

EXTERNAL (for general distribution)

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Further information on UA 367/91 (ASA 33/19/91, 1 November 1991) and UA 378/91 (ASA 33/21/91, 7 November 1991) - Death Sentence/Public Hanging/Legal Concern

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PAKISTAN:Zafar Iqbal / Resumption of public executions

The public execution of Zafar Iqbal has reportedly been postponed without a new date being set. Zafar Iqbal's appeal to President Ghulam Ishaq Khan to have his death sentence commuted is apparently still pending. To Amnesty International's knowledge no date for the public execution of any other person sentenced to death by a Special Court for Speedy Trial has been announced.

The Supreme Court of Pakistan on 20 November reportedly issued a temporary order not to proceed with the public execution of Zafar Iqbal as it would violate Article 14 of the Constitution of Pakistan which states: "The dignity of man and, subject to law, the privacy of home, shall be inviolable." The order of the Supreme Court was reported in the press as saying: "The [constitutional] provision shows that the country's constitution provides an unconditional guarantee of inviolability of the dignity of man." The court reportedly ruled that "to hang a man in public, no matter how grave the crime, was highly insulting in all circumstances."

The order is a temporary one until the issue is resolved by the full bench of the Supreme Court.

A petition challenging the constitutionality of all public executions has been filed in the Supreme Court of Pakistan. In a hearing before the full bench of the Supreme Court on 26 November the Attorney General contended that public executions were neither contrary to the dignity of man nor repugnant to the Shariat (Islamic law). On the following day the Advocates-General of the Sindh, Punjab, Balochistan and North West Frontier Provinces argued for the resumption of public executions. Their reasoning reportedly was that an individual, when committing a heinous crime abandoned his own dignity. As such, his public execution as a deterrent to others did not violate his dignity. The Supreme Court observed that it would seek the assistance of members of the bar and also of the Ulema (Islamic scholars). The proceedings have been adjourned to the second half of January 1992.

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

- urging the Government of Pakistan not to resume public executions which Amnesty International believes have a brutalizing effect on everyone present and opposing this as the ultimate form of torture and degrading treatment;
- appealing to President Ghulam Ishaq Khan to commute the death sentence imposed on Zafar Iqbal and all others at present on death row under the power granted to him under Article 45 of the Constitution;
- expressing grave concern that Zafar Iqbal and many others have been sentenced to death after trials which did not conform to international standards for fair trial;
- expressing opposition to the death penalty in all cases as the ultimate form of torture and as a violation of the right to life.

**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 20 January 1992.