**Submitted By: Legal Awareness Watch Pakistan (LAW)[[1]](#footnote-1)**

**Country: Pakistan**

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**Prologue:**

Pakistan had inherited its major laws including the code of criminal procedure 1898 from the **British-India** when it came into being on **14th August 1947**. Then two penal violations i.e., murder and sedition were punishable by death penalty. **Since August 1947** numerous offences have been punishable by the death penalty, however, most recently the National Assembly of Pakistan replaced the death penalty with life imprisonment for an offence under **section 9 (C) of the Control of Anti-Narcotics Substances Act 1997**.

After the recent amendment in the criminal code of procedure of 1898 **thirty-two (32)** offences in Pakistan still punishable by the death penalty for e.g., blasphemy, dacoity with murder, rape, etc. it is crucial to mention here that in the wake of terrorist attack in 2014 taking lives of **122** children the State of Pakistan had restored the practice of the death penalty in Pakistan which was put on hold i.e., moratorium was placed on the execution. However, after the restoration of the death penalty in 2014 the State of Pakistan had applied it on the vulnerable and marginalized communities and vulnerable individuals. Thus, since **2014** more than **516** individuals had been sent to gallows and there’re more than **8000** people including women and children at the imminent risk of going to gallows until the time of this report.

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**Juvenile Justice and the Death Penalty:**

 The imposition of death penalty in Pakistan upon children is operational despite the promulgation of **Juvenile Justice System Act 2018 (JJSA**) which was promulgated on **22nd May 2018** **in the wake of Universal Periodic Review on Pakistan in 2017**. For e.g., **section 16 of JJSA** provided children less than eighteen years of age would not be sent to gallows, however, they receive life imprisonment if found guilty of an offence carrying life sentence. Owing to inadequate age determination procedure (s) as well as lack of awareness and capacity building on the part of police and investigating agencies’ children across Pakistan treated as adults in sheer violation of **JJSA 2018** and **United Nations Convention of the Rights of Child and General Comments, thereafter.**

**JJSA 2018** provided children (offenders) and under-trial would not be housed in ordinary prisons among adults (offenders and under-trial) instead be kept in separate prisons/rehabilitation centres.[[2]](#footnote-2) Despite these stipulations children are being treated inhumanely during the whole judicial process and many receive death penalty owing to inadequate age determination procedure (s).

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**Imposition on Vulnerable Individuals:**

The barbaric and inhumane death penalty getting applied even on women and vulnerable and marginalised individuals those facing and/or wrongfully convicted under blasphemy under **section 295 (C) of Pakistan Penal Code 1860.** For e.g., **Muhammad Islam alias *Tutti***was convicted by the trial court of **Attock District Judge** in September 2022 and **Sajid Ali** was found guilty of blasphemy **in July 2023** by the **Hassanabdal District Judge**. **Muhammad Islam** and **Sajid Ali** were wrongly convicted by the trial court (s) and languishing in prison in death cell. Both men were abandoned and left by their families and flew to different parts of Pakistan or abroad to avoid getting lynched and/or killed from the hands of the clerics or fanatics violently active in their vicinity.

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**Practice on Women:**

Even women have been booked in blasphemy which carries death penalty. Lately one Sana was arrested from Lahore city of Pakistan on charges of blasphemy. She was arrested by the police and charged her under blasphemy under **section 295 (C) of Pakistan Penal Code 1860.** Until the time of this report her trial has not been commenced as being abandoned by her own family members.

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**Death Penalty and People with Speech Disability:**

It has been observed in Pakistan most individual who have been apprehended under blasphemy had mental health issues for e.g., **Muhammad Akbar** who was muted person when arrested under blasphemy on the complaint of his cousin. It was noted in the trial court that his cousin had an extra martial relationship with his wife who had implicated him to go on with the extra martial relationship. **Muhammad Akbar** was completely muted having no knowledge of international signs language either.

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**Emotional Element and Death Penalty:**

Apart from legal debate relating to death penalty in Pakistan the use of death penalty is an emotional issue as well. Generally, people across Pakistan believe in taking revenge from those who have done supposedly wrong to them criminally and/or socially.

**Sarmad Ali**

Advocate High Court

Director LAW

Email: lawpak99@outlook.com

Ph:00923217018649

1. This report is being submitted in call for inputs- Secretary General’s report on the question of the death penalty (51st Session of the HRC). [↑](#footnote-ref-1)
2. Bare Act is available at: [www.legalawarenesswatch.com](http://www.legalawarenesswatch.com) [↑](#footnote-ref-2)