

EXTERNAL (for general distribution)

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EXTRA 39/92

Fear of Imminent Execution

31 March 1992

PAKISTAN: **Mohammad Riaz Ahmed**

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Mohammad Riaz Ahmed was sentenced to death for murder by a Special Court for Speedy Trial in Karachi, and all appeal procedures have been exhausted. A mercy petition to the President of Pakistan to commute the death penalty to life imprisonment was turned down. Amnesty International is concerned that the execution of Mohammad Riaz Ahmed may take place any day.

#### **BACKGROUND INFORMATION**

Mohammad Riaz Ahmed was sentenced to death by a Special Court for Speedy Trial in Karachi after he was found guilty of having murdered his wife, father-in-law and mother-in-law in May 1988 (date of sentence not known). The case had originally been pending before a Sessions Court in Karachi. The Supreme Appellate Court confirmed the death sentence; a petition for leave to appeal to the Supreme Court was dismissed and subsequently a mercy petition to the President of Pakistan was rejected. On 11 December 1991 he was informed that he would be hanged at 4 am of the following day. Jail authorities made arrangements for the hanging on 12 December, but 13 hours before the execution the Supreme Court of Pakistan stayed the hanging until 15 December 1991 in order to give the convict an opportunity to appeal to the legal heirs of the murder victims for forgiveness. Under the Qisas and Diyat Ordinance, first promulgated in 1990 and repromulgated in 1991, the legal heirs of a murder victim may forgive a murderer and accept payment of compensation (diyat); even a confirmed death sentence cannot be carried out if the heirs of the victim pardon the convict or reach a compromise with the convict. When the heirs of the victims refused to forgive Mohammad Riaz Ahmed, the Supreme Court vacated its order to stay the execution on 15 December 1991.

Subsequently a relative of the three murdered persons filed a petition in the High Court of Sindh requesting the High Court to issue directions for the execution of Mohammad Riaz Ahmed. The execution had been held up because the Special Court for Speedy Trial which had imposed the death penalty had ceased to exist following the lapse of the Special Court for Speedy Trial Ordinance of 1991. The code of Criminal Procedure requires that the court imposing the death penalty and the court issuing the warrant of execution be identical. The Advocate General of Sindh argued that the sessions court, before which the case had initially been tried and to which the record and proceedings had been sent following the confirmation of the death sentence and the dismissal of the mercy petition, was competent to issue the black warrant. The Sindh High Court on 26 February 1992 accordingly instructed the Sessions Judge West to issue a warrant for the execution of the convict. To Amnesty International's knowledge the black warrant has not been issued yet, but Mohammad Riaz Ahmed's lawyer has informed the organization that the warrant of execution may be issued any day and that the execution would then take place within a very short time.

**RECOMMENDED ACTION: Please send telegrams/telexes/express and airmail letters:**

- appealing to the President of Pakistan to commute the death sentence to life imprisonment under powers granted to him under Article 45 of the Constitution of Pakistan;

- expressing concern that Mohammad Riaz Ahmed has been sentenced to death after a trial by a Special Court for Speedy Trial which may not have conformed to international standards for fair trial;
- expressing opposition to the death penalty in all cases as the ultimate form of torture and as a violation of the right to life.

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**APPEALS TO:**

President Ghulam Ishaq Khan  
[Salutation: Dear President]  
The Presidency  
Murree Brewery Road  
Rawalpindi  
Pakistan

**Telegrams: President, Rawalpindi President's House, Pakistan**  
**Telexes: 54058 PSPUB PK**

**COPIES OF YOUR APPEALS TO:**

diplomatic representatives of Pakistan in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 5 May 1992.