

**PUBLIC**

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**27 August 2003**

**EXTRA 40/03**     **Fear of imminent execution/unfair trial**

**PAKISTAN**     **Mohammad Ameen (m), aged around 22**

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Mohammad Ameen may be facing imminent execution. He was sentenced to death by an Anti Terrorism Court in the city of Rawalpindi on 31 January 2001 after being found guilty of involvement in a robbery and killing in Rawalpindi in 1998, when he was 17 years old. International law prohibits the use of the death penalty against people who were under the age of 18 at the time of the crime.

Mohammad Ameen was accused of the robbery and killing along with two men, who were both aged about 30. When the case was brought to trial before the Anti Terrorism Court in Rawalpindi, which also hears criminal cases, one of Mohammad Ameen's co-defendants was acquitted, while the other was sentenced to seven years' imprisonment. The court recorded Mohammad Ameen's age as being 17 or 18.

He appealed against the death sentence to the Rawalpindi branch of the Lahore High Court in September 2001. The judge hearing the appeal reportedly confused a medical report on Mohammad Ameen with one on the victim of the crime, and understood that Mohammad Ameen was aged 30. The appeal was rejected, and a further appeal to the Supreme Court in March 2002 was overruled on the grounds that Mohammad Ameen's lawyer had not raised the issue of age during the High Court Appeal. In its decision, the Supreme Court mistakenly reported that the Anti Terrorism Court in Rawalpindi had recorded Mohammad Ameen's age to be 30. A petition filed in the Supreme Court questioning this decision was rejected by the Supreme Court in June 2003. Mohammad Ameen's only hope of clemency lies in a mercy petition to the President which is due to be filed on his behalf in the next few days.

Mohammad Ameen's birth certificate and his high school certificate were presented as evidence of his age to both the Lahore High Court and the Supreme Court. Amnesty International is concerned that the fact that both courts did not consider this evidence means that Mohammad Ameen did not receive a fair trial.

In December 2001, during a visit to Pakistan by Amnesty International's Secretary General Irene Khan, President Musharraf announced the commutation of all death sentences handed down for offences committed by people under the age of 18. Despite this, the death penalty handed down to Mohammad Ameen remains in force.

#### **BACKGROUND INFORMATION**

The use of the death penalty against child offenders, people who were under 18 at the time of the crime, is prohibited under international law. The Geneva Conventions, the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC) and the United Nations Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, all have provisions exempting this age group from execution.

In July 2000, the Pakistani authorities declared a Juvenile Justice Ordinance which outlaws the handing down of death sentences to those below the age of 18 at the time an offence is committed. However, in the Federally and Provincially Administered Tribal Areas of Pakistan and in Islamabad, the Ordinance is not in force and children may still be handed the death penalty. A lack of awareness of the Ordinance amongst some lower court magistrates and judges also leads to death sentences being handed down to children.

Some of the children whose death sentences were commuted by President Musharraf in 2001 remain on death row as the relatives of the victims have since accused the juveniles of being older than they claim.

Amnesty International is due to publish a report on juveniles in the Pakistani legal system in September 2003. accompanied by campaigning actions. In January 2004 there will be a campaigning action against the death penalty for juveniles featuring several countries, including Pakistan.

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

- expressing concern that Mohammad Ameen may be facing imminent execution after his appeal was rejected by both the Lahore High Court and the Supreme Court;
- urging the President to commute the death sentence against Mohammad Ameen immediately, on the grounds that he was a proven juvenile at the time of the offence, and the sentence contravenes both Pakistani and international law;
- calling for the commutation of all death sentences against those who were under 18 at the time of the crime;
- calling on the President to halt the use of the death penalty in Pakistan immediately, in line with worldwide trends;
- calling for an independent and impartial investigation into the reported unfair trial of Mohammad Ameen, with the results made public.

**APPEALS TO: *(Please note that it may be difficult to get through to fax numbers in Pakistan. Faxes may be switched off outside office hours approximately 4 hours 15 minutes ahead of GMT).***

President Musharraf  
Pakistan Secretariat  
Islamabad  
Pakistan

**Telegram:** President Musharraf, Islamabad, Pakistan  
**Fax:** + 92 51 922 4768  
**Salutation:** Dear President

**COPIES TO:**

Justice Sheikh Riaz Ahmad  
Chief Justice of Pakistan  
Supreme Court  
Islamabad  
Pakistan

**Fax:** + 92 51 9213452

and to diplomatic representatives of Pakistan accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**