

CURRENT PROBLEMS

- **One of the largest reported death rows in the world**
- **Wrongful convictions and executions:**
 - Juveniles
 - Mentally Ill
 - Police Torture
- **Systemic issues in the legal system leading to miscarriages of justice**
 - Use Of Torture, Illegal Detentions
 - Inadequate Assistance Of Counsel
 - No Sentencing/Mitigation Guidelines
 - Post-conviction Reviews Seldom Reviewed By The Supreme Court

PAKISTAN'S
CURRENT DEATH
ROW POPULATION

4,688

500

PEOPLE EXECUTED IN
PAKISTAN SINCE
DECEMBER 2014

YEARLY DATA ANALYSIS OF PAKISTAN'S USE OF DEATH PENALTY

- Since 2004, Pakistan has sentenced **almost one person a day to death**
- Pakistan's use of the death penalty is among the harshest in the world, accounting for **26% of the world's death row**, 13% of global executions, 14% of worldwide death sentences
- Since 2014, the **Supreme Court of Pakistan has overturned 85% of death sentences** on the basis of flawed investigations and mistrials reducing the death row population significantly
- A person has to spend on average **12 years on death row** before execution or acquittal.

EVERY
7th PERSON
SENTENCED TO DEATH
IN THE WORLD IS A
PAKISTANI

EVERY
8th PERSON
EXECUTED IN THE
WORLD IS A
PAKISTANI

INTERNATIONAL OBLIGATIONS

- Pakistan has signed 7 of the 9 core UN HR treaties and is reviewed by the Treaty Bodies

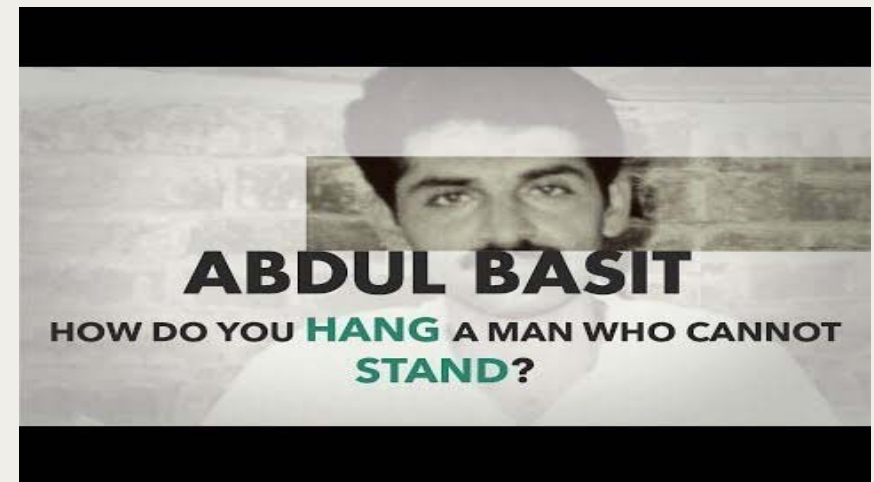


- Under Article 6(2) of the International Covenant on Civil and Political Rights, a “sentence of death may be imposed only for the most serious crimes”.
- The UN Human Rights Committee in its review of the Initial Report of the Government of Pakistan asked it to ensure that:
“The death penalty is provided only for the “ most serious crimes ” involving intentional killing; it is never mandatory; pardon or commutation of the sentence is available in all cases, regardless of the crime committed; and it is never imposed in violation of the Covenant, including in the absence of fair trial procedures.....” (para 18(a))

ABDUL BASIT

A PARAPLEGIC ON DEATH ROW

- Convicted and sentenced to death in 2009
- Developed tuberculosis meningitis (TB) in the 'punishment ward' in Faisalabad Central Jail in 2010, and became paralysed due to inadequate medical attention
- Pakistan's Prison Rules provide no provision for the execution of a man unable to stand
- Execution has been scheduled and stayed three times since 2015
- Currently on a stay which could be revoked at will





KHIZER HAYAT

Trial Court: 2003
High Court: 2009
Supreme Court: 2011
Mercy Petition: 2016

- In 2009 and 2011 he suffered near fatal injuries in prison
- In 2010 the Jail Medical Officer recommended that Khizar needs specialized treatment and should be shifted to a psychiatric facility, in light of the severity of his mental illness
- In 2012, he was shifted to a solitary cell to separate him from fellow prisoners
- Despite 11 years of jail medical records, multiple Medical Board reports and countless applications from his counsel, Khizar was never shifted to a mental health facility
- In year 2016, Khizar's jail mercy petition was rejected by the President -- it contained no information about his mental illness
- He died at Jinnah Hospital in March, 2019 -- his post mortem report says he died of viral encephalitis



Khizer in hospital, days before his death

WORSENING OF
MEMORY

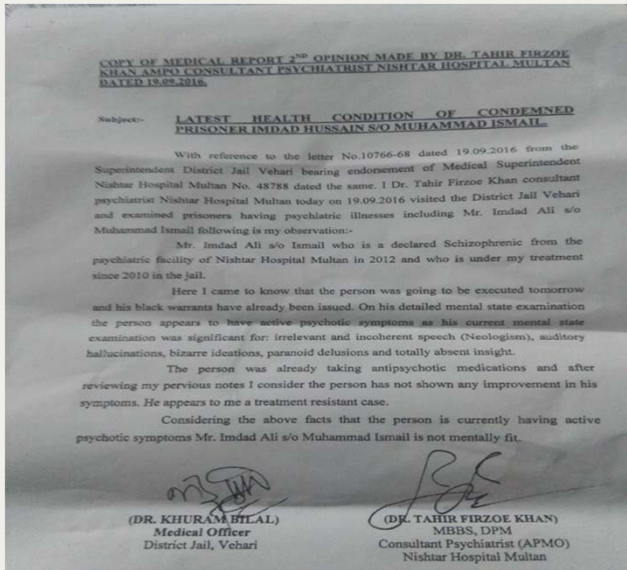
IRRELEVANT
TALK

DISTORTED
SPEECH

LOOSENING
OF
ASSOCIATION

SUFFERING
FROM TICS

IMDAD ALI – A BREAKTHROUGH CASE



JPP Investigated and litigated in the following:

Trial Court: 2002

High Court: 2008

Supreme Court: 2015

- Imdad's case came into the limelight in 2016 when the Supreme Court dismissed his appeal stating that "schizophrenia is a curable disease" and not a mental illness.
- Imdad has a history of mental illness from childhood.
- His jail medical record reveals that he is suffering from psychotic symptoms later diagnosed as paranoid schizophrenia. "He had no insight into his illness" – *Head of Department of Psychiatry, Nishtar Hospital Multan*
- **Execution stayed by the SC on grounds of mental illness, ordered a special Med Board to evaluate him**

ALTERED
BEHAVIOUR

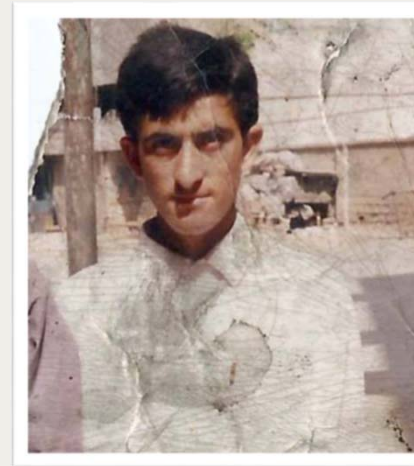
PERSECUTORY
DELUSIONS

AUDITORY
HALLUCINATIONS

NEWLY COINED
WORDS,
SUSPICIOUSNESS

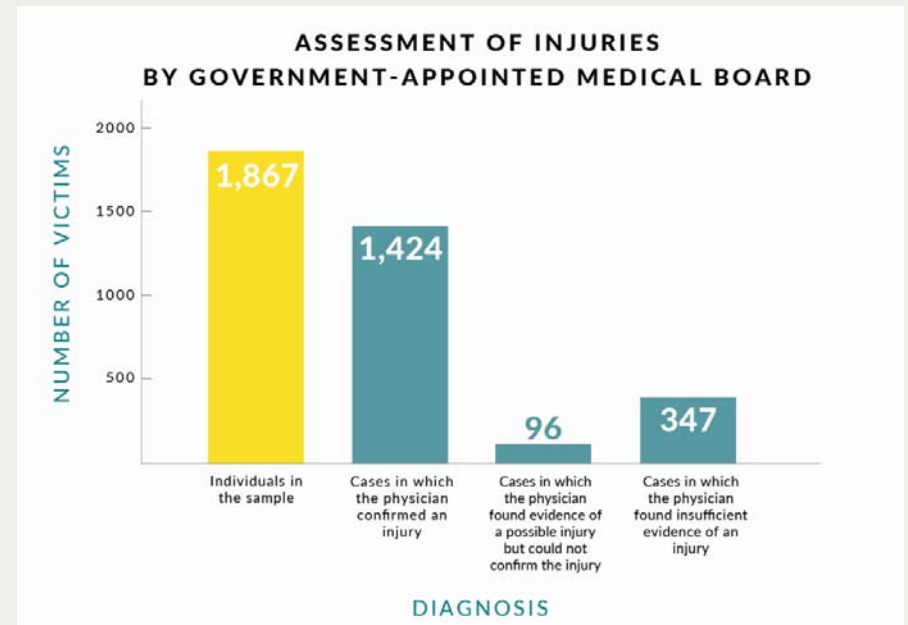
DEATH ROW'S CHILDREN

- At least **6 juvenile offenders** executed despite legal prohibition
- **Over 100's of those on death row** sentenced for crimes committed as children
- **Less than 34% births registered** and over 46% households have no form of registration
- **Ansar Iqbal:** Police rely upon arbitrary visual assessments to determine age
- In the absence of age determination protocols, courts dismiss government issued records proving age.
- **Juvenile Justice Systems Bill, 2018**



‘POLICING AS TORTURE’

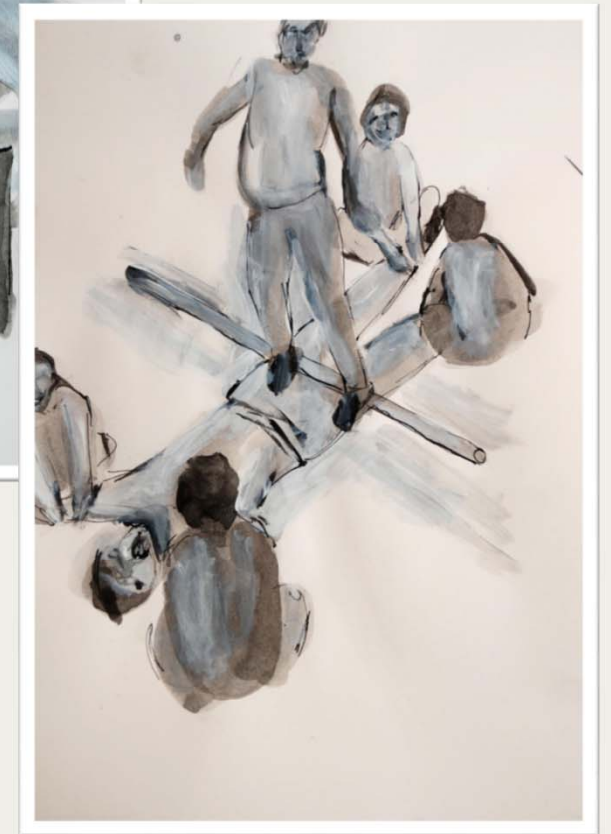
- Torture by police is used with impunity to extract confessions/statements which leads to death sentences
- Marginalized groups including indigents, women and children are most vulnerable
- **Lack of criminalization of torture** and an independent investigation mechanism
- Government produced only 14 cases where action was taken against perpetrators during the UN CAT review
- Policing as Torture in Faisalabad: A total of **1,424 confirmed cases of abuse** out of a sample of 1,867 Medico-Legal Certificates produced in one district between 2012 – 2014. 58 of the victims were children and 134 were women.



“

Police tortured me to try and make me confess. I was hung by my hands, beaten repeatedly with batons, punched, slapped and kicked. They held a gun to my head and said they would kill me if I did not confess. I was 17 years old at the time.”

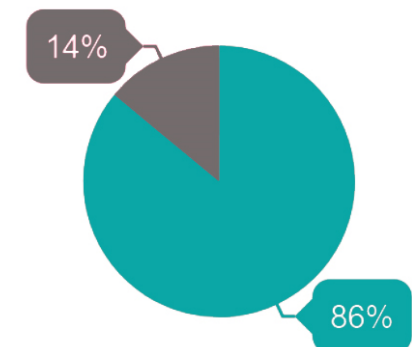
– A juvenile victim of torture executed on 31 March 2015



TERROR ON DEATH ROW

- Anti-Terrorism Act, 1997 (ATA) defines terrorism in a **broad and vague manner**
- **86% of all death sentences under ATA** are for crimes bearing no nexus to terrorism
- Overburdening of Anti-Terrorism Courts and high rates of acquittals
- Weakened procedural safeguards – admissibility of confessions in police custody and expedited trials.
- High incidence of **police torture and abuse** (For e.g. Shafqat Hussain)
- Lack of protections for vulnerable groups (For e.g. Muhammad Iqbal)

Sentenced to Death under the ATA



- For crimes unrelated to terrorism
- For crimes related to terrorism

Source: "Terror on Death Row"
by Justice Project Pakistan and Reprieve