

PUBLIC

AI Index: ASA 33/02/99

EXTRA 03/99 Death penalty / Possible imminent executions 8 January 1999

**PAKISTAN** Around 10 people, names unknown

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Around ten civilians who were sentenced to death by summary military courts in Karachi during the last month for various offences, are in danger of being executed anytime after 11 January 1999, when a moratorium on executions ordered today by the Supreme Court of Pakistan lapses.

#### **BACKGROUND INFORMATION**

In response to a breakdown of law and order in Sindh province, Prime Minister Nawaz Sharif's government on 30 December 1998 dismissed the elected provincial government and placed the province under Governor's rule.

The army was subsequently called in to assist police in Karachi under a new presidential Ordinance of November 1998. The ordinance also allowed for the establishment of summary military tribunals, which can try civilians suspected of specified serious offences within three days. Those convicted only have three days to appeal to a military tribunal, unlike people convicted by regular courts, who can appeal to the High Court and the Supreme Court.

Since the military tribunals started functioning in early December 1998 over 10 people have been sentenced to death in grossly unfair trials. A 13-year-old boy was sentenced to death on 19 December along with three adult men, on charges of murdering police officers. He was acquitted on appeal on 7 January. His fellow convicts had their death sentences commuted to life imprisonment.

Two men have so far been executed, on 31 December and on 5 January 1999, within days of their conviction and subsequent rejection of their appeals. These executions were carried out despite the fact that petitions challenging the constitutionality of the summary military tribunals are pending before the Sindh High Court and the Supreme Court of Pakistan.

On 8 January, the Supreme Court instructed the Attorney General of Pakistan to ensure that no further executions be carried out until 11 January, when a Supreme Court decision is expected.

#### **RECOMMENDED ACTION: Please send e-mails/telegrams/telexes/faxes/express/airmail letters in English or your own language:**

- expressing concern that around ten people could be executed after 11 January 1999 after being sentenced to death in grossly unfair summary trials by military courts;
- expressing concern that two men have already been executed after being sentenced to death after similarly unfair trials by these courts, whose constitutionality was under consideration by the Supreme Court of Pakistan;
- urging a moratorium of all death sentences passed by summary military courts and that all defendants be retried in fair trials by regular courts, giving them the full range of legal safeguards laid down in international human rights law;
- urging that military courts be abolished as they do not provide fair trials, pointing out that international human rights standards demand that the most scrupulous care be taken in cases where the death penalty is at stake;
- urging that the death penalty be abolished as it violates the most basic human right -- the right to life -- and has never been shown to have a greater deterrent effect than other punishments;

- reminding the government of Pakistan of its commitment to the Universal Declaration of Human Rights, in particular Article 10: *"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."*

**APPEALS TO:**

President Rafiq Tarar, Office of the President, Islamabad, Pakistan  
**Telegrams: President, Islamabad, Pakistan**  
**Faxes: 00 92 51 9204067/9211018**  
**Salutation: Dear President**

Prime Minister Nawaz Sharif, Office of the Prime Minister  
Pakistan Secretariat, Islamabad, Pakistan  
**Telegrams: Prime Minister, Islamabad, Pakistan**  
**Faxes: 00 92 51 9206301/9208890**  
**E-mail: primeminister@pak.gov.pk**  
**Salutation: Dear Prime Minister**

Gen. Parvez Musharraf, Chief of Army Staff  
General Headquarters, Rawalpindi, Pakistan  
**Telegrams: General Musharraf, Rawalpindi, Pakistan**  
**Faxes: 00 92 51 562271**  
**Salutation: Dear General**

**COPIES TO:** Diplomatic representatives of Pakistan accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 4 February 1999.

***"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."***

Article 10, Universal Declaration of Human Rights

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