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Death Penalty/Legal Concern

7 November 1991

PAKISTAN: Resumption of public executions announced

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Amnesty International is extremely concerned about reports that public hangings of persons sentenced to death by Special Courts for Speedy Trial are imminent. Amnesty International knows of some 20 persons who were sentenced to death between mid-September and mid-October by such courts. The true number is probably much larger and continues to increase. If the executions are carried out, they will be the first known to Amnesty International since February 1988.

The government of Prime Minister Nawaz Sharif has in the past repeatedly stated that it favours public executions as a deterrent against crime. In October 1991 the Prime Minister announced his government's intention to publicly execute persons sentenced to death by Special Courts for Speedy Trial.

A Reuters report on 31 October 1991 said that the public hanging of Zafar Iqbal, sentenced to death by a Speedy Trial Court for rape and murder, was imminent. The local authorities in Chakwal, Punjab province, were said to be preparing the place of execution although the warrant with the exact date of execution was still awaited. (See UA 367/91, ASA 33/19/91, 1 November 1991 for further information on Zafar Iqbal's case.)

On 6 November 1991 a report in the London-based newspaper The Guardian, filed in Islamabad, said that a series of public executions were to be expected within the next week. The report said some 40 persons so far sentenced to death by Speedy Trial Courts could be publicly executed. Unofficial sources in Pakistan approached by Amnesty International confirmed that public executions were imminent.

#### **BACKGROUND INFORMATION:**

To Amnesty International's knowledge no executions have been carried out in Pakistan in the last three years. The last executions took place at the beginning of 1988 when four persons were publicly executed. In December 1988, the government of former Prime Minister Benazir Bhutto commuted over 2,000 death sentences.

In August 1991 the 12th amendment of the constitution was adopted by parliament. It provides for the establishment of Special Courts for Speedy Trial. Eleven such courts began to hear cases from August 1991. In many cases the trial leading up to a sentence of death lasted only three or four days.

The procedures of the Special Courts for Speedy Trial fall short of international standards for fair trial in a number of ways. They violate the right to a public trial and the right to be presumed innocent. The time limits arbitrarily imposed by the procedures of the speedy trial courts violate the right of the defendant to a full defence. A Special Court for Speedy Trial has to decide a case within 30 days. If any adjournment is necessary, for instance to obtain the testimony of defence witnesses, it may not last longer than two days. A convicted person may appeal against his or her sentence within seven working days. A Supreme Appellate Court set up under the same legislation, must decide an appeal within 30 days. In complex cases these requirements severely restrict a defendant's right to call witnesses or collect evidence in order to present a full defence. There is no possibility for a person tried by a Special Court for Speedy Trial to appeal to a High Court or the

Supreme Court and thereby to benefit from the safeguards normally provided by Pakistan's law and constitution.

**RECOMMENDED ACTION: Telegrams/telexes/express and airmail letters:**

- urging the government of Pakistan not to resume public executions;
- expressing concern that a large number of persons have been sentenced to death after trials which involve procedures that do not conform to international standards for fair trial;
- urging President Ghulam Ishaq Khan to commute all death sentences under the powers granted to him under Article 45 of the constitution.

**APPEALS TO:**

1) President Ghulam Ishaq Khan **Dear President**  
The Presidency  
Murree Brewery Road  
Rawalpindi, Pakistan  
**Telegrams: President, Rawalpindi President's House, Pakistan**  
**Telexes: 54058 PSPUB PK**

2) Mian Nawaz Sharif **Dear Prime Minister**  
Prime Minister  
Office of the Prime Minister  
Islamabad, Pakistan  
**Telegrams: Prime Minister, Islamabad, Pakistan**

3) Mr Shujaat Hussain **Dear Minister**  
Minister of the Interior  
Ministry of the Interior  
Pak Secretariat, Block R  
Islamabad, Pakistan  
**Telegrams: Interior Minister, Islamabad, Pakistan**

4) Chaudhary Abdul Ghafoor **Dear Minister**  
Minister of Law & Justice  
Ministry of Law & Justice  
Pak Secretariat, Blocks R & S  
Islamabad, Pakistan  
**Telegrams: Law & Justice Minister, Islamabad, Pakistan**

5) Aziz A Munshi **Dear Attorney General**  
Attorney General  
Office of the Attorney General  
Islamabad, Pakistan  
**Telegrams: Attorney General, Islamabad, Pakistan**

**COPIES TO:** diplomatic representatives of Pakistan in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 19 December 1991.