

URGENT ACTION

MAN CONVICTED AS A JUVENILE FACING EXECUTION

The execution of Shafqat Hussain – a man whose lawyers say was under 18 years of age when the crime was committed – has been scheduled again, this time for 6 May. Legal proceedings challenging the government’s inquiry into his age and allegations that he was forced to confess under torture are ongoing.

On 16 April **Shafqat Hussain’s** lawyers submitted a petition to the Islamabad High Court calling for an independent inquiry into his age, and allegations of torture at the time of his arrest. Shafqat Hussain's stay of execution was due to expire on 17 April, but the Islamabad High Court, in an order handed down on the same day, asked the Pakistani government to respond within 15 days to questions over the planned execution of Shafqat Hussain and the government inquiry into his age.

Despite the legal challenge, a terrorism court last week issued a warrant for execution and Shafqat Hussain is at risk of being sent to the gallows, on 6 May. States should ensure that no one is executed while legal or clemency appeals are pending.

The government's inquiry into Shafqat Hussain's age and allegations of torture have been criticised by his lawyers for being "shrouded in secrecy". It has since emerged that government officials had intimidated witnesses and confiscated evidence during the inquiry. The findings of the government inquiry have been made available to the media, but no copy has been provided to Shafqat Hussain’s lawyers or submitted in court.

Shafqat Hussain’s lawyers say he was below 18 years of age when the crime was committed and was convicted on the basis of a “confession” after being subjected to torture for at least nine days by the police. He was subsequently sentenced to death for kidnapping and involuntary manslaughter under the Anti-Terrorism Act in 2004 by an anti-terrorism court in Sindh province.

If Shafqat Hussain is executed this will be illegal under domestic and international law, which prohibit the imposition of the death penalty for crimes committed by people under 18 years of age.

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

- Urging the authorities to halt the execution of Shafqat Hussain 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 to 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 12 JUNE 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 51 922 0404 (PM Secretariat)
Twitter: @PMNawazSharif
Salutation: Dear Prime Minister

Home Secretary, Sindh
Mukhtar Hussain Soomro
Karachi
Sindh
Pakistan
Fax: +92 21 9211549
Salutation: Dear Mr Soomro

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. This is the first update of UA 59/15. Further information:

<https://www.amnesty.org/en/documents/ASA33/1192/2015/en/>

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ADDITIONAL INFORMATION

Following the Pakistani Taliban attack on the army-run school in Peshawar on 16 December 2014, Prime Minister Nawaz Sharif partially lifted the six-year moratorium on executions, allowing the death penalty to be used in terrorism cases. On 11 March 2015, the Pakistan government announced that it was unconditionally lifting the moratorium for all capital crimes and threatened to send up to 1,000 prisoners to the gallows who have exhausted all legal options and their mercy petitions. In total, 101 prisoners have been executed since the moratorium was lifted.

Around 8,200 of prisoners are on death row in Pakistan. The death penalty may be imposed in Pakistan for at least 28 crimes, including for non-lethal offences which do not meet the threshold of the “most serious crimes” as set out in article 6.2 of the International Covenant on Civil and Political Rights (ICCPR) to which Pakistan is a State party.

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. Since the attack, 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: Shafqat Hussain
Gender m/f: Male

Further information on UA: 59/15 Index: ASA 33/1572/2015 Issue Date: 1 May 2015