

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ACT 50/004/2014

23 December 2014

Shocking executions in Jordan and Pakistan will not improve public security

Amnesty International condemns the 15 executions carried out in Jordan and Pakistan on 21 December and urges the governments of both countries to immediately halt all executions, as a first step towards abolition of the death penalty.

In the space of three days, Jordan and Pakistan, which had also implemented death sentences on 19 December, resumed executions after an eight and two-year hiatus respectively. In 2005, Jordan's King - who must ratify all executions - had told an Italian newspaper that his country could "soon become the first country in the Middle East without capital punishment."

On Sunday 11 men were executed unexpectedly and apparently at short notice at Swaqa Correctional and Rehabilitation Centre in Jordan. All had been convicted of and sentenced to death for murder prior to 2006; their sentences had been apparently upheld by the Court of Cassation.

Jordanian media outlet, Ammon News, quoted a government source as saying that the final decision to execute the 11 men was made only one night before it was carried out. This raises serious concerns about whether the authorities adhered to international human rights standards which require individuals on death row and their families to be given advance notice of their execution.

The executions followed the establishment only last month of a special committee of the Jordanian cabinet to look into lifting the suspension in executions, as a deterrent to murder and in response to public demand. No public announcement was made that such an important decision had been made until the executions were carried out.

Those executed on Sunday were Samir Izzat Kawash, Mahmoud Walid

Daghmeh, Khalid Husni Badri, Abdullah Mohammad Zayout, Saeed Fayez Talalzah, Mohammad Abdul Wahab Arami, Motaz Yousef, Ammar Ahmad, Omar Ahmad, Bader Shaheen Shakhathreh and Naem Ahmad Jaarat.

In Pakistan, four more men were executed on Sunday after the implementation of death sentences resumed on 19 December - Aqeel, alias Dr Usman, and Arshad Mehmood were the first men to be executed since 2012 - while Zubair Ahmed, Ghulam Sarwar, Rashid Tipu and Russian-Pakistani national Akhlaque Ahmed's executions followed on Sunday.

Last week reports indicated that President Mamnoon Hussain of Pakistan was in the process of reviewing the mercy petitions of some 547 prisoners thought mainly to relate to terrorism cases; 120 were forwarded to the President on 18 December. Given the sheer volume of cases and the current atmosphere in the wake of the school attack in Peshawar on 16 December that left at least 142 people dead, including 132 children, it is highly unlikely that the President will be able to evaluate the petitions adequately. Amnesty and other human rights groups fear a spate of mass executions, with up to 500 people being executed within the coming days and weeks.

At risk of execution is Shafqat Hussein who was 14 at the time of his arrest. His lawyers say that he was convicted on the basis of a one piece of evidence: "a 'confession' extracted after nine days of savage beating and torture." There is no other evidence linking Shafqat to the crime. Under international law, it is forbidden to impose capital punishment for crimes committed by persons below 18 years of age. He is currently facing the gallows and could be executed imminently.

In the name of public safety

In both Jordan and Pakistan, the authorities indicated that the implementation of the death penalty was aimed at improving the public safety of the countries, confronted with increasing murder rates and terrorism attacks, respectively. Amnesty International unequivocally condemned the horrific attack on the Peshawar school in Pakistan and continues to call for the perpetrators of violent crime to be brought to justice, in proceedings that meet international fair trial standards and without resort to the death penalty.

However, in line with findings of several studies carried out by the United

Nations and world-renowned criminologists, Amnesty International reaffirms its absolute rejection that the death penalty is a particular deterrent in capital crimes compared to other forms of punishment. The most comprehensive study carried out by the UN in 1988 and most recently updated in 2008 concluded: “[R]esearch has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment. Such proof is unlikely to be forthcoming. The evidence as a whole still gives no positive support to the deterrent hypothesis”. Several studies conducted by the UN have identified poverty, inequality, and the capacity of states to enforce the rule of law as factors affecting the level of violence in most countries, in addition to individuals’ particular circumstances.

Furthermore, statistics from countries that have abolished the death penalty show that the absence of the death penalty has not resulted in an increase in the crimes previously subject to capital punishment. In Canada, for example, the homicide rate per 100,000 of the population fell from a peak of 3.09 in 1975, the year before the death penalty for murder was abolished, to 2.41 in 1980. The homicide rate in Canada remains significantly lower than it was prior to abolition. A study comparing the murder rates in Hong Kong and Singapore, both of which have a similar size of population, for a 35-year period beginning in 1973 found that the abolition of the death penalty in the former and the high execution rate in the latter in the mid-1990s had little impact on murder levels.

Human rights concerns

Amnesty International opposes the death penalty in all cases and under any circumstances, regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to carry out the execution. The organization considers the death penalty a violation of the right to life as recognized in the Universal Declaration of Human Rights and the ultimate cruel, inhuman and degrading punishment.

In addition to this, Amnesty International is concerned at the fact that the death penalty in these countries appears to have been carried out with disregard for internationally recognized safeguards guaranteeing the rights of those facing the death penalty.

Article 6.4 of the International Covenant on Civil and Political Rights (ICCPR) states that “Anyone sentenced to death shall have the right to

seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.” The same right is further guaranteed under Safeguard 7 of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, adopted by the UN Economic and Social Council in 1984. The former UN Special Rapporteur on extrajudicial, summary or arbitrary executions has stated that “There can be no exception to the defendant’s right to seek pardon, clemency or commutation of the sentence” and that “Appeals for clemency should provide effective opportunities to safeguard lives”.

Amnesty International’s concern is heightened by the fact that in Pakistan many death sentences are handed down after trials that do not meet international fair trial standards. These trials are characterized by a lack of access to legal counsel and an acceptance of evidence inadmissible under international law. Statements extracted through torture continue to be used as evidence in court. Defendants often face restrictions in trying to access a lawyer or are given state-appointed lawyers who are often poorly trained and paid, and may not represent their clients vigorously unless given further payments by the defendant or their family. In addition, the right to fair trial has been undermined in trials before lower courts which continue to sentence people to death. These courts operate with restricted public access and with the requirement for trials to be completed within a matter of days or weeks, putting judges under extreme pressure to convict. In 2012 the UN Special Rapporteur on Extrajudicial, summary or arbitrary executions concluded that military or other special jurisdictions should not have the authority to impose the death penalty.

Transparency on the use of the death penalty

The *Jordan Times* quoted Public Attorney Ziad Dmour as saying on 21 December that “the executions came as a surprise to the public...”, indicating strongly that no or little notice was given to the prisoners, their families and lawyers. Transparency on the use of the death penalty is a fundamental safeguard of due process and the UN has repeatedly called upon member states that retain the death penalty to be transparent about the application of this punishment in their country. Resolution 2005/59, adopted on 20 April 2005 by the UN Commission on Human Rights, called upon all states that still maintain the death penalty “to make available to the public information with regard to the imposition of the death penalty and to any scheduled execution”.

In his report published on 6 August 2014, the UN Special Rapporteur on Extrajudicial, summary or arbitrary executions concluded that, the examples of countries that resumed executions in recent years “underline the fundamental need for States to make public their intentions concerning executions in advance, allowing sufficient time for relevant legal challenges to be prepared and heard... Should a State nevertheless decide to resume executions, it is important that authorities at least give advance notice. This corresponds with a more general obligation of States to practise the death penalty transparently.”

Against national achievements and the global trend towards abolition of the death penalty

The resumption of executions in Jordan and Pakistan has put the countries at odds with their own human rights achievements, as well as against the global trend towards abolition of the death penalty. As of today, 140 countries have abolished the death penalty in law or practice. On 13 December one more country, Madagascar, took legal steps to become the 99th country abolitionist for all crimes and five days later the UN General Assembly adopted, with a record 117 votes in support, its fifth resolution calling for the establishment of a moratorium on executions with a view to abolishing the death penalty.

Amnesty International urges the authorities of Jordan, Pakistan and all countries where executions have been considered to immediately halt plans to carry them out, introduce an official moratorium on executions and commute all death sentences as first steps towards abolition of the death penalty.

/END