

PUBLIC

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21 October 2003

Further Information on EXTRA 40/03 (ASA 33/009/2003, 27 August 2003) Fear of imminent execution/unfair trial

PAKISTAN Mohammad Ameen (m) aged around 22

Mohammad Ameen continues to be at risk of imminent execution. On 16 October, the Chief Justice of Pakistan rejected Mohammad Ameen's request to reconsider his case. A court press release stated that the Chief Justice had re-examined the case because of articles in the press which raised concerns that Mohammad Ameen had been a juvenile at the time of the offence and that the courts had allegedly made mistakes about the case.

Following the re-examination, the Chief Justice found that there were no grounds to over turn decisions already made in Mohammad's case because, amongst other things, the issue of age was not raised initially and documentary evidence of age was not produced until the appeal.

Mohammad was sentenced to death by an Anti Terrorism Court in the city of Rawalpindi on 31 January 2000 after being found guilty of involvement in a robbery and killing in Rawalpindi in 1998, when he was 17 years old. The Court recorded Mohammad's age at the time of trial as 17 or 18.

In 2000, the use of the death penalty against child was banned in many parts of Pakistan. 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, Mohammad's death sentence was not commuted.

Mohammad Ameen's only hope of clemency lies in a mercy petition which has been filed on his behalf with the President. Amnesty International is gravely concerned that Mohammad Ameen may be executed in contravention of the law simply because of mistakes made by the courts.

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 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 System 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 on 23 October 2003. The report will be 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 the Chief Justice of Pakistan has refused to allow the documentary evidence of his age to be taken into account;
- 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 immediate 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:

Pakistan Secretariat

President Musharraf

Islamabad

Pakistan

Telegram: President Musharraf, Islamabad, Pakistan

Fax: + 92 51 9224768/9224836

Salutation: Dear President

COPIES TO:

Chief Justice of Pakistan

Justice Sheikh Riaz Ahmed

Supreme Court

Islamabad

Pakistan

Fax: + 92 51 9213452

and to diplomatic representatives of Pakistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 2 December 2003.