

PUBLIC

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Death penalty/ legal concern

AFGHANISTAN

Zar Jan (m)
Abdul Wahid (m), his brother
Reza Khan (m)

Afghanistan's Supreme Court has reportedly upheld the death sentences of Zar Jan, his brother Abdul Wahid and Reza Khan, who were found guilty of involvement in the 2001 murder of four journalists. Amnesty International is concerned that the three men may not have received a fair and independent trial in accordance with international standards. Their fate is now in the hands of President Hamid Karzai, who has the power to approve or overturn their death sentences.

According to a report on 31 January by news agency Agence France Presse (AFP), Afghanistan's Supreme Court has upheld the death sentences passed on the three men in October 2005. The three were accused of being members of a criminal gang which murdered Australian cameraman Harry Burton, Afghan photographer Azizullah Haidari, Spanish journalist Julio Fuentes and Italian journalist Maria Grazia Cutuli. The four journalists, who were covering the conflict between US forces and those allied to the Taliban, were killed in November 2001 after a gang stopped the vehicle in which they were travelling near the capital, Kabul.

According to news reports, at least four members of the criminal gang allegedly involved in the killings have been sentenced to between 18 and 20 years in prison for highway robbery and other crimes, but not for the murders of the journalists.

BACKGROUND INFORMATION

Amnesty International is not aware that any executions took place in Afghanistan in 2005. However, according to press reports, at least 21 people were sentenced to death, including seven men sentenced in August 2005 (see UA 214/05, ASA 11/009/2005, 19 August 2005).

At least nine men were sentenced to death in 2004. Military commander Abdullah Shah was secretly executed in April 2004 for multiple murders, after a trial by a special court in which he was denied basic rights of defence. He had no legal counsel and was not allowed to cross-examine witnesses. The court failed to investigate allegations that he had been tortured or visible evidence of his injuries, and reportedly imposed the death penalty under political pressure. The trial was not open to the public.

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

- calling on President Karzai to use his powers under Afghan law to commute the death sentences of Zar Jan, his brother Abdul Wahid and Reza Khan immediately;
- calling for an immediate moratorium on all executions in the country, in line with worldwide trends to abolish the death penalty with a view to an eventual abolition of the death penalty;
- asking for details of their trial proceedings, including seeking assurances they had access to adequate legal representation in accordance with international standards;
- stating that Amnesty International recognizes the rights and responsibilities of governments to bring to justice those suspected of criminal offences, but unconditionally opposes the death penalty as the ultimate cruel, inhuman and degrading punishment.

APPEALS TO:

President

His Excellency Hamid Karzai

Presidential Palace

Kabul, Afghanistan

Email via the Ministry of Justice website: http://www.moj.gov.af/english/Contact_Us.html

Salutation: Your Excellency

Please also send appeals via the Afghan embassy or diplomatic representative in your country, asking them to forward your appeal.

COPIES TO: diplomatic representatives of Afghanistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 March 2006.