

PUBLIC

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UA 150/05 Death Penalty

PAKISTAN **Mohammad Ameen (m)**

Mohammad Ameen was sentenced to death in 2001 by a court in the city of Rawalpindi on 31 January 2001 after being found guilty of involvement in a robbery and killing in February 1998. He was reportedly 16 years old at the time of the offence. Pakistan is bound by national and international law forbidding the execution of those who were under the age of 18 at the time their alleged crime was committed.

Mohammad Ameen was charged along with two men both aged around 30. One of the other defendants was acquitted, and the other was sentenced to seven years' imprisonment. Although the court in Rawalpindi recorded Mohammad Ameen's age as 17 or 18 at the time of his trial, during his appeal in the Lahore High Court the medical report on Mohammad Ameen was confused with that of the victim of the killing. The High Court, thinking Mohammad Ameen was 30 years old, rejected his appeal.

A further appeal to Pakistan's Supreme Court in March 2002 was overruled on the grounds that Mohammad Ameen's lawyer had not raised the issue of his age at his original trial. A review petition filed in the Supreme Court questioning this decision was rejected by the Supreme Court in June 2003.

Mohammad Ameen's birth certificate and high school certificate state that he was born on 5 June 1981, meaning that he was aged 16 at the time of the offence. Both documents were presented as evidence to the Lahore High Court and the Supreme Court.

In August 2003, Mohammad Ameen petitioned President Musharraf for mercy. To date, his petition has not been answered. As he was apparently a juvenile when he was arrested, he should not have been sentenced to death, under the terms of the Juvenile Justice System Ordinance (JJSO) of July 2000, which prohibits the execution of those who were under 18 at the time of their alleged offence.

BACKGROUND INFORMATION

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 more deterrent effect than other punishments and carries the risk of irrevocable error. The death penalty is seen as the ultimate form of cruel, inhuman and degrading treatment and a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments.

Despite the provisions of the JJSO, juveniles continue to be sentenced to death if they or their lawyers fail to raise the issue of age in court or are unable to prove that the criminal suspect was a juvenile at the time of the alleged offence. Many judges fail to address the issue of age of the accused before them and generally accept the age recorded by police, even if the child looks younger than the recorded age.

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

- expressing concern that Mohammad Ameen is under sentence of death, despite the presence of official documents stating that he was 16 years old at the time of his alleged offence;
- calling for the death sentence passed on Mohammad Ameen to be commuted immediately;

- urging the President to promptly and completely implement the Juvenile Justice System Ordinance, which outlaws the execution of all those who claim to have been under 18 at the time their alleged crime was committed, in accordance with Pakistan's commitments under the UN Convention of the Rights of the Child.

APPEALS TO:

President Pervez Musharraf
Pakistan Secretariat,
Islamabad,
Pakistan

Fax: + 92 51 9221422

E-mail: CE@pak.gov.pk

Salutation: Dear President

COPIES TO: diplomatic representatives of Pakistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 14 July 2005.