

URGENT ACTION

STOP EXECUTION OF MAN WITH MENTAL DISABILITY

Imdad Ali, a death row prisoner with a mental disability, is at imminent risk of execution. Pakistan's Supreme Court rejected on 20 October his latest appeal to halt the execution on the ground that he has paranoid schizophrenia. As a result another execution warrant might be issued imminently.

Imdad Ali was arrested for the murder of a religious teacher in 2001 and convicted in 2002 under 302(b) of the Pakistan Penal Code. In 2012, he was diagnosed with "paranoid schizophrenia". Dr. Naeemullah Leghari, the head of psychiatry at Nishtar Hospital in Multan who examined Imdad Ali, described his condition in a medical report as "a chronic and disabling psychiatric illness" that "impairs the person's rational thinking and decision-making capabilities." International law clearly prohibits the use of the death penalty on people with mental or intellectual disabilities.

On 20 October Imdad Ali's appeal was rejected by the Supreme Court, which does not consider schizophrenia as sufficient grounds to halt the execution according to Pakistani law. It is likely that another execution warrant – his third since 2015 – will be issued imminently. He remains on death row in Vehari, Punjab province. A mercy petition to Pakistan's President Mamnoon Hussain, who has the direct authority to commute his death sentence, is still pending, and has the power to save Imdad Ali's life.

The Pakistani Supreme Court has also rejected Imdad Ali's appeal previously in 2015, ruling that there was no evidence of his mental disability. However, the Supreme Court's judgment shows that Imdad Ali's lawyer had not included the 2012 medical report diagnosing him with paranoid schizophrenia as evidence. This oversight raises fair trial concerns.

Please write immediately in English or Urdu:

- Urging the President of Pakistan to accept Imdad Ali's mercy petition and commute his death sentence, reminding him that international law clearly prohibits the use of the death penalty against people with mental or intellectual disabilities;
- Urging the authorities to 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 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 2 DECEMBER 2016 TO:

President of Pakistan
Honourable Mr Mamnoon Hussain
President's Secretariat
Islamabad, Pakistan
Fax: +92 51 920 8479

Salutation: Your Excellency

Prime Minister of Pakistan
Muhammad Nawaz Sharif
Prime Minister House Secretariat,
Constitution Avenue Islamabad, Pakistan
Fax: +92 519 220 404 (PM Secretariat)

Twitter: @pmln_org
Salutation: Dear Prime Minister

Chief Minister of Punjab
Shehbaz Sharif
Chief Minister Secretariat
7-Club Road GOR-I,
Lahore, Pakistan
Fax: +92 42 99204915
Twitter: @CMShehbaz and
@GovtOfPunjab
Salutation: Dear Mr. Sharif

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. This is the first update of UA 222/16. Further information:

<https://www.amnesty.org/en/documents/ASA33/4907/2016/en/>

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ADDITIONAL INFORMATION

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-related cases. On 11 March 2015 the Pakistan government announced that it was unconditionally lifting the moratorium for all capital crimes. They threatened to send up to 1,000 prisoners, who have exhausted all legal options and their mercy petitions, to the gallows. In total, more than 400 prisoners have been executed since the moratorium was lifted.

Amnesty International unequivocally condemned the Peshawar school attack which resulted in 149 deaths, including 132 children. The organization called for thorough investigations into indiscriminate attacks and attacks against civilians, including the Peshawar attack. In addition, the organization insisted that suspected perpetrators 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 terrorism-related cases raises serious concerns about fair trial guarantees.

Around 7,000 prisoners were on death row in Pakistan at the end of 2015. 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” to which the use of the death penalty must be restricted under Article 6.2 of the International Covenant on Civil and Political Rights (ICCPR), to which Pakistan is a State party.

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 following 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 vigorously represent their clients 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. 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: Imdad Ali

Gender: m

Further information on UA: 222/16 Index: ASA 33/5023/2016 Issue Date: 21 October 2016