

PUBLIC

AI Index: ASA 33/031/2006

04 August 2006

Further Information on UA 118/06 (ASA 33/014/2006, 4 May 2006) and follow-ups (ASA 33/019/2006, 24 May 2006; ASA 33/030/2006, 21 July 2006) - Imminent execution

PAKISTAN

Mirza Tahir Hussain (m)

The execution of Mirza Tahir Hussain, scheduled for 3 August, has been postponed to 1 September on the direction of President Pervez Musharraf. He was sentenced to death for the murder of Jamshid Khan.

Mirza Tahir Hussain's latest stay of execution, like previous stays granted by the authorities, is in order to allow his family more time to seek a pardon from and to offer monetary compensation to the family of Jamshid Khan. However, members of Jamshid Khan's family have publicly called on the President not to commute the death sentence, insisting that Mirza Tahir Hussain should be hanged.

Under Islamic provisions of the Pakistan Penal Code relating to murder, family members of a murder victim have the right to the death sentence of the perpetrator but may also waive the punishment and accept blood money in which case the murderer goes free without any punishment. This provision has in some instance benefited perpetrators from prosperous families whereas persons convicted of murder from poor backgrounds unable to provide monetary compensation, were hanged.

BACKGROUND INFORMATION

Mirza Tahir Hussain was tried and convicted of murdering taxi driver Jamshid Khan while travelling to the village of Bhubar from Rawalpindi on 17 December 1988. The taxi driver reportedly stopped the car, produced a gun and attempted to physically and sexually assault Mirza Tahir Hussain who was 18 years old at the time. In the scuffle that followed, the gun went off, and the taxi driver was fatally injured.

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

- expressing concern that Mirza Tahir Hussain is facing execution on 1 September;
- calling on President Musharraf to use his powers under article 45 of the Constitution to commute the death sentence of Mirza Tahir Hussain;
- noting that Amnesty International has observed a recent surge in executions in Pakistan, and urging the President to make all possible efforts to join a worldwide trend towards the abolition of the death penalty in law and practice.

APPEALS TO:

President Pervez Musharraf
Pakistan Secretariat
Islamabad, Pakistan

Fax: + 92 51 9221422

Email: via website: <http://www.presidentofpakistan.gov.pk/WTPresidentMessage.aspx>

Salutation: Dear President Musharraf

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

PLEASE SEND APPEALS IMMEDIATELY.