

GHULAM ABBAS



YEARS ON DEATH ROW: 15

MENTAL ILLNESS:
SCHIZOPHRENIA

CURRENT STATUS

Supreme Court directs prison officials to file fresh mercy petition

CASE TIMELINE

2004

2nd Sept: Incident occurs; FIR registered against Ghulam Abbas

2006

31st May: Trial Court **sentences Ghulam Abbas to death**

2010

12th Apr: Lahore High Court confirms his death sentence

2016

27th Oct: Supreme Court rejects review petition; upholds death sentence

2018

18th Jul: SC dismisses review petition

2019

22nd Apr: Mercy Petition rejected

11th Jun: **Black warrant issued**; execution scheduled for 18th June

16th Jun: Assessment of Ghulam Abbas by medical board reveals strong evidence of epilepsy with reported episodes of fits within jail and evidence of depressive illness. Board claims Abbas is not fit for execution and needs further assessment and treatment

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Ghulam Abbas was arrested in September 2004 for fatally stabbing his neighbour over a dispute over the payment of the electricity bill in Haji Lal Din area of Rawalpindi. He was sentenced to death by a Sessions Court in May 2006. His subsequent high court and Supreme Court appeals were dismissed in 2010 and 2016, respectively. In 2018, a SC review petition was also dismissed. Ghulam's mercy petition was eventually rejected by the Presidency on 22 April 2019.

His most recent medical evaluation, by a board constituted by the SC in September 2020, declared that Ghulam is suffering from schizophrenia.

BACKGROUND

Ghulam Abbas' psychosocial history reveals that there is a marked history of mental illness in his immediate family. Abbas' father attempted suicide by slitting his throat. Abbas' paternal aunts suffer from mental illnesses and his sister, too, has neurological disorders requiring regular drainage of excess fluid from her brain.

His family maintains that Abbas had a learning disability as a child, due to mental subnormality, and has remained uneducated with not even basic primary education. Moreover, he frequently experienced anger outbursts as a result of his intellectual disability and repeated fits.

Ghulam's family says that he also suffers from Hepatitis and Tuberculosis (TB) but never received any adequate treatment for it during incarceration. Based on the conditions in the jail premises, it is entirely possible that Ghulam has contracted these diseases during his incarceration and needs prompt medical attention.

THE JUDGMENT

The Supreme Court, in its landmark judgment announced on Feb 10, directed prison officials to file a fresh mercy petition for Ghulam Abbas, and stated that "if a condemned prisoner, due to mental illness, is found to be unable to comprehend the rationale and reason behind his/her punishment, then carrying out the death sentence will not meet the ends of justice."

The apex court also directed the Government of Punjab to immediately shift Ghulam Abbas from prison to the Punjab Institute of Mental Health for treatment and rehabilitation.

The judgment, which is likely to set a precedent for all mentally ill prisoners on death row, outlined a set of recommendations including amendments to relevant laws, the Prison Rules and jail manuals, as well as establishing mental health facilities for assessment, treatment and rehabilitation of mentally ill under-trial prisoners and convicts.

ABBAS' MENTAL HEALTH

A five-member medical board constituted by the Supreme Court evaluated Ghulam Abbas in October 2020 and declared him to be suffering from "Schizophrenia" and "Intellectual Impairment". The report stated that he exhibited paranoid delusions, auditory hallucinations and decreased self-care.

Prof. Dr. Malik Hussain Mubbashar (late), a veteran psychiatrist with over 50 years of experience and the recipient of Sitara-e-Imtiaz and Hilal-e-Imtiaz, had also examined Abbas' medical records in 2019 and had released a preliminary expert opinion stating that there seems to be a dominant strain of mental illness in Abbas's family, which indicates that Abbas was genetically disposed to suffer from the same.

Dr. Mubbashar had also recommended that he be shifted to Centre for Mental Health, Benazir Bhutto Hospital, Rawalpindi, for proper care.

MENTAL HEALTH AND STIGMA

In Pakistan, mental illness remains a stigma, is considered shameful and often hidden, creating additional problems for lawyers and judges to discover their existence. In 2019, an execution warrant was issued for Khizar Hayat – a 50-year-old former police constable suffering from schizophrenia – for the third time. In 2016, Imdad Ali, another schizophrenic, came within days of being hanged despite 8 years of jail medical records confirming that he suffered from a severe mental illness. While the Courts have exercised their wisdom and stayed their executions, it does indicate a worrying trend. Under Pakistani law, a person of unsound mind is unable to form criminal intent and therefore is not subject to punishment. Despite this, a disproportionate number of mentally ill prisoners are currently in Pakistan's jails.

Pakistan's criminal justice system fails to provide meaningful protection to persons suffering from mental illness at all stages of arrest, trial, sentencing and detention. The situation is further compounded by the structural and systematic problems of Pakistan's under-resourced and overstretched criminal justice system. Consequently, the challenges faced within criminal justice system's widespread use of torture to obtain confessions, and lack of access to competent counsel fall most heavily on Pakistan's most vulnerable. With over 27 crimes carrying the death penalty in Pakistan, the failure to uphold the rights of mentally ill defendants continues to result in the execution of the vulnerable.

Moreover, the lack of mental health treatment and training in the criminal justice system, as well as in Pakistan generally, means that many individuals never even get diagnosed. In fact, for many indigent mentally ill defendants, their first contact with a mental health professional is in jail.

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17th Jun: Petition filed in Supreme Court for stay of execution and for creation of medical board. SC accepts petition, **stays execution** and clubs Abbas' case with the case of two other mentally ill death row prisoners Kanizan Bibi and Imdad Ali

2020

21st Sept: SC [constitutes](#) medical board of renowned mental health experts of the country to evaluate Ghulam Abbas

15th Dec: Medical board [confirms](#) Ghulam is suffering from schizophrenia

2021

7th Jan: Supreme Court [reserves](#) judgment

10th Feb: **Supreme Court announces judgment; directs prison officials to file fresh mercy petition**



Justice Project Pakistan is a legal action organization based in Lahore that represents the most vulnerable Pakistani prisoners facing the harshest punishments, at home and abroad. JPP investigates, litigates, educates, and advocates on their behalf.

In recognition of our work, in December 2016, JPP was awarded with the National Human Rights Award, presented by the President of Pakistan.

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