

AMNESTY INTERNATIONAL

Index: ASA 33/3008/2015

4 December 2015

Pakistan: Hanging of four men tried in military court is not justice

Tuesday's hanging of four men after a trial in one of the secretive military courts established in response to the Peshawar school attack in December did not constitute justice, said Amnesty International today.

A government press release listed the men as Maulvi Abdus Salam, Hazrat Ali, Mujeeb ur Rehman, and Sabeel (alias Yahya). All four were convicted of their alleged involvement in the attack on the military school which killed at least 149 people, including 132 children. The exact charges against the four men were not made public. The secrecy that surrounded the proceedings also raised questions about the reported self-incriminating "confessions" made by the four men executed. Past research by Amnesty International has revealed a wide pattern of torture and ill-treatment of suspects by military personnel.

The attack on the school in Peshawar and the loss of so many lives, most of them children, was tragic and demanded a strong response from the government. However, Amnesty International believes that the perpetrators should have been brought to justice in an open, impartial and competent court in which fair trial safeguards were strictly adhered to, and without resorting to the death penalty.

The organisation opposes the death penalty, the ultimate cruel, inhuman and degrading punishment, in all cases and under any circumstances. Military courts should never have the jurisdiction to try civilians nor should they ever have the authority to impose death sentences.

Not only is the right to life paramount, there is no evidence that the death penalty deters crime or armed attacks more effectively than terms of imprisonment. The taking of another's life by execution only perpetuates violence.

Amnesty International has been campaigning for the worldwide abolition of the death penalty since 1977 and calls on all governments of countries that still retain the death penalty to immediately establish a moratorium on all executions as first steps towards that goal. As of today, 140 countries are abolitionist in law or practice.

Background

In January 2015, Pakistan's President Mamnoon Hussain signed the 21st Constitutional Amendment Bill of 2015 and the Pakistan Army (Amendment) Act 1952 allowing newly established military courts to try civilians suspected of terrorism-related offences for a period of two years. Details of the process through which cases are transferred to military courts are not available to the public. There is no requirement for

the military officers presiding over them to have any legal training. Tuesday's executions are the first to have been carried out after convictions by the new military courts, while reports indicate that at least 29 others have been sentenced to death by the military courts in violation of Pakistan's obligation under international law. Amnesty International has also recorded at least 300 executions by the civilian courts since December 2014, making Pakistan one of the leading executioners in the world in 2015. Around 8,000 prisoners are currently on death row.