

# JUSTICE PROJECT PAKISTAN

REPRESENTING

THE MOST VULNERABLE PRISONERS  
FACING THE HARSHTEST PUNISHMENTS



# WHO DO WE REPRESENT

The Justice Project Society, commonly referred to as **Justice Project Pakistan (JPP)**, represents the most vulnerable Pakistani prisoners facing the harshest punishments at home and abroad,

including those facing the **death penalty, mentally ill prisoners, victims of police torture, and overseas Pakistani prisoners.**



DEATH PENALTY



MENTALLY ILL  
PRISONERS



POLICE TORTURE  
VICTIMS



OVERSEAS PAKISTANI  
PRISONERS

# OUR APPROACH



## LITIGATE

Led by lawyers and investigators, our legal team carries out strategic litigation pursuing cases on behalf of individuals with the potential to bring systemic change



## COMMUNICATE

Our communications team devises rigorous media campaigns and public events directed towards changing the public perception about the death penalty



## ADVOCATE

Fierce domestic and international advocacy campaigns with the potential to bring systemic change are carried out by our advocacy team

# PROBLEMS WE SEE

- **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



# ‘COUNTING THE CONDEMNED’

JPP's Yearly Data Analysis of Pakistan's Use of the 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 **11 years on death row** before execution or acquittal.

EVERY  
**7<sup>th</sup> PERSON**  
SENTENCED TO DEATH  
IN THE WORLD IS A  
PAKISTANI

EVERY  
**8<sup>th</sup> 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))

# WHO ARE WE EXECUTING?

While a majority of Pakistan's death row comprises of people accused of murder and related crimes,

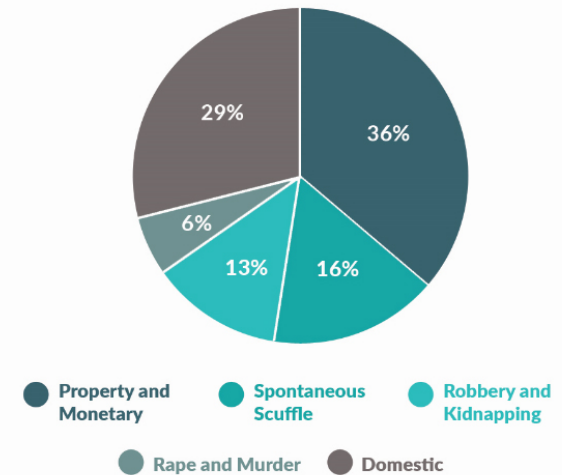
Pakistan continues to sentence and execute people for crimes that do not cause death

NON-LETHAL CRIMES AND THE DEATH PENALTY SINCE 2014



An analysis of 150 executions from 2015 indicates that civil disputes are a dominant factor leading to homicides in Pakistan

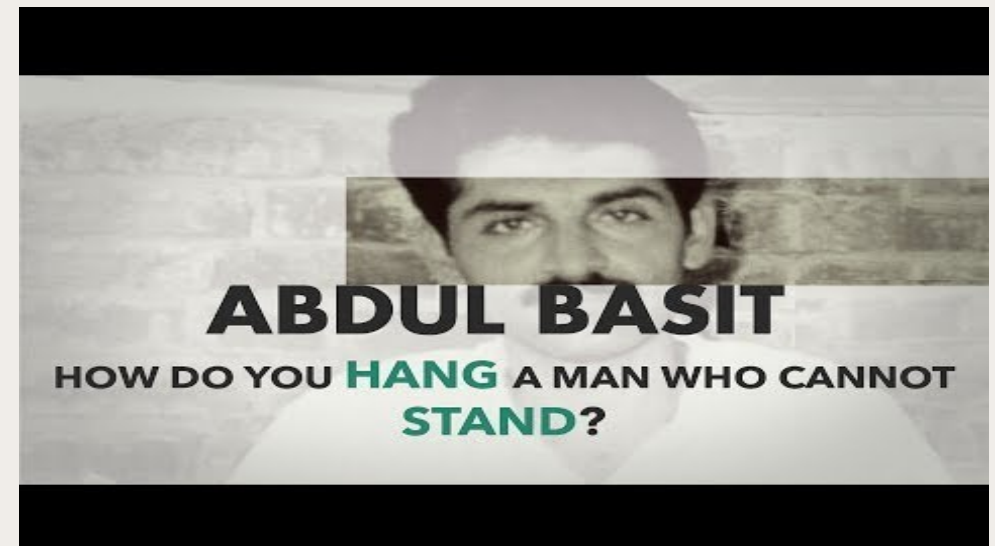
REPORTED MOTIVES OF MURDERS COMMITTED BY THOSE EXECUTED IN 2015



# ABDUL BASIT

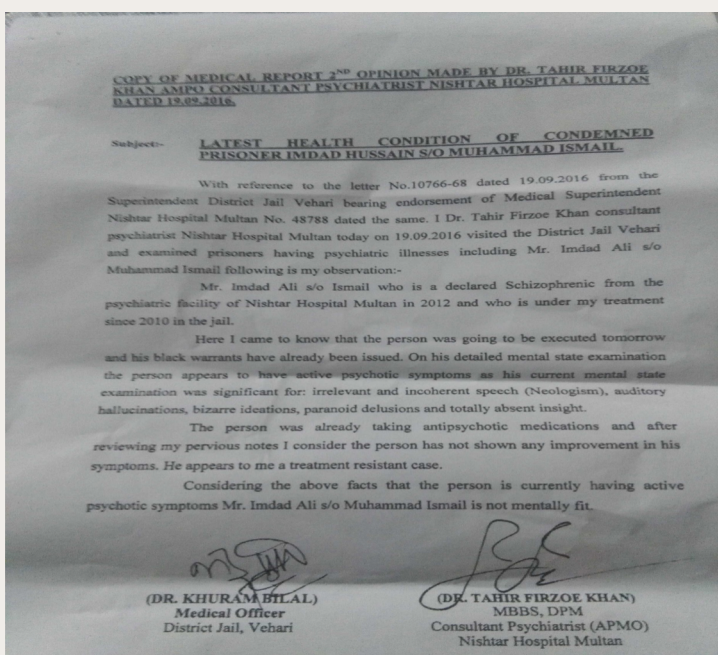
## A PARAPLEGIC ON DEATH ROW

- 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



# MENTALLY ILL

1. As per Chapter 34 CrPC, a mentally ill accused at trial stage, should be referred by the Judge to the Medical Board for mental health assessment.
  - There is no set procedure for the Medical Board to follow. Assessments are often brief and rely only on a 5 minute consultation with the accused. Records, past history and interviews with family members are not considered. Therefore medical health assessment reports are very limited in content;
  - Judges are very concerned regarding 'opening floodgates'. There is no test to detect whether the accused is malingering.
2. Chapter 18 of the Pakistan Prison Rules 1978, outlines the procedure for treatment of prisoners suspected of having mental illness. **Rule 444 Procedure in case of a convicted prisoner of unsound mind** --- Whenever it appears to the Superintendent that any convicted prisoner is of unsound mind, he shall, in the first instance, place the patient under the observation of Medical Officer for a period of ten days. After the expiry of this period, the Medical Officer shall report the result to the Superintendent. If the patient is found to be of unsound mind, a report regarding his case shall be submitted to the Inspector-General for obtaining the orders of the Government for his removal to a mental hospital.
3. Both the trial and prison procedures are founded on the basis that the mental illness is temporary. Once treatment is administered, the accused can then resume their trial or return to death row and be executed.



# 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



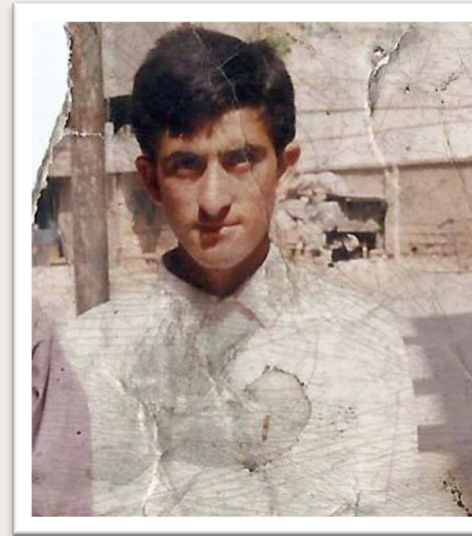
# JUVENILES

- 1) What is best practice regarding age determination protocols? Protocol is set out in legislation (Juvenile Justice System Act 2018), but practically not enforced.
- 2) How to ensure that juveniles who are imprisoned are appropriately detained? The Prison Rules (1978) set out procedures (eg. Where possible, juveniles should be imprisoned in a separate juvenile jail – in practice, this does not happen)



# DEATH ROW'S CHILDREN

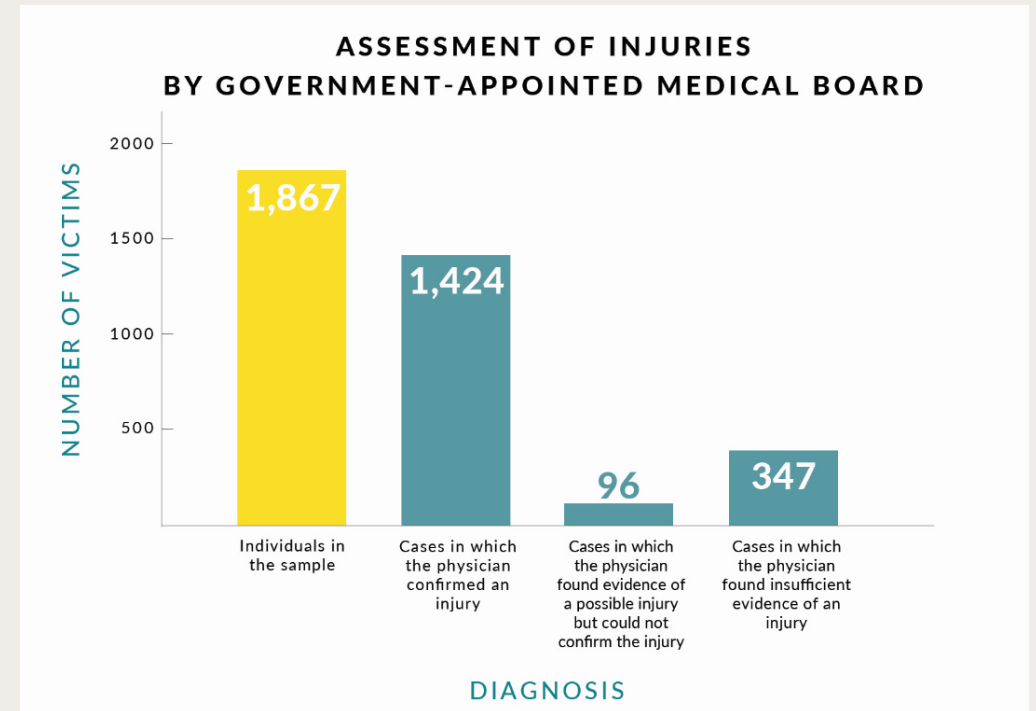
- At least **6 juvenile offenders** executed despite legal prohibition
- **Over 100's of those on death row** sentenced for crimes committed as children
- **Less than 34% births registered** and over 46% households have no form of registration
- **Ansar Iqbal:** Police rely upon arbitrary visual assessments 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’

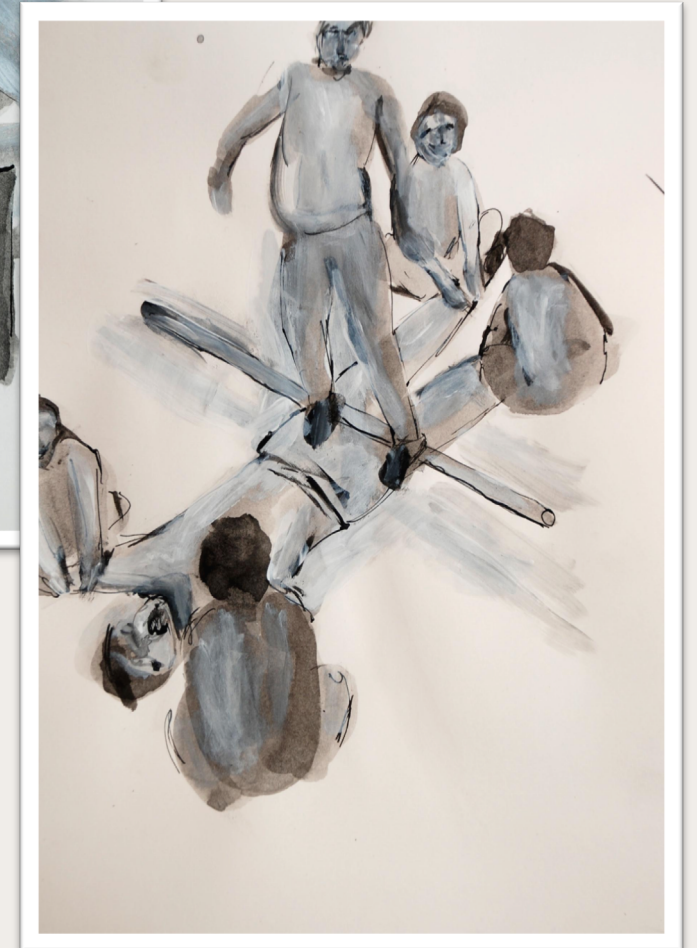
- Torture by police is used with impunity to extract confessions/statements which leads to death sentences
- Marginalized groups including indigents, women and children are most vulnerable
- **Lack of criminalization of torture** and an independent investigation mechanism
- Government produced only 14 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.”

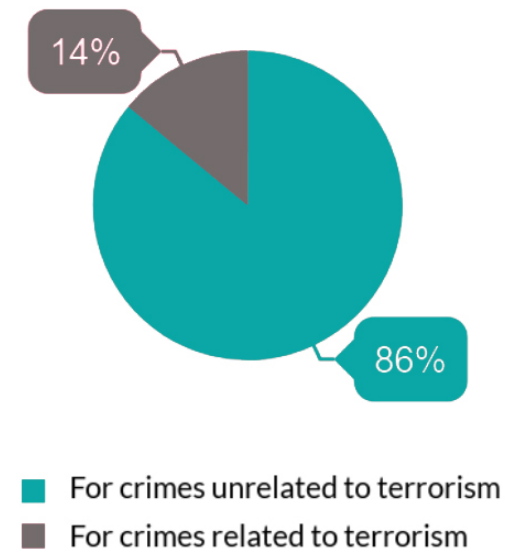
– A juvenile victim of torture executed on 31 March 2015



# 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**



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

# PAKISTANI MIGRANTS ABROAD

**10 million**

PAKISTANI CITIZENS ARE  
LIVING OVERSEAS

**96%** OF THEM ARE IN SIX GULF COUNTRIES

REMITTANCES SENT BY PAKISTANI MIGRANT WORKERS

FY16  
**\$19.622 billion**

FY17  
**\$19.351 billion**

FY18  
**\$20 billion**

**11,000**

PAKISTANI CITIZENS ARE  
LANGUISHING IN JAILS  
ACROSS THE WORLD

PAKISTANIS IMPRISONED IN  
GCC COUNTRIES

**SAUDI ARABIA** **3,400**

**UAE** **2,600**

**OMAN** **657**

## OPPORTUNITIES FOR CHANGE

We want to establish a justice system where human rights are **inviolable**

What would such a system look like?



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graph TD; A[What would such a system look like?] --> B[Change in key laws and policies]; A --> C[Change in key precedents]; A --> D[A legal field is capable of operating effectively within this system and using it improve outcomes for defendants (e.g. lawyers know how to use these precedents)]; A --> E[Public understands why human rights must come first, so that they: 1) consider it a priority and vote based on it; 2) remain supportive even in the face of particularly grisly crimes];
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# OUR METHODOLOGY

Our methodology combines  
**INVESTIGATION, LEGAL ACTION,**  
**PUBLIC POLICY ADVOCACY** and  
**CAPACITY BUILDING STAKEHOLDERS.**

This combined approach educates and informs both civil society and policymakers to generate effective legislative and policy reform of Pakistan's criminal justice system.

## OUR GOALS

- Reducing the Scope of the Death Penalty to “most serious crimes”
- Criminalization of Police Torture and establishment of an independent investigation mechanism
- Implementation of age determination protocols for juvenile offenders
- Prohibition of executions of mentally ill prisoners
- Restricting the scope of the definition of terrorism under the Anti-Terrorism Act, 1997
- Transparent and effective consideration of mercy petitions
- Reinstatement of the moratorium on the death penalty



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