

PUBLIC

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EXTRA 54/01

Death penalty/imminent execution

14 August 2001

PAKISTAN

Manzoor Ali (m)
Abdul Ghafoor (m)

Two brothers convicted of murder are scheduled to be executed on 16 August. Manzoor Ali and Abdul Ghafoor have exhausted all their appeals, and will be hanged unless the heirs of their victims agree to pardon them.

The brothers had been convicted of the 1991 murders of three men in the town of Kamoke. The execution date was set on 13 August by a judge at the court which convicted them, in Gujranwala, Punjab province, after they exhausted their appeals. The Punjab province High Court had rejected an appeal, and the President had turned down a petition for mercy.

They are now held in Gujranwala Central Jail.

Under Pakistan law, the heirs of murder victims have the right to forgive the offence and accept compensation in place of a death sentence. Amnesty International does not know if the families of the victims in this case may be willing to do so.

BACKGROUND INFORMATION

Since 1990 in Pakistan, murder and manslaughter have been covered by an Islamic legal code, under which the punishment for murder must be in the form of either *qisas* (punishment equal to the crime) or *diyat* (compensation payable to the victim's legal heirs). The heirs of the victim have the right to decide if *qisas* will be inflicted, and if they decide against it the death penalty cannot be imposed. They sometimes negotiate with the offender's family to determine how much compensation they would require to grant mercy.

In 1992 the Supreme Court ruled that the President cannot commute death sentences passed as *qisas* punishment without the consent of the victim's family. However, Amnesty International is aware of cases where the President has postponed executions to allow the families of the offender and the victim to negotiate a compensation and pardon.

Amnesty International is unconditionally opposed to the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment. In a resolution adopted in April 1997, the UN Commission on Human Rights called on all states that have not yet abolished the death penalty "to consider suspending execution, with a view to completely abolishing the death penalty".

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English, Urdu or your own language:

- appealing to the president to postpone the executions of Manzoor Ali and Abdul Ghafoor, and to encourage the heirs of the victims to agree to the commutation of their sentences;
- urging the authorities to abolish the death penalty, pointing out that this violates the right to life and the prohibition of cruel, inhuman and degrading punishment enshrined in the Universal Declaration of Human Rights;
- calling on the government to ratify international human rights instruments aiming to abolish the death penalty, such as the International Covenant on Civil and Political Rights and its Second Optional Protocol.

APPEALS TO:

Pakistani fax numbers can be very difficult to reach. Please be patient and keep trying.

President Pervez Musharraf
President's Secretariat

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Aiwan-e-Sadar
Islamabad, Pakistan

Telegrams: President, Islamabad, Pakistan
Faxes: + 92 51 921 1018 and + 92 51 927 166
Salutation: Dear President
Email: CE@pak.gov.pk

COPIES 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 12 September 2001.