

PUBLIC

AI Index: ASA 33/033/2005

14 December 2005

UA 314/05 Imminent Execution/ legal concern

PAKISTAN **Shahzad (m)**
Muhammad Ashraf (m)
Umer Hayat (m)
Mubarak Ali (m)

Shahzad, Muhammad Ashraf, Umer Hayat and Mubarak Ali are scheduled to be hanged on 21 December in Faisalabad District Jail in Punjab province. They have exhausted all possibilities of appeal. Though President Musharraf has already rejected their petition for mercy, he still has the power to commute the death sentences.

The four men were found guilty of gang-raping a Christian girl in Faisalabad in 1999 by the Faisalabad Anti-Terrorism Court. A petition challenging the laws relevant to this case is currently being heard by the Federal Shariat Court, which judges whether laws are compatible with the teachings of Islam. However, proceedings on a point of law usually take a long time in Pakistan and it is unlikely that the four condemned men will benefit from this legal challenge.

Amnesty International opposes the death penalty in all cases. The death penalty is a symptom of a culture of violence, and not a solution to it. It has not been shown to have any more deterrent effect than other punishments and carries the risk of irrevocable error. The death penalty is seen as the ultimate form of cruel, inhuman and degrading treatment and a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments.

BACKGROUND INFORMATION

So far this year in Pakistan, 241 people have been sentenced to death, mostly for murder, and 32 have reportedly been executed. In 2004, 456 people were reportedly sentenced to death and 29 were executed.

The legal challenge currently considered by the Federal Shariat Court relates to the imposition of the death penalty for rape. If four witnesses give evidence concerning the rape, or if the accused confesses, a death sentence is mandatory. However, if these witnesses are not present the court has the power to impose the death penalty at its discretion, as it has done in this case. Those challenging the current law argue that this provision is not in accordance with the injunctions of Islam. They also argue that rape cases should not be charged by Anti-Terrorism Courts.

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

- calling on President Musharraf to use his powers under article 45 of the Constitution of Pakistan to commute the death sentences of Shahzad, Muhammad Ashraf, Umer Hayat and Mubarak Ali immediately;
- calling for an immediate moratorium on all executions in the country, in line with worldwide trends to abolish the death penalty with a view to an eventual abolition of the death penalty.

APPEALS TO:

President
General Pervez Musharraf
Pakistan Secretariat,
Islamabad,
Pakistan

Fax: + 92 51 9221422
Email: ce@pak.gov.pk
Salutation: Dear President Pervez Musharraf

COPIES TO: Diplomatic representatives of Pakistan accredited to your country

PLEASE SEND APPEALS IMMEDIATELY.