

URGENT ACTION

TWO MEN FACE EXECUTION, ONE CONVICTED AT 16

Two men are due to be executed in Karachi Central Prison on 7 March. One of the men was aged 16 when he was sentenced to death in 1999. Unless halted, this will take the number of executions to 26 since the moratorium was lifted in December 2014.

Death row prisoners, **Muhammad Afzal** and **Muhammed Faisal** are set to be executed on 7 March. Their death warrants were issued by the Anti-Terrorism Court (ATC) on 23 February. They are currently in Sukkur Jail, Sindh province and will be moved to Karachi Central Jail where preparations for the executions are underway.

Muhammad Afzal and Muhammed Faisal were sentenced to death by the ATC in 1999 for armed robbery and murder, offenses not related to terrorism. Muhammad Afzal was sixteen years old at the time of his trial, which was not taken into consideration during the trial. Both of them spent several months in a juvenile prison before being sent to an adult prison. Their current lawyers have expressed serious concerns regarding violations of their rights to a fair trial and protection from torture or other cruel, inhuman or degrading treatment. Muhammad Afzal's trial records show that his allegations of police torture were never addressed during his trial. Their sentences were confirmed upon appeal by the Sindh High Court and the Supreme Court of Pakistan in 1999 and 2001 respectively. The panel of three Supreme Court judges that rejected their appeal included the same judge who sentenced them to death in the ATC.

The Pakistan government has publicly stated that its policy to lift the moratorium on executions extends only to those prisoners convicted by the ATC of the most heinous acts of terrorism and with links to proscribed terrorist organizations. These executions would violate current government policy on the moratorium as Muhammad Afzal and Muhammed Faisal have neither been convicted of a terrorism-related offence or for any alleged links to terrorist organizations. Muhammad Afzal's execution would violate the prohibition under international law against the execution of anyone below the age of 18 at the time of the offence.

Amnesty International opposes the death penalty in all cases and under any circumstances, regardless of the nature of the crime.

Please write immediately in Urdu, English or your own language:

- Urging the authorities to halt the execution of Muhammad Afzal and Muhammed Faisal immediately, and re-establish the official moratorium on all executions in the country as a first step towards the abolition of the death penalty, in line with five UN General Assembly resolutions adopted since 2007;
- Calling on them to review all cases of people under sentence of death with a view to their commutation and ensuring that no one who was under 18 years of age at the time of the crime is sentenced of death;
- Calling on them to ensure that any measures taken to combat crime do not violate Pakistan's obligations under international human rights law and that all safeguards guaranteeing the rights of those facing the death penalty are respected.

PLEASE SEND APPEALS BEFORE 13 APRIL 2015 TO:

President of Pakistan
Honourable Mr Mamnoon Hussain
President's Secretariat
Islamabad, Pakistan
Fax: +92 51 920 8479
Twitter: @Mamnoon_hussain
Salutation: Your Excellency

Prime Minister of Pakistan
Muhammad Nawaz Sharif
Prime Minister House
Secretariat, Constitution Avenue
Islamabad, Pakistan
Fax: +92 519 220 404 (PM Secretariat)
Twitter: @PMNawazSharif
Salutation: Dear Prime Minister

Home Secretary Sindh
Abdul Kabir Kazi
Karachi, Sindh
Pakistan
Fax: +92 21 992 11549
Salutation: Dear Mr. Kazi

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

AMNESTY
INTERNATIONAL



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ADDITIONAL INFORMATION

Following the 16 December 2014 Pakistani Taliban attack on the army-run school in Peshawar, Prime Minister Nawaz Sharif lifted the six year moratorium on executions. Since then, 24 prisoners have been executed and the Pakistan government has threatened to send to the gallows around 500 death row prisoners convicted on terrorism-related charges. At least 6,353 prisoners are on Pakistan's death row.

Amnesty International unequivocally condemned the Peshawar school attack which resulted in 149 deaths, including 132 children. The organization called for indiscriminate attacks and attacks against civilians, including the Peshawar attack, to be thoroughly investigated and for suspected perpetrators to face prosecution in proceedings that comply with international fair trial standards, without resort to the death penalty. Over the past weeks, Pakistan has amended its constitution to speed up the prosecution of terrorism-related cases and move them from civilian to military courts. The jurisdiction of military courts over cases of terrorism raises serious concerns about fair trial guarantees, as rights could be violated in the rush to ensure speedy terrorism-related convictions.

Amnesty International opposes the death penalty in all cases and under any circumstances, regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to carry out the execution. The organization considers the death penalty a violation of the right to life as recognized in the Universal Declaration of Human Rights and the ultimate cruel, inhuman and degrading punishment. Furthermore, there is no convincing evidence that the death penalty is a particular deterrent in capital crimes compared to other forms of punishment. The most comprehensive study carried out by the UN in 1988 and most recently updated in 2008 concluded that there is no proof that executions are a greater deterrent to crime than life imprisonment.

Amnesty International's concern is heightened by the fact that in Pakistan many death sentences are handed down after trials that do not meet international fair trial standards. These trials are characterized by a lack of access to legal counsel and an acceptance of evidence inadmissible under international law. Statements extracted through torture continue to be used as evidence in court. Defendants often face restrictions in trying to access a lawyer or are given state-appointed lawyers who are often poorly trained and paid, and may not represent their clients vigorously unless given further payments by the defendant or their family. In addition, the right to fair trial has been undermined in trials before lower courts which continue to sentence people to death. These courts operate with restricted public access and with the requirement for trials to be completed within a matter of days or weeks, putting judges under extreme pressure to convict. In 2012 the UN Special Rapporteur on Extrajudicial, summary or arbitrary executions concluded that military or other special jurisdictions should not have the authority to impose the death penalty.

Name: Muhammad Afzal, Muhammed Faisal
Gender: Male

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