

EXTERNAL (for general distribution)

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UA 282/92: Death Penalty / Fear of further
executions

8 September 1992

AFGHANISTAN: Sayed Sakander
Mohammad Gul
Mohammad Rafit

Three men, Sayed Sakander, Mohammad Gul and Mohammad Rafit, were publicly hanged on 7 September in Kabul after an Islamic court had found them guilty of robbery, looting and murder, and sentenced them to death. According to reports in the international press the public had had no access to the trials. The three men apparently had had no right to appeal against their sentence to a higher court or to seek pardon. A government spokesman declared that further executions may follow as similar cases were pending in court.

On 7 September the three men, all in their thirties, were brought to a wooden gallows set up in Zanagar park in central Kabul while dozens of men carrying assault rifles, rocket grenade launchers and machine guns stood guard. Spectators climbed into trees and onto walls for a better view of the executions. Many of the thousands of spectators had waited for hours to view the executions.

The three condemned men had their arms bound behind their backs and wore hoods. Soldiers lifted them onto wooden tables below the gallows and removed their hoods. The men reportedly looked frightened but stood still as the nooses were placed around their necks. They reportedly did not struggle or cry out. At 3.30 pm the tables on which they stood were kicked away by soldiers. The crowd reportedly cheered and shouted "God is great", while government soldiers fired shots in the air.

Defence Ministry spokesman Yunus Qanuny declared that their deaths served as an example to others and were necessary to restore law and order in the capital. Another official told the spectators, "the men are being executed so people can feel safe and lead a normal life. Let this be a lesson to others". Yunus Qanuny declared other people had been detained for similar crimes and their cases were still pending in court. He did not specify their number. A Muslim cleric sitting next to the gallows was quoted by a Reuter report of 7 September as saying that more executions would follow and offences such as robbery, drinking alcohol and drug abuse would be punished under Islamic law. "Punishments would include cutting off hands and feet", he is reported to have said.

This is the second instance of public executions following the imposition of death sentences by an Islamic court since the change of government in Afghanistan in April 1992. Amnesty International received reports that on 7 June four members of the militia were publicly hanged in the southern town of Kandahar after an Islamic court had found them guilty of breaking into a private house, raping a girl and killing two Mujahideen who tried to arrest them after the crime.

BACKGROUND INFORMATION

Following the resignation of the communist government of President Najibullah on 16 April 1992, Professor Sibghatollah Mojaddedi, former president of the Afghan Interim Government

in exile in Pakistan, assumed the office of president on 28 April; he was, as stipulated in the Peshawar Agreement signed by the major Mujahideen groups, replaced by another interim government headed by Professor Burhanuddin Rabbani. The new government is to hold elections within four months and would then be replaced by an elected government.

Islamic courts were set up in May and all laws not in conformity with Islamic injunctions declared void. On 27 May, Deputy Minister of Justice, Abdul Rahim, declared that under Islamic law, which now had replaced all other laws, adultery would be punished with stoning to death and offenders convicted of theft would have a hand or a

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foot severed. The consumption of alcohol would be punished with 80 lashes while the death penalty would be imposed for trading in alcohol.

Amnesty International is concerned that under the legal changes introduced by the Government of Afghanistan the death penalty may be extended to crimes for which lesser punishments were imposed in the past.

Amnesty is also concerned that under new government policies forms of punishment such as amputation of hands and feet, public stoning to death and flogging may be imposed which are considered cruel, inhuman or degrading by international human rights standards and in violation of the International Covenant on Civil and Political Rights (ICCPR) to which Afghanistan acceded in 1983.

Amnesty International is also concerned that the procedures followed by the newly created courts may not correspond to international standards for fair trial such as the ICCPR. Article 14(5) of the ICCPR lays down that "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal .. "; Article 6(4) states that "Everyone sentenced to death shall have the right to seek pardon or commutation of the sentence." Amnesty International fears that the four people convicted and executed in Kandahar and the three people convicted and executed in Kabul did not have had the possibility to appeal to a higher court against their sentence or to seek pardon for their sentence.

RECOMMENDED ACTION: Please send express and airmail letters:

[Please note in all your communications with the Government of Afghanistan that Amnesty International takes no position with respect to the cultural or religious values that underlie a particular system of law. Amnesty International insists, however, that laws and judicial procedures must conform to internationally recognized human rights standards. As a state party to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Afghanistan is legally bound to observe the provisions of these instruments and to ensure that they are fully reflected in the country's human rights protection].

- expressing extreme concern about the public hangings of the three men on 7 September 1992 in Kabul and urging that no further executions take place;
- expressing grave concern that the three men executed in Kabul and the four men executed in Kandahar in June 1992 had been sentenced to death after trials which may not have conformed to international standards for fair trial;
- urging the government to ensure that trials by the newly-established courts, particularly for offences for which the death penalty may be imposed, conform to international standards for fair trial;
- expressing unconditional opposition to the death penalty as it constitutes the ultimate form of cruel, inhuman and degrading treatment and is a violation of the right to life;
- expressing the belief that public executions exert a brutalizing effect on everyone

present;

- urging the Government of Afghanistan not to implement punishments such as amputation of hands or feet, public stoning or flogging as these constitute cruel, inhuman or degrading punishments according to international human rights standards.

APPEALS TO

President Burhanuddin Rabbani

Head of State

Office of the Head of State

Kabul

Islamic State of Afghanistan

Salutation: Dear President

As the communications system in Afghanistan has been severely affected by the current unrest, please also send letters to the diplomatic representative of Afghanistan accredited to your country with the request to forward them to President Rabbani .

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 October 1992.