

**AMNESTY
INTERNATIONAL**



**ANTI
DEATH
PENALTY
ASIA
NETWORK**

Ref: ASA 33/006/2012
28 May 2012

President Asif Ali Zardari
Pakistan Secretariat
Islamabad, Pakistan

Dear President,

OPEN LETTER: TO URGENTLY REQUEST A HALT TO THE EXECUTION OF BEHRAM KHAN

The Anti-Death Penalty Asia Network (ADPAN) and Amnesty International (AI) calls on you to take steps to halt the execution of Behram Khan, to establish a moratorium on executions with a view to abolition and to commute all death sentences.

Behram Khan is scheduled to be executed on 30 June 2012. This would be the first execution in Pakistan in almost four years and the first under your government. It would end your administration's welcome policy, announced in 2009, of moving Pakistan closer to the global trend towards the abolition of the death penalty. The execution of Behram Khan would reverse the hard fought progress made in Pakistan and possibly open the door to more executions. Only you as President can halt this execution.

Behram Khan was sentenced to death by an Anti-Terrorism Court on 23 June 2003 for the murder of lawyer Mohammad Ashraf. On 15 April 2003 he had come to the Sindh High Court to kill Qurban Ali Chauhan, a lawyer for a man accused of killing Behram Khan's maternal uncle. Mistaking him to be Qurban Ali Chauhan, Mr Khan killed Mohammad Ashraf. A sub-inspector of police, Pir Bux, who accompanied Mr Khan to the court, was given a life sentence.

As you will know, appeals against his death sentence were turned down by the Sindh High Court and the Supreme Court of Pakistan, and a final mercy petition turned down by you, as President. On 10 May, the Anti-Terrorism Court issued a final death warrant for Behram Khan's execution on 23 May and you issued a stay postponing his execution until 30 June.

The Anti-Terrorism Courts established in 1999 "for the purpose of providing for the speedy trial of the cases" undermine the rights to a fair trial. The Anti-Terrorism Act 1997 has been changed various times since, but ADPAN has noted some remaining concerns in its report describing unfair trials in death penalty cases across Asia, *When Justice Fails, Thousands Executed in Asia after Unfair Trials*, ASA 01/023/2011. A copy of this report is attached with this letter. These concerns include the very restricted public access to the courts, as well as 'the requirement for trials to be completed within seven working days, putting judges under extreme pressure to convict.'

Amnesty International opposes the death penalty in all cases and without exceptions. ADPAN is an independent regional network comprising lawyers, NGOs and civil society groups from 24 countries including Pakistan. It campaigns for an end to the death penalty across the Asia-Pacific region.

We welcome the fact that no executions have been carried out in Pakistan since late 2008, but death sentences continue to be imposed, with at least 313 handed down in 2011. Over half of all those sentenced to death in 2011 were found guilty of murder, while others were convicted of drug trafficking and rape to kidnapping for ransom. Three were sentenced to death for blasphemy, but no one has ever been executed for blasphemy. The Human Rights Commission of Pakistan estimates that over 8,300 people are currently on death row.

The resumption of executions after almost four years would place Pakistan in opposition to regional and global trends towards the abolition of the death penalty. As of May 2012, more than two-thirds of all countries have abolished the death penalty in law or practice. Most recently, in March this year, Mongolia became the 141st country to have joined this group of countries by becoming a state party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Out of 41 countries in the Asia-Pacific region, 17 have abolished the death penalty for all crimes, 10 are abolitionist in practice and one – Fiji – uses the death penalty only for exceptional military crimes. Over the years UN and regional bodies have adopted resolutions, recommendations and instruments to support the abolition of the death penalty. Since 2007 the UN General Assembly has adopted with large majorities resolutions calling for the establishment of a moratorium on the use of the death penalty, with a view to abolishing the death penalty.

Amnesty International and ADPAN reiterate its appeal to you to stop the execution of Behram Khan, to establish a moratorium on executions and commute all death sentences.

Yours sincerely,

Pollyanna Truscott
Deputy Asia-Pacific Director
International Secretariat, Amnesty International

Kamran Arif
Co-chair
Human Rights Commission Pakistan