

URGENT ACTION

MAN FACING EXECUTION WAS CONVICTED AT AGE 14

The Pakistan government has resumed executions for all cases and thousands of death row prisoners are at risk of execution. One of them, Shafqat Hussain, was under 18 when sentenced to death and is set to be executed on 19 March.

Death row prisoner **Shafqat Hussain**, currently in Karachi Central Prison, is scheduled to be executed on 19 March. His death warrants were issued on 12 March. Shafqat Hussain was 14 years old at the time of his trial and was convicted based on a "confession" after being subjected to torture for nine days by the police, according to his current lawyers. He was subsequently sentenced to death for kidnapping and involuntary manslaughter under the Anti-Terrorism Act in 2004 by an anti-terrorism court in Sindh province.

Shafqat Hussain's current lawyers claim that he did not receive a fair trial at the time. The state-appointed lawyer failed to introduce a single piece of evidence or call a single witness in his defence and never raised the fact he was a juvenile at the time of the alleged offence.

Shafqat Hussain's execution would be illegal under domestic and international law. Under Pakistan's Juvenile Justice Systems Ordinance, from 2000, a juvenile cannot be sentenced to death. Moreover, Pakistan is bound by two international treaties, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which prohibit the imposition of the death penalty for crimes committed by people under 18 years of age.

In January the Minister of Interior, Mr Chaudhry Nisar Ali Khan, granted Shafqat Hussain a stay of execution after being informed that Shafqat Hussain was a juvenile at the time he committed his crime. The Minister also announced an inquiry into Shafqat Hussain's age. To date, no inquiry has been held by the Sindh province authorities or the federal government into the matter and he has not undergone a medical examination to determine his age.

Please write immediately in Urdu, English or your own language:

- Urging the authorities to halt the execution of Shafqat Hussain immediately, and re-establish the official moratorium on all executions in the country as a first step towards the abolition of the death penalty, in line with five UN General Assembly resolutions adopted since 2007;
- Calling on them to review all cases of people under sentence of death with a view to their commutation and ensuring that no one who was under 18 years of age at the time of the crime is sentenced to death;
- Calling on them to ensure that any measures taken to combat crime do not violate Pakistan's obligations under international human rights law and that all safeguards guaranteeing the rights of those facing the death penalty are respected.

PLEASE SEND APPEALS BEFORE 24 APRIL 2015 TO:

President of Pakistan
Honourable Mr Mamnoon Hussain
President's Secretariat
Islamabad, Pakistan
Fax: +92 51 920 8479
Twitter: @Mamnoon_hussain
Salutation: Your Excellency

Prime Minister of Pakistan
Muhammad Nawaz Sharif
Prime Minister House
Secretariat, Constitution Avenue
Islamabad, Pakistan
Fax: +92 51 922 0404 (PM Secretariat)
Twitter: @PMNawazSharif
Salutation: Dear Prime Minister

Home Secretary, Sindh
Abdul Kabir Kazi
Karachi, Sindh
Pakistan
Fax: +92 21 992 11549
Salutation: Dear Mr Kazi

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Following the Pakistani Taliban attack on the army-run school in Peshawar on 16 December 2014, Prime Minister Nawaz Sharif partially lifted the six-year moratorium on executions, allowing the death penalty to be used in terrorism cases. On 11 March 2015, the Pakistan government announced that it was completely lifting the moratorium for all capital crimes and has threatened to send up to 1,000 prisoners to the gallows who have exhausted all legal options and their mercy petitions. In total, 27 prisoners have been executed since the moratorium was lifted.

Thousands of prisoners are on death row in Pakistan. The death penalty may be imposed in Pakistan for at least 28 crimes, including for non-lethal offences which do not meet the threshold of the “most serious crimes” as set out in article 6.2 of the International Covenant on Civil and Political Rights (ICCPR) to which Pakistan is a State party.

Amnesty International unequivocally condemned the Peshawar school attack which resulted in 149 deaths, including 132 children. The organization called for indiscriminate attacks and attacks against civilians, including the Peshawar attack, to be thoroughly investigated and for suspected perpetrators to face prosecution in proceedings that comply with international fair trial standards, without resort to the death penalty. Since the attack, Pakistan has amended its constitution to speed up the prosecution of terrorism-related cases and move them from civilian to military courts. The jurisdiction of military courts over cases of terrorism raises serious concerns about fair trial guarantees, as rights could be violated in the rush to ensure speedy terrorism-related convictions.

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. Furthermore, there is no convincing evidence 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 that there is no proof that executions are a greater deterrent to crime than life imprisonment.

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.

Name: Shafqat Hussein
Gender m/f: Male