

PUBLIC

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EXTRA 40/01

Death penalty / Imminent execution

4 July 2001

PAKISTAN

Rubina Khan

Rubina Khan is scheduled for execution on 17 July 2001. She was convicted of the murder of a woman who was a guest in Rubina's home at the time. She reportedly confessed to the murder under torture.

The Supreme Court recently rejected her appeal, and the former President, Rafiq Tarar, refused a pardon. Under Pakistan's implementation of Islamic Law her only hope now is for the family of the murdered woman to agree to commutation of Rubina's sentence.

Rubina Khan has a seven-year-old daughter. According to reliable sources, she was pregnant when she was arrested but suffered a miscarriage after she was tortured in police custody.

Her husband divorced her during the trial, withdrawing all financial assistance, and she has had no legal representation for the two court appeals since then. She is now awaiting execution in Multan Women's Prison, in the province of Punjab.

BACKGROUND INFORMATION

Since 1990 in Pakistan, murder and manslaughter have been covered by an Islamic legal code which prescribes the punishment for murder to be either in the form *qisas* (equal punishment for the crime committed) or *diyat* (compensation payable to the victim's legal heirs). The heirs of the victim have the right to decide if *qisas* will be inflicted, and if they decide against it the death penalty cannot be imposed. They sometimes negotiate with the offender's family to determine how much compensation they would require to grant mercy.

In 1992 the Supreme Court ruled that the President cannot commute death sentences passed as *qisas* punishment without the consent of the victim's family. However, Amnesty International is aware of cases where the President has postponed executions to allow the families of the offender and the victim to negotiate a compensation and pardon.

Amnesty International unconditionally opposes the use of the death penalty as a violation to the right to life and the right not to be subject to cruel, inhuman and degrading treatment or punishment. In a resolution adopted in April 1997, the UN Commission on Human Rights called on all states that have not yet abolished the death penalty "to consider suspending execution, with a view to completely abolishing the death penalty".

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

- appealing to the president to postpone the execution of Rubina Khan, and to encourage the heirs of the victim to agree to the commutation of her sentence;
- expressing concern at reports that Rubina Khan was tortured during interrogation, a factor that may have seriously prejudiced the fairness of her trial;
- urging the authorities to abolish the death penalty, pointing out that this violated the right to life and the prohibition of cruel, inhuman and degrading punishment;
- calling on the Government of Pakistan to ratify human rights instruments aiming to abolish the death penalty such as the International Covenant on Civil and Political Rights and its Second Optional Protocol.

APPEALS TO:

President & Chief Executive of Pakistan
General Pervez Musharraf
Pakistan Secretariat

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Islamabad
Pakistan

Telegrams: President, Islamabad, Pakistan

Faxes: + 92 51 922 4768

Email: 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 20 July 2001.