

PUBLIC

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UA 302/08 Death Penalty

PAKISTAN Zulfiqar Ali (m), aged 38

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Zulfiqar Ali was scheduled to be executed on 22 October, but his sentence was not carried out, for reasons not known to Amnesty International. He could be hanged at any time.

Zulfiqar Ali was arrested on 14 April 1998 on a charge of murder. Since then, he has been detained at Adiala Central jail, in the city of Rawalpindi, Punjab province. According to Pakistani non-governmental organizations Ansar Burney Trust, his family could not afford to hire a lawyer to represent him. It is unclear whether Zulfiqar Ali was provided with a defence lawyer by the court, or whether he defended himself. If he did not have the option to be assisted by a defence lawyer, his trial would be in breach of international fair trial standards.

He had been scheduled to be executed on 8 October, but President Asif Ali Zardari issued a two-week stay of execution on 7 October even though he had previously rejected Zulfiqar Ali's mercy petition. President Zardari's rejection of Zulfiqar Ali's mercy petition occurred after an announcement on 21 June by Prime Minister Gilani of the government's commitment to commute death sentences to life imprisonment. However, this decision has yet to be implemented.

Zulfiqar Ali is the only surviving parent of his two daughters, aged 10 and 11. His wife died of leukaemia in 2006. While on death row, Zulfiqar Ali gained a Masters degree in political science and is currently studying for a Master of Business Administration (MBA) degree.

#### **BACKGROUND INFORMATION**

Article 45 of the Constitution of Pakistan clearly states: "The President shall have power to grant pardon, reprieve and respite and to remit, suspend or commute any sentence passed by a court, tribunal or authority".

It is estimated that 159 people have been sentenced to death in Pakistan in 2008, and around 35 people have been executed so far this year. Prime Minister Gilani's announcement on June 21 that all existing death sentences would be commuted is being considered by the Supreme Court of Pakistan, which is to rule on its constitutionality. Fifteen of people have been put to death after the Prime Minister's statement.

There are currently more than 7,000 people who are on death row in Pakistan. The former Human Rights Minister, Ansar Burney, stated that 60 to 65 percent of death row prisoners were innocent or "victims of a faulty system".

On 18 December 2007, the United Nations General Assembly adopted a resolution on a worldwide moratorium on the use of the death penalty. The former government of Pakistan, under President Pervez Musharraf, voted against the resolution.

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 greater deterrent effect than other punishments, and carries the risk of irrevocable error. The death penalty is 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.

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

- calling on the President to use his powers under Article 45 of the Constitution to commute the death sentence handed down to Zulfiqar Ali;
- calling on the President Zardari to urgently implement the June 21 announcement that the death sentences of more than 7,000 people on death row would be commuted;
- calling for an immediate moratorium on all executions in the country, in accordance with the UN General Assembly resolution on a moratorium on executions adopted on 18 December 2007, reinforcing the worldwide trend towards abolition of the death penalty.

**APPEALS TO:**

Mr Asif Ali Zardari  
Pakistan Secretariat  
Islamabad  
PAKISTAN

**Fax: +92 51 9221422/ 2282741 (Faxes may be switched off outside office hours. Pakistan is 6 hours ahead of GMT)**

**Salutation: Dear President Zardari**

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

**PLEASE SEND APPEALS IMMEDIATELY.**