

Pakistan - Death Penalty Challenge

INDEPENDENCE Day is an opportunity for the Pakistani people at home and abroad to remember those who devoted their lives to the freedom movement and the country's independence. It is a time to recommit to their vision, to celebrate successes and to face up to the challenges ahead.

Combating violent crime and terrorism is high on the agenda for the newly elected government of Prime Minister Nawaz Sharif. In an attempt to address the problem, the government decided not to extend a ban on executions after it lapsed on June 30, 2013, a move criticised inside and outside of Pakistan.

Pakistan has reportedly one of the largest death row populations in the world with more than 8,000 prisoners sentenced to death, many of whom are now at risk of execution.

In any justice system there is always the risk of a miscarriage of justice. If a person is sent to prison and later found to be innocent she or he can be released and provided compensation for the time in prison. However, this is not possible if an innocent person sentenced to death has already been executed. The punishment is final and irreversible.

The US, for example, has a highly developed legal system which affords a number of safeguards to those who face the death penalty and yet, since the early 1970s more than 140 death row inmates have been exonerated. They were sentenced to death for a crime they did not commit.

Moreover, individuals from the poor sections of society are at far greater risk of being sentenced to death; a significant factor is the failure to get adequate legal representation at their trial because of their poverty.

Faced with an escalating crime rate, the death penalty may appear to be an easy and obvious solution. There is a common perception that the death penalty deters people from committing crimes and that carrying out executions will lead to a decrease in crime. In reality, the death penalty is no 'quick fix' to murder or acts of terrorism.

Resorting to executions risks creating the impression that the government is being tough on crime without necessarily addressing fundamental problems in law enforcement and the justice system. There is no convincing evidence that capital punishment is effective in deterring crime. Experience from around the world demonstrates that an effective deterrent to crime is to ensure that the criminal is apprehended, convicted and punished.

Except for the execution of a soldier, Muhammed Hussein, in November 2012 there have been no executions in Pakistan for almost five years. This de facto moratorium on executions has been welcomed by many in Pakistan and in the international community, including the International Commission against the Death Penalty (ICDP), an independent body opposed to capital punishment in all situations.

Carrying out executions would be a retrograde step which goes against the international trend in favour of the abolition of the death penalty.

Some 150 countries have abolished the death penalty or no longer carry out executions. This growing community of states encompasses all major cultures, religions and regions. These countries have recognised that state killing is ineffective in deterring crime, arbitrary in its application and risks executing the innocent.

Opposing the death penalty requires political courage and leadership as highlighted in a 2013 study by ICDP on How states abolish the death penalty. To oppose executions is not to condone the crime: it is to stand up against violence and retribution, and for the rule of law and human rights. As Pakistan celebrates its independence, this represents an opportunity to reaffirm the respect of human dignity for all.

On behalf of the International Commission against the Death Penalty, we appeal to the government of Pakistan to reinstate the moratorium on executions and commute all death sentences to terms of imprisonment. We hope that this will allow the government of Pakistan to initiate a comprehensive and independent review on the future use of capital punishment and take steps towards its complete abolition.

Federico Mayor is president of the International Commission against the Death Penalty — an independent body led by a group of high-profile commissioners from across the world.

Asma Jahangir is an advocate and has served as chairperson of the Human Rights Commission of Pakistan. Previously, she served as UN special rapporteur on extrajudicial, arbitrary and summary executions.