



Refugee Documentation Centre (Ireland)  
LEGAL AID BOARD

## **Pakistan: Researched and compiled by the Refugee Documentation Centre of Ireland on 22 September 2009**

### **Information on what the death penalty is imposed for**

A report by the *Hands off Cain* states;

“The death penalty is imposed for several crimes, including premeditated murder, robbery, hijacking, arms trading, drug smuggling and trafficking, rape, child smuggling, and capital offences under Sharia Law, such as blasphemy and sexual relations between partners not married to each other “ (*Hands off Cain*, (2009), *Database, Pakistan*).

An *Amnesty International* document states;

“Amnesty international is encouraged by the decreasing number of death sentences and executions in Pakistan in 2008. But Pakistan continues to apply the death penalty and some 7,500 prisoners remain on death row. In 2008, an estimated 236 people were sentenced to death, 36 of them were executed...” (Amnesty International, (19 June 2009) *Pakistan: President Zardari should commute death sentences on Benazir Bhutto’s birthday*).

A Report by Human Rights Watch states;

“Most of those sentenced to death are poor and illiterate. Some face discrimination as members of religious minority communities. Many were held without due process of law and faced trials that did not meet international fair trial standards (Human Rights Watch (16 June 2008) *Pakistan: Abolish the death penalty*).

Another report by Human Rights Watch states;

“Pakistan currently has 26 criminal offenses that allow for the death penalty—as opposed to just two, for murder and treason, at the time of independence in 1947. Several of these laws were enacted as a specific response to specific law and order situations, for example, when kidnapping for ransom was on the rise or when some particularly heinous cases of violence against women had been reported. Criminal offenses carrying the death penalty include murder, armed robbery, treason, mutiny, railway sabotage, giving false evidence that causes an innocent person to be executed, kidnapping, gang rape, stripping a woman of her clothes in public, child smuggling, hijacking, arms trading, drug smuggling and trafficking, extortion, terrorism, blasphemy and illegal sexual intercourse (including between partners not married to each other). This list includes many crimes that cannot be justified as a “most serious crime” as required for the death penalty under the International Covenant on Civil and Political Rights “ (HRW, (15 June 2008), *Letter to Pakistan’s Prime Minister to Abolish the Death Penalty*).

The *Asian Human Rights Commission* states;

“Many on death row complaint that they are there because they simple could not afford the bribes or fees for legal counsel to provide a defense “ (Asian Human Rights Commission (9 October 2008), *Pakistan: World Day against the Death Penalty, death row inmates moved to ordinary prisons but there is much more to be done*).

A report by International Federation for Human Rights

“Abetment of mutiny, if mutiny is committed in consequence thereof. Whoever abets the committing of mutiny by an officer, soldier, sailor, or airman, in the Army, Navy, or Air Force of Pakistan, shall, if mutiny is committed in consequence of that abetment, be punished with death or with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.” “ (International Federation for Human Rights (2 January 2007), *Slow march to the gallows: Death penalty in Pakistan*)

The Report also states

“Punishment for high treason, etc,- A person who is found guilty - of having committed an act of abrogation or subversion of a Constitution in force in Pakistan at any time since the twenty-third of March 1956; of high treason as defined in Article 6 of the Constitution, shall be punishable with death or imprisonment for life.”(ibid)

The report goes on to say;

““Any person subject to this Act who commits any of the following offences, that is to say  
(a) begins, incites, causes, or conspires with any other person to cause, or joins in, any mutiny in the military, naval, or air forces of Pakistan or any forces co-operating therewith; or  
(b) being present at any such mutiny, does use his utmost endeavours to suppress the same; or  
(c) knowing or having reason to believe in the existence of any such mutiny or any intention to commit such mutiny or of any such conspiracy, does not without reasonable delay give information thereof to his commanding or other superior officer; or attempts to seduce any person in the military, naval, or air forces of Pakistan; shall, on conviction by courtmartial, be punished with death or with such less punishment as is in this Act mentioned.” “ (ibid).

The Human Rights Commission for Pakistan report titled “Death Penalty” contains statistics on the death penalty in Pakistan

Another report by the Human Rights Commission for Pakistan states;

“...the government’s position on the overall issue of death penalty remains ambivalent. It refuses to recognize that the issue of imposition of death penalty was linked to human rights. It made a tall claim that death penalty was imposed after exhaustion of all remedies through due process. HRCP vehemently disagrees. Safeguards and restrictions to the imposition of death penalty is a universal and recognized human rights principle. It is a fundamental right to life. Capital punishment in Pakistan has not been imposed with caution. Pakistan has one of then highest numbers of prisoners in death cells. At present over 7,500 people, including a few women are on the death row. There is sufficient evidence and research to show that due process, safeguards and restrictions imposed under customary international law have not been applied to those awarded capital punishment (ibid).

## References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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