

PUBLIC

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EXTRA 06/01

Death penalty / Imminent execution

17 January 2001

PAKISTAN

Muhammad Ahmad
Zaighamur Rahman

Muhammad Ahmad and Zaighamur Rahman are scheduled to be executed on 30 January.

On 13 January, a district and sessions judge in Gujranwala issued death warrants for Muhammad Ahmad and Zaighamur Rahman, two men convicted for separate crimes and held in Gujranwala Central Jail, Punjab Province. Both men had appealed against their sentences, but their appeals were rejected by the Lahore High Court and the Supreme Court.

Muhammad Ahmad was sentenced to death in 1994 for the murder of Maulvi Liaquat Ali, a prayer leader, who was killed in a dispute over money.

Zaighamur Rahman was sentenced to death in 1994 for the murder of Tariq Sharif, who was also reportedly killed in a money dispute.

Under Pakistan law, the heirs of victims have the ultimate right to forgive the offence and accept compensation in place of the death sentence. However, the families of the two victims have not yet indicated whether they will be willing to do so.

BACKGROUND INFORMATION

Amnesty International unconditionally opposes the use of the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment. In a resolution adopted in April 1997, the UN Commission on Human Rights called on all states that have not yet abolished the death penalty "to consider suspending execution, with a view to completely abolishing the death penalty".

In 1990, the sections of the Pakistan Penal Code relating to murder and manslaughter were replaced by the Qisas and Diyat Ordinance, which redefines such offences and their punishment in Islamic terms. Under Islamic law, the punishment for murder can either be in the form of *qisas* (equal punishment for the crime committed) or *diyat* (compensation payable to the victim's legal heirs).

Under the Qisas and Diyat Ordinance, the heirs of the victim have the right to decide if *qisas* (equal punishment) will be inflicted on the offender. They may choose to waive this right, in which case the death penalty cannot be imposed. They sometimes negotiate with the offender's family to determine how much compensation would be required for them to grant mercy to the offender.

Prior to the Qisas and Diyat Ordinance, a prisoner sentenced to death for murder could appeal for the commutation of his sentence to the President, or to the federal or provincial governments. The Ordinance makes the powers of the federal and provincial government conditional: they may commute a death sentence only if the heirs of the victim agree to the commutation. However, the powers of the President "to grant pardon, reprieve and respite, and to remit, suspend or commute any sentence passed by any court, tribunal or other authority" laid down in Article 45 of the Constitution are not affected by the Ordinance. However, a 1992 Supreme Court judgement held that the president cannot commute death sentences passed as *qisas* punishment without the consent of the victim's family. Amnesty International is aware of specific cases where the President has postponed executions to allow the families of the offender and the victim to negotiate a compensation and pardon.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or Urdu or your own language:

- appealing to the president to postpone Muhammad Ahmad and Zaighamur Rahman's executions, and to encourage the heirs of the victims to agree to the commutation of their sentences;
- urging the authorities to abolish the death penalty, pointing out that this violates the right to life and the prohibition of cruel, inhuman and degrading punishment;
- calling on the Government of Pakistan to ratify international human rights instruments aiming to abolish the death penalty such as the International Covenant on Civil and Political Rights and its Second Optional Protocol.

APPEALS TO:

Pakistani fax numbers can be very difficult to reach. Please be patient and keep trying.

President Rafiq Tarar
President's Secretariat
Aiwan-e-Sadar
Islamabad, Pakistan

Telegrams: President, Islamabad, Pakistan

Faxes: + 92 51 921 1018 and + 92 51 927 166

Salutation: Dear President

COPIES TO:

General Pervez Musharraf
Chief Executive
National Security Council
General Block, Pakistan Secretariat
Islamabad, Pakistan

Telegrams: General Pervez Musharraf, Islamabad, Pakistan

Faxes: + 92 51 922 4768

Email: CE@pak.gov.pk

Salutation: Dear Chief Executive

and 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 17 February 2001.