

URGENT ACTION

SHAFQAT HUSSAIN HAS BEEN EXECUTED

Shafqat Hussain was executed in the early hours of 4 August. His lawyers had maintained he was under 18 years of age when the crime was committed and that he was forced to “confess” under torture.

Shafqat Hussain was executed in Karachi Central Jail shortly before dawn this morning. His execution had previously been stayed four times since Pakistan lifted the moratorium on executions in December 2014.

Shafqat Hussain was sentenced to death for kidnapping and involuntary manslaughter in 2004. He was convicted under the Anti-Terrorism Act by an anti-terrorism court in Sindh province, despite no known links to any terrorist organisation.

In a last minute effort to stop Shafqat Hussain’s execution, the President of the region he was from, Azad Jammu and Kashmir, had requested a stay of execution so he could undertake an enquiry on behalf of the government of Azad Jammu and Kashmir on his juvenility. This request was based on a report issued by the Sindh Human Rights Commission (SHRC) after the fifth and final warrant was issued for Shafqat Hussain’s execution last week. This report had requested the Supreme Court to consider the evidence relating to his juvenility and “confession” extracted through torture that was not produced at the trial by the defence lawyers. The Sindh Government failed to act on the SHRC’s recommendation and the request by the President of Azad Jammu and Kashmir was also ignored.

Shafqat Hussain’s execution was at least the 200th to be carried out in Pakistan since the authorities lifted the moratorium on executions in December 2014.

No further action is requested from the UA network. Many thanks to all who sent appeals.

This is the fourth update of UA 59/15. Further information: <https://www.amnesty.org/en/documents/ASA33/2144/2015/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, Amnesty International has recorded at least 200 executions since the moratorium was lifted. A temporary moratorium on executions was placed during the month of Ramadan, but execution warrants have again started to be issued since Ramadan ended on the 20th of July 2015.

Around 8,200 prisoners are on death row in Pakistan. The death penalty may be imposed in Pakistan for at least 27 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.

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

Further information on UA: 59/15 Index: ASA 33/2222/2015 Issue Date: 4 August 2015