

**EXTERNAL**

**AI Index: ASA 33/13/96**

**EXTRA 163/96**

**Death penalty / Legal concern**

**24 October 1996**

**PAKISTAN Arshad Jamil, former army major**

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Former army major Arshad Jamil is to be hanged in Hyderabad Central Jail on 28 October 1996. He was sentenced to death in October 1992 by court martial after being found guilty of killing nine villagers in Tando Bahawal, Sindh province. Arshad Jamil has had no opportunity to appeal against his conviction.

**BACKGROUND INFORMATION**

Following the extrajudicial executions of nine villagers in Tando Bahawal, in June 1992, the authorities initially tried to cover up the crime by declaring that the men were terrorists killed in an encounter with the army. After Sindhi journalists uncovered that a local landowner had used his connection with army major Arshad Jamil to have the villagers killed to settle a land dispute, army authorities dismissed Arshad Jamil and tried him by court martial. He was sentenced to death in October 1992. The Chief of Army Staff confirmed the conviction and sentence and the President of Pakistan rejected a mercy petition.

The Supreme Court of Pakistan stayed the execution of Arshad Jamil in October 1995 when the prisoner filed a petition to be granted the right to appeal against his conviction and sentence. Prisoners sentenced to death by court martial under the Army Act did not originally have the right to appeal, their sentences were merely subject to confirmation by military authorities. The Shariat Appellate Bench of the Supreme Court in 1988 confirmed a Federal Shariat Court judgement of 1983 which had declared that a bar against appeal was repugnant to Islamic injunctions and therefore void. It directed the government to amend the Army Act accordingly by 1 January 1989. The government, by presidential ordinance, allowed for the appeal against sentences by court martial only in December 1992. Arshad Jamil in his petition argued that due to the delay in implementation of the Federal Shariat Court directive, he had been deprived of the fundamental right of appeal. As he was sentenced to death in October 1992, the right to appeal against death sentences by court martial granted in December 1992, was not available to him.

Arshad Jamil's petition was dismissed on 6 October 1996. Prison sources of Hyderabad Central Jail where Arshad Jamil is being held, have just announced that the execution is to take place on 28 October. The scaffolding for the execution is currently being erected in the prison for that date. The Deputy Commissioner of Hyderabad has invited Jamil's family to have a last meeting with the prisoner.

The families of the nine villagers who had been extrajudicially executed in Tando Bahawal have repeatedly demonstrated to have the death sentence carried out. In September 1996, two female relatives of the victims died after setting themselves on fire to publicly protest against the delay in the executions.

International human rights instruments contain numerous safeguards against the arbitrary application of the death penalty. The International Covenant on Civil and Political Rights (ICCPR), which Pakistan has not ratified, says in Article 14(5): "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

(For further information see also: *Pakistan: The Death Penalty*, ASA 33/10/96, September 1996)

**RECOMMENDED ACTION: Please send telegrams/faxes in English or your own language:**

- acknowledging the seriousness of the crime for which Arshad Jamil was sentenced to death, but expressing opposition to the death penalty in all cases;
- appealing to the President of Pakistan to use his powers under Article 45 of the constitution to commute the death sentence of Arshad Jamil;
- urging the authorities to grant Arshad Jamil the right to appeal against his death sentence which international human rights treaties lay down as a safeguard against the arbitrary application of the death penalty;

**where possible, also:**

- urge the authorities to fully implement the UN Safeguards guaranteeing protection of the rights of those facing the death penalty, pending abolition of the death penalty, as trial procedures, appeal provisions and possibilities of commutation for those facing the death penalty in Pakistan fall considerably short of international standards;
- urge that the death penalty be abolished as it violates the right to life and the prohibition of cruel, inhuman and degrading punishment;
- call on the Government of Pakistan to ratify relevant international human rights instruments such as the ICCPR and its Second Optional Protocol which aims at the abolition of the death penalty.

**APPEALS TO:**

*all recommended actions:*

President Farooq Leghari  
Office of the President  
Islamabad, Pakistan  
**Fax: 92-51-9211018**  
**Telegrams: President, Islamabad, Pakistan**  
**Salutation: Dear President**

*all except second recommended action:*

Prime Minister Benazir Bhutto  
Office of the Prime Minister  
Islamabad, Pakistan  
**Telegrams: Prime Minister, Islamabad, Pakistan**  
**Fax: 92-51-9201545**  
**Salutation: Dear Prime Minister**

Minister for Human Rights Iqbal Haider  
Pakistan Secretariat  
Islamabad, Pakistan  
**Telegrams: Human Rights Minister Haider, Islamabad, Pakistan**  
**Fax: 92-51-9201631**  
**Salutation: Dear Minister**

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

**PLEASE SEND APPEALS IMMEDIATELY.**