

PUBLIC

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Fear for safety/ Fear of torture or ill-treatment/ Death Penalty

3 June 2005

PAKISTAN

Ziauddin (m) aged around 15] Afghan refugees
Abdul Qadir (m) aged around 18]

Amnesty International is concerned for the safety of two young males who are being held in an adult prison, where they are at risk of abuse, including sexual abuse, torture and other ill-treatment by fellow prisoners and officials. There are also concerns about their trial and subsequent death sentence which is currently under appeal.

Ziauddin, who has polio and was 13 years old at the time of his arrest, and Abdul Qadir who was 16 years old, were both sentenced to death in 2003 after being accused of murder. Though court documents clearly record both as being minors at the time of their arrest, they were not tried in a juvenile court, but in an Anti-Terrorism Court. They were also sentenced to death in violation of Pakistan's commitments under the UN Convention of the Rights of the Child and the Juvenile Justice System Ordinance, both of which ban the death penalty for anyone below 18 years at the time of the alleged offence.

Ziauddin and Abdul Qadir are currently being held in Much Prison, east of the provincial capital Quetta, where they share a cell with 6 men who have also been sentenced to death. There are fears that they may be subjected to abuse, including sexual abuse by fellow prisoners and officials. They are also at risk of torture or other ill-treatment as in 2003 the Human Rights Commission of Pakistan's annual report stated that "torture and brutality remained endemic at jails, with a large number of incidents going unreported." Concerns are heightened by reports of several deaths as a result of torture in prisons every year.

Much Prison is heavily overcrowded with some 68 men under sentence of death. While conditions of detention in Pakistan are generally harsh, those held under a death sentence are kept in particularly appalling conditions in cells which usually measure some 9x12 feet, with an attached toilet. Under the law of Pakistan, prisoners facing a death sentence are to be held separate from each other and from other prisoners. However, due to the overcrowding of prisons generally, these requirements are routinely ignored.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty in all cases. The death penalty is a symptom of a culture of violence, and not a solution to it. It has not been shown to have any more deterrent effect than other punishments and carries the risk of irrevocable error. The death penalty is seen as the ultimate form of cruel, inhuman and degrading treatment and a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments.

As a state party to the UN Convention of Rights of the Child (CRC), Pakistan has undertaken not to execute anyone for an offence committed when they were under the age of 18. Nevertheless, children continue to be sentenced to death. Amnesty International is aware of at least 12 juveniles who were given the death penalty, even though in December 2001, President Pervez Musharraf ordered the commutation of death sentences of all those juveniles who had been sentenced to death before July 2000. This commutation order has not been adequately implemented as many juveniles have found it difficult to prove that they were below 18 years old at the time of the alleged offence.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- calling for Ziauddin and Abdul Qadir to be protected from torture and ill-treatment, including rape and sexual abuse, whether by officials or other detainees;
- calling for them not to be detained in the same cell as any adult detainees;

- asking for the death sentences passed on Ziauddin and Abdul Qadir be commuted and the use of the death penalty in all parts of Pakistan be banned on the basis of Pakistan's commitments under the UN Convention of the Rights of the Child and the Juvenile Justice System Ordinance both of which ban the death penalty for anyone below 18 years at the time of the alleged offence;
- urging the government to promptly and completely implement President Pervez Musharraf's commutation order of December 2001 and to show leniency in those cases where juveniles have been unable to adequately prove that they were juveniles at the time of the alleged offence on account of their parents' failures to register their births or of delays in the criminal justice system to ascertain their age.

APPEALS TO:

President Pervez Musharraf
Pakistan Secretariat
Islamabad
Pakistan

Fax: + 92 51 9221422
Salutation: Dear President

Awais Ghani
Governor of Balochistan
Governor House
Quetta

Fax: +92 81 920 2178 / 2992
Salutation: Dear Governor

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 15 July 2005.