 July. He has suffered from a mental disability since 2008 and has taken medication regularly since then. International law prohibits the execution of those with mental and intellectual disabilities**

**Khizar Hayat**, a mentally ill man from the Punjab province, is scheduled for execution on 28 July. He was initially scheduled to be executed on 16 June but his lawyers petitioned the Lahore High Court to suspend the death warrant on the basis of his mental disability. The Court suspended the warrant at the last minute, asking the prison authorities to respond to the lawyers' points on the state of his mental disability. In a written reply to the High Court submitted on 17 June, the prison authorities stated that Khizar Hayat has a mental disability and is taking regular anti-psychotic medication. They nonetheless said that Khizar Hayat is "partially stable" when on medication; however, this has been contradicted by his lawyers and family members after recent meetings with him. The High Court dismissed Khizar Hayat's petition based on the prison authorities' statement and issued the second death warrant. Khizar Hayat's lawyers argue that the prison authorities' statement contradicted the evidence in his medical records. The court failed to order an independent medical board to resolve the dispute.

Khizar Hayat's prison records indicate his mental disability was diagnosed in 2008. Since then, he has taken powerful anti-psychotic medicine prescribed by medical professionals but never received any other treatment, and his mother's requests to move him to a proper medical treatment facility have been ignored. Khizar Hayat's disability has caused him mental and physical suffering and made him the target of abuse and physical attacks by other prisoners. In 2009 prisoners attacked him, causing severe head injuries for which he was admitted to hospital and operated on. By 2012 such attacks were so frequent that Khizar Hayat was moved to an isolated cell in the prison hospital, where he has been held ever since.

Khizar Hayat, a former police officer, was arrested in connection with the murder of another police officer and convicted in 2003. His mercy petition is currently pending with the President of Pakistan, who has the direct authority to commute his death sentence.

### Please write immediately in English or your own language:

- Urging the President of Pakistan to accept Khizar Hayat's mercy petition, and re-establish the official moratorium on all executions in the country as a first step towards the abolition of the death penalty, in line with five UN General Assembly resolutions adopted since 2007;
- Calling on them to review all cases of all people under sentence of death with a view to their commutation (changing the death sentence to that of a life or other lesser sentence), and ensuring that no one with a mental or intellectual disability is sentenced to death or executed;
- Calling on them to ensure that any measures taken to combat crime do not violate Pakistan's obligations under international human rights law and that all safeguards guaranteeing the rights of those facing the death penalty are respected.

### PLEASE SEND APPEALS BEFORE 28 JULY 2015 TO:

President of Pakistan  
Honourable Mr Mamnoon Hussain  
President's Secretariat  
Islamabad, Pakistan  
Fax: +92 51 920 8479  
Twitter: @Mamnoon\_hussain  
**Salutation: Your Excellency**

Prime Minister of Pakistan  
Muhammad Nawaz Sharif  
Prime Minister House  
Secretariat, Constitution Avenue  
Islamabad, Pakistan  
Fax: +92 51 922 0404 (PM Secretariat)  
Twitter: @PMNawazSharif  
**Salutation: Dear Prime Minister**

Chief Minister of Punjab  
Chaudhry Muhammad Shahbaz Sharif  
Chief Minister Secretariat  
Lahore, Pakistan  
Fax: +92 42 992 04915, +92 42 992 03224  
Twitter: @CMShehbaz  
**Salutation: Dear Chief Minister**

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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Following the Pakistani Taliban attack on the army-run school in Peshawar on 16 December 2014, Prime Minister Nawaz Sharif partially lifted the six-year moratorium on executions, allowing the death penalty to be used in terrorism cases. On 11 March 2015, the Pakistan government announced that it was unconditionally lifting the moratorium for all capital crimes and threatened to send up to 1,000 prisoners to the gallows who have exhausted all legal options and their mercy petitions. In total, 180 prisoners have been executed since the moratorium was lifted. A temporary moratorium on executions was placed during the month of Ramadan, but execution warrants have again started to be issued since the end of Ramadan on the 20<sup>th</sup> of July 2015.

Around 8,200 prisoners are on death row in Pakistan. The death penalty may be imposed in Pakistan for at least 27 crimes, including for non-lethal offences which do not meet the threshold of the “most serious crimes” as set out in article 6.2 of the International Covenant on Civil and Political Rights (ICCPR), to which Pakistan is a State party.

Amnesty International unequivocally condemned the Peshawar school attack which resulted in 149 deaths, including 132 children. The organization called for indiscriminate attacks and attacks against civilians, including the Peshawar attack, to be thoroughly investigated and for suspected perpetrators to face prosecution in proceedings that comply with international fair trial standards, without resort to the death penalty. Since the attack, Pakistan has amended its constitution to speed up the prosecution of terrorism-related cases and move them from civilian to military courts. The jurisdiction of military courts over cases of terrorism raises serious concerns about fair trial guarantees, as rights could be violated in the rush to ensure speedy terrorism-related convictions.

Amnesty International opposes the death penalty in all cases and under any circumstances, regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to carry out the execution. The organization considers the death penalty a violation of the right to life as recognized in the Universal Declaration of Human Rights and the ultimate cruel, inhuman and degrading punishment. Furthermore, there is no convincing evidence that the death penalty is a particular deterrent in capital crimes compared to other forms of punishment. The most comprehensive study carried out by the UN in 1988 and most recently updated in 2008 concluded that there is no proof that executions are a greater deterrent to crime than life imprisonment.

In Pakistan many death sentences are handed down after trials that do not meet international fair trial standards. These trials are characterized by a lack of access to legal counsel and an acceptance of evidence inadmissible under international law. Statements extracted through torture continue to be used as evidence in court. Defendants often face restrictions in trying to access a lawyer or are given state-appointed lawyers who are often poorly trained and paid, and may not represent their clients vigorously unless given further payments by the defendant or their family. In addition, the right to fair trial has been undermined in trials before lower courts which continue to sentence people to death. These courts operate with restricted public access and with the requirement for trials to be completed within a matter of days or weeks, putting judges under extreme pressure to convict. In 2012 the UN Special Rapporteur on extrajudicial, summary or arbitrary executions concluded that military or other special jurisdictions should not have the authority to impose the death penalty.

Name: Khizar Hayat

Gender: m

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