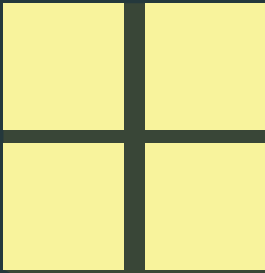


DEATH PENALTY IN PAKISTAN



Data Mapping Capital Punishment
2022

CONTENTS

Contributors	1
Preface	2
Recent Developments	3
Aggregated Statistics of Prisoners on Death Row	5
Gender-wise Distribution of Prisoners on Death Row	6
Trend of Executions Over the Years	7
Crime Rates Over the Years	8
Comparison Between Retentionist and Abolitionist Countries	9
Cumulative Figures on Death Row Sentences	10
Conclusion	11
Data Sources	12
References	13
Annexure	14



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PREFACE

This is the first edition of the annual statistics report, Death Penalty in Pakistan: Data Mapping Capital Punishment. The aim of this report is to statistically analyse the implementation of death penalty in Pakistan.

The implementation of capital punishment has seen substantial shifts over the course of the past decade. During the period from the end of a moratorium on executions in December 2014 to August 2019, an estimated 1,800 death sentences were imposed across the entire court system and 520 people were executed. Various amendments to Pakistan's criminal law over the past several decades have resulted into a list of 33 offences, most of which are far removed from the definition of the “most serious crimes” under international law. A full list of offences is attached as Annexure.

The data used in this report is primary data collected by JPP from Provincial Prison departments, Punjab Police, and 33 prisons across the country. We are continuously improving our data collection and management systems to fill the data gaps.

RECENT DEVELOPMENTS

Internationally the focus on abolition of the death penalty has increased during the past few decades. Interestingly, 63 years ago only murder and treason were punishable by death in the country. It appears that the list of offences punishable by death has steeply risen over the decades. Moreover, 56 countries including Pakistan still hold the punishment as an integral part of their penal systems. Despite the fact, Pakistan uses the particular sentence to settle the fate of offenders in approximately 27 assorted crimes, it still remains unclear what precise reasons provide support to the institutional legitimacy of this penalty [1]. This report aims to explore and share the scenario of Pakistan as a retentionist state.

In 2018, there were over 8000 people on the death row in Pakistan. This was amongst the largest death row population in the world. Pakistan's death row prisoners constituted over 10 percent of the total prison population.

In January 2021, an anti-terrorism court (ATC) issued death sentences to three people for having shared allegedly blasphemous content on social media platforms of individuals or organizations.

A significant development, however, was acknowledging that mental disorders are a health problem, the Supreme Court in February 2021 commuted the sentences of Kanizan Bibi, Imdad Ali and Ghulam Abbas who had spent 30, 18 and 14 years on death row, respectively. All three exhibited acute symptoms of mental illness. The court further said that carrying out the death sentence did not 'meet the ends of justice' if prisoners on death row were unable to comprehend the rationale for their punishment due to a mental illness. The court also directed the Punjab government to shift the accused from prison to the Punjab Institute of Mental Health (PIMH) in Lahore for treatment and rehabilitation.

In October 2021, the law ministry proposed replacing the word 'death' with 'remainder of life' in offence 9C of the Control of Narcotics Substance Act and Section 127 of the Railways Act.

According to government figures, Pakistan's death row has reduced significantly from 7,164 in 2012 to 3,226 in 2022, indicating a reduction of 3,938 prisoners, which amounts to a 55% drop in past decade. This is largely attributable to the high rate of Pakistan's superior courts overturning death sentences passed by Trial Courts on appeal.

In January 2022, the Criminal Law and Justice Reforms 2022, drafted and launched by the previous Federal Ministry for Law and Justice in January 2022, proposed removing the death penalty from two criminal law Acts; the Control of Narcotic Substances Act 1997, which governs all drug offences in Pakistan, and the Railways Act, which governs offences of railway sabotage. In both Acts, the death penalty is replaced with life imprisonment in the relevant clauses.

In August 2022, the Federal Law Minister for Law and Justice Senator Azam Nazeer Tarar tabled two separate bills entitled the Railways (Amendment) Act, 2022 and Control of Narcotics Substances (Amendment) Act, 2022 which seek to abolish the death penalty for drug offenses and sabotage of the railway. Should these bills pass, they will represent a significant step towards reducing the scope of the death penalty in Pakistan.

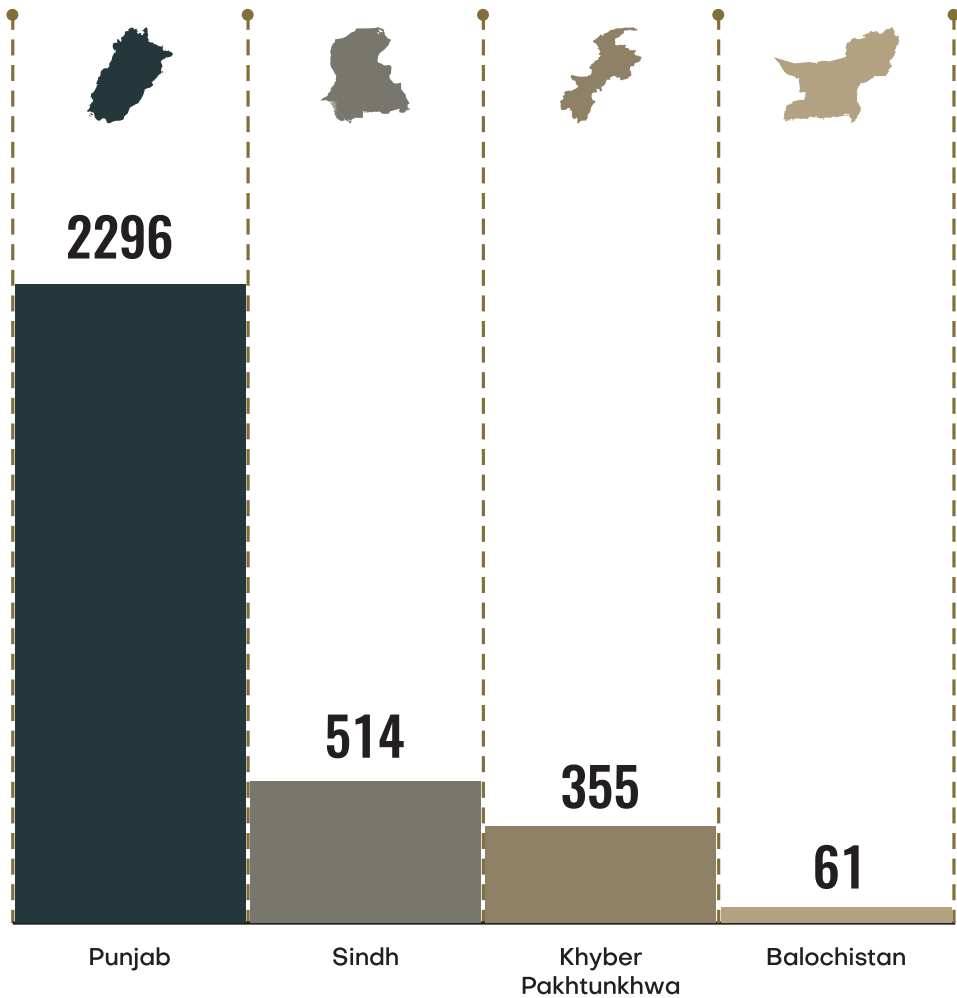
The Reforms received Cabinet approval and it was expected that the Bill would subsequently be tabled in the National Assembly. However, with the Prime Minister's ouster in April 2022 and replacement by a new government, the former legislative agenda of the previous government lapsed, due to which the former Government's Bill will now not be taken up by the National Assembly.

The proposed Bill, if passed, would have brought Pakistan one step closer towards complying with its obligations under the ICCPR. It represented a crucial test for the Government and policymakers to understand that striking off the death penalty from the Pakistan Penal Code, if done subtly, can avoid public backlash, which would instil confidence in policymakers to further reduce the scope of the death penalty.

AGGREGATED STATISTICS OF PRISONERS ON DEATH ROW

Statistics updated on 7th Oct, 2022.

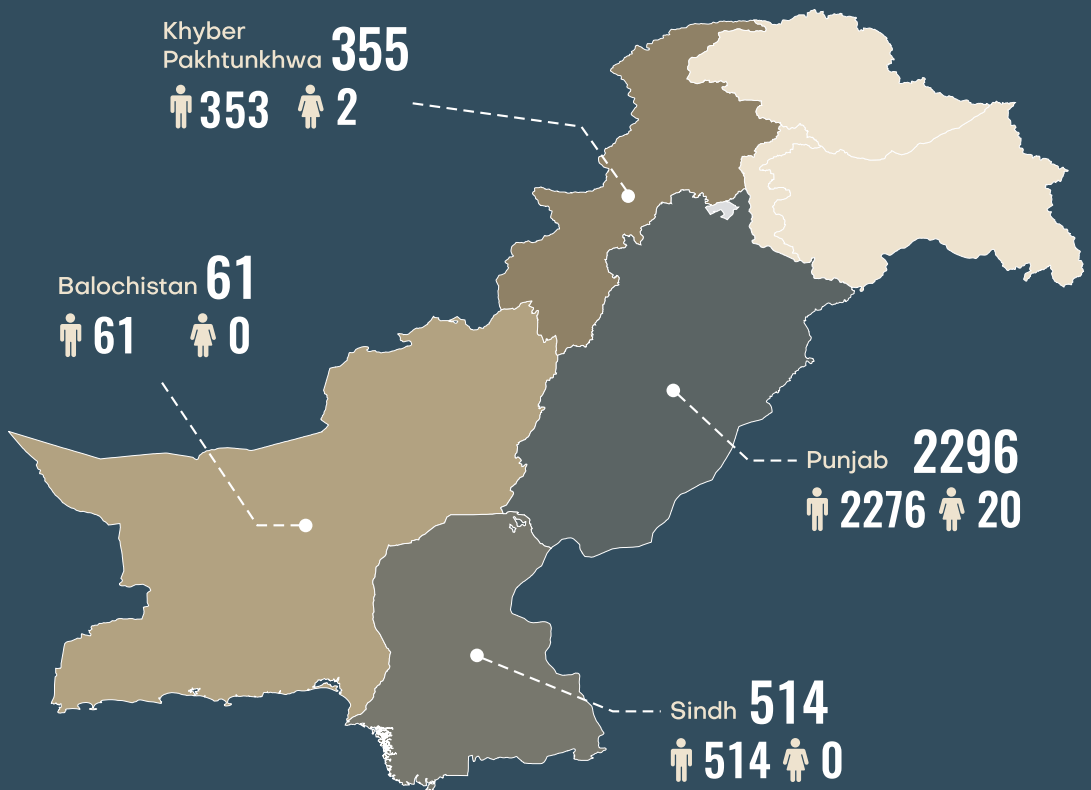
Currently, there are 3226 prisoners on death row in Pakistan. Province-wise distribution is as follows:



By the end of 2021, Sindh accounted for the highest number of condemned prisoners at 490 (including 2 women) which has now increased to 514 condemned prisoners (as per information collected from Sindh Prison Department on Oct 7, 2022).

GENDER-WISE DISTRIBUTION OF PRISONERS ON DEATH ROW

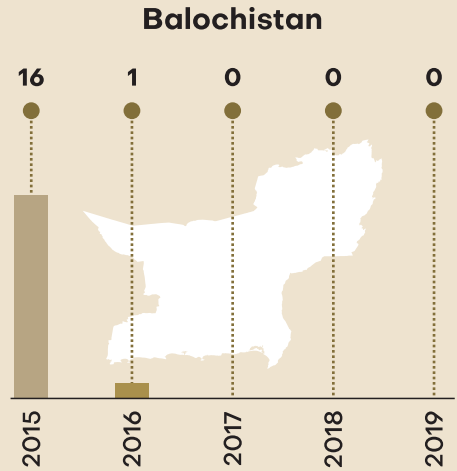
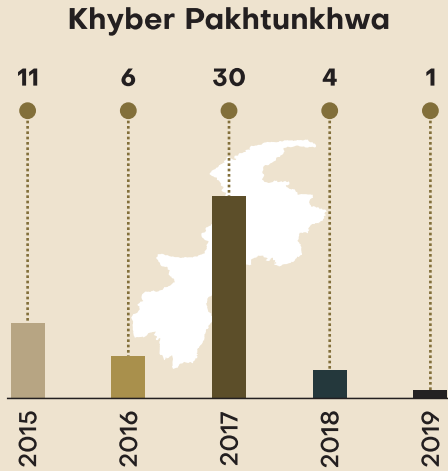
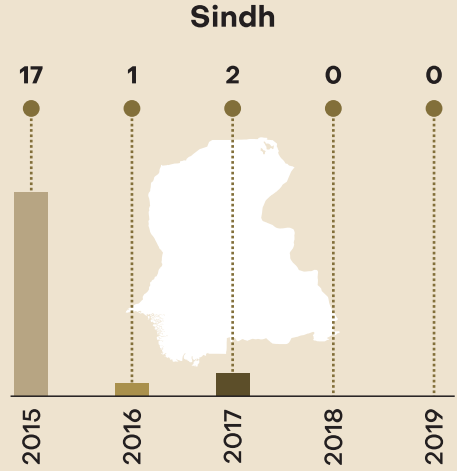
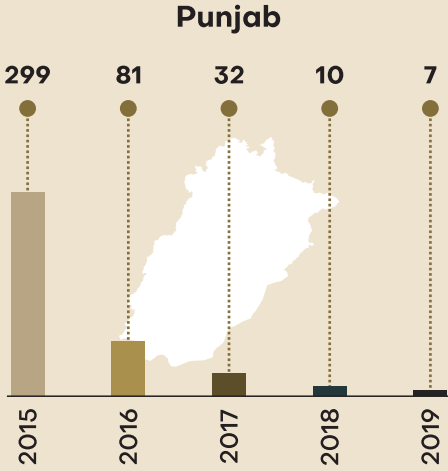
TOTAL DEATH ROW POPULATION IN 2022



Currently, there are 2,296 condemned prisoners in Punjab alone; whereas, 2,122 out of these have mercy appeals pending at different forums which include the President of Pakistan, Supreme Court, High Courts, and General Headquarters (GHQ).

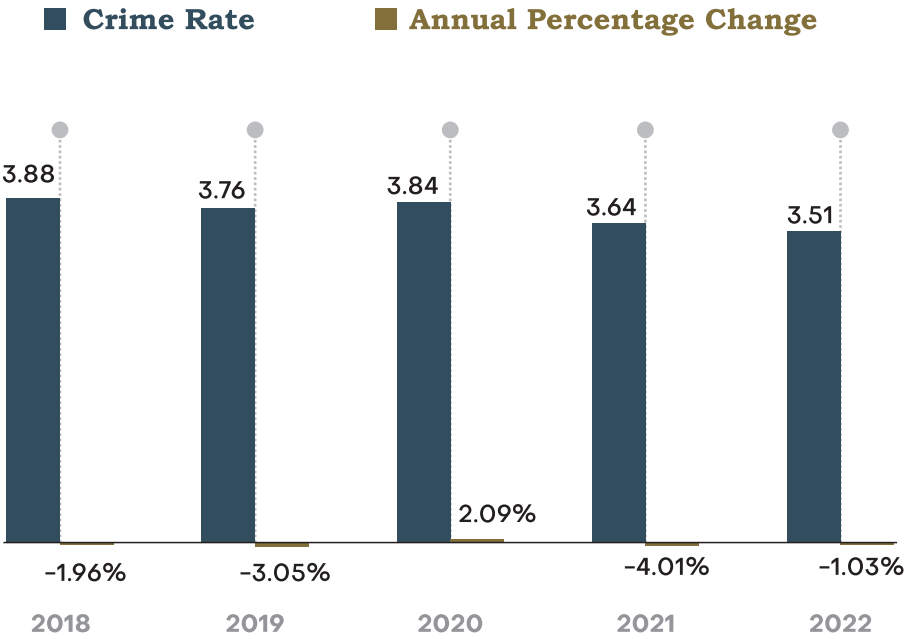
TREND OF EXECUTIONS OVER THE YEARS

No executions were reported to have been carried out since December 2019.



Declining rate of executions or no executions, however, do not deny the possibility of executions in future as currently there are 1,143 prisoners on death row whose appeals are rejected by Supreme Court, according to the provincial prisons departments.

CRIME RATES OVER THE YEARS



Despite the social perception, awarding the death penalty does not seem to have an impact on the crime rates in the country. However, comparison of rate of crimes between abolitionist and retentionist countries can provide more clarity in this regard.

COMPARISON BETWEEN RETENTIONIST AND ABOLISHIONIST COUNTRIES

Earlier proponents agree that the death penalty should be useful as often as possible to prevent future crimes and provide a sense of justice and moral order. However, now abolitionists agree that the death penalty does not address future murders. Execution is brutalization and human sacrifice without consistent or reliable evidence that executions de jure availability had a deterrent effect on homicides-death penalty as undeniably cruel, inhuman, and degrading. The death penalty does not deter criminals; imprisonment is more significant as a deterrent against the perpetrator. For instance, recent doctrinal research that was published in 2021, used a religious-legal approach and used indoctrination theory to assess the problems; the result of the research showed that there is no significant effect of the death penalty on crimes of terrorism in a country [2] [3].

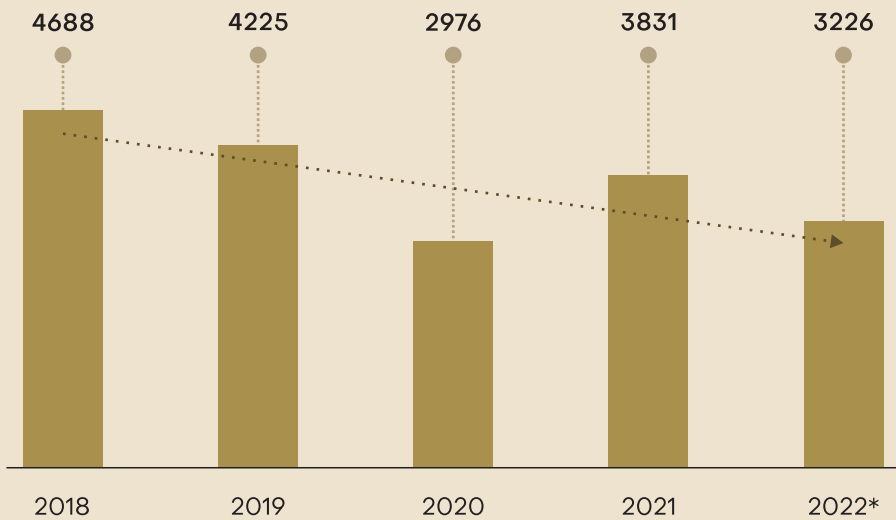
Table 1: Country-wise Distribution

Status	Number of Countries
States that have abolished the death penalty for all crimes	110
States that are abolitionist in practice	27
States that are retentionists	55

CUMULATIVE FIGURES ON DEATH ROW SENTENCES

By the end of year 2021, the death penalty was awarded to more than 125 persons in 2021 (including 3 women), observing a fall from at least 177 persons in 2020.

Rate of awarding death sentences is declining



Year-wise Distribution of Death Row Population

*Statistics for 2022 are based on data compiled on 07 Oct, 2022

CONCLUSION

This report, considering the quantitative and qualitative evidence, concludes that Pakistan needs to re-evaluate its position on retaining death penalty; particularly for those crimes that do not fall under the category of serious crimes as per international standards. Pakistan yet has to overlook the numerous types of torture and ill-treatment experienced during the long death penalty road. The state also needs to consider the growing recognition of the death penalty as incompatible with the prohibition of CIDTP (Cruel, Inhuman, and Degrading Treatment or Punishment)¹ under international law.

¹OHCHR's Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)

DATA SOURCES

- Balochistan Prison Department
- Punjab Prison Department
- Khyber Pakhtunkhwa Prison Department
- Sindh Prison Department
- Punjab Police Department
- Federal Ombudsman Reports (2018-2021)
- Federal Ministry of Interior

REFERENCES

- [1] Silvee, S.S. and Wu, X., 2021. Death Penalty in South Asia: A Comparative Study between India and Bangladesh. *Journal of Asian and African Studies*, 56(3), pp.415-433.
- [2] Tampubolon, M. and Silalahi, F., 2021. The Way to Heaven Indoctrination and Inefficiency of Death Penalty as Terrorist Deterrence. *Journal of Legal, Ethical and Regulatory Issues*, 24(2), pp.1-11.
- [3] Permana, M.I. and Maksum, A., 2022. The Impact of the Death Penalty on Indonesia-Pakistan Relations: A Case Study of the Zulfiqar Ali's Death Penalty. *International Journal of Multicultural and Multireligious Understanding*, 9(9), pp.199-209.
- Safdar, M.B., 2021. The EU's Campaign to Abolish the Death Penalty: Pressure on Pakistan. *Journal of European Studies (JES)*, 37(1), pp.140-159.
- Neumayer, E., 2008. Death penalty: The political foundations of the global trend towards abolition. *Human Rights Review*, 9(2), pp.241-268.
- Miethe, T.D., Lu, H. and Deibert, G.R., 2005. Cross-national variability in capital punishment: Exploring the sociopolitical sources of its differential legal status. *International Criminal Justice Review*, 15(2), pp.115-130.

ANNEXURE

Serial No.	Offence	Nature of Crime	Comments
1.	Giving or fabricating false evidence with intent to procure conviction of capital offence – s.194 PPC	Perjury	
2.	Hurting persons travelling by railway and damaging property of railway – s.127 Railways Act 1890	Sabotage of the Railway	
3.	Stripping of women in public – s.354-A PPC	Stripping a woman in public	
4.	Kidnapping for unnatural lust – s.367A PPC	Kidnapping for unnatural lust	<i>Added to PPC by Protection of Women Act 2006</i>
5.	Punishment for Rape – s.376 PPC	Rape	Sub-divided: ss. (1) rape (2) gang rape
6.	Punishment for contravention of sections 6,7 & 8 – s.9 Control of Narcotic Substances Act 1997	Narcotics	s.13 & 14 of the Dangerous Drugs Act 1930 was repealed by s.78 of the CNS Act 1997
7.	Kidnapping for ransom – s.365-A PPC	Kidnapping	
8.	Kidnapping child under age of 14 – s.364-A PPC		
9.	Successful mutiny – s.132 PPC		
10.	Mutiny – s.31 of the Pakistan Army Act	Mutiny	
11.	Offences of mutiny – s.36 of the Pakistan Navy Ord. 1961		
12.	Failure to suppress mutiny – s.36 of the Pakistan Navy Ord. 1961		
13.	Mutiny – s.37 of the Pakistan Air Force Act 1953		
14.	Airplane Hijacking – s.402-B PPC		Hijacking
15.	Harbouring Hijacking – s.402-C PPC		
16.	Waging and abetting war against Pakistan – s.121 PPC	Waging and abetting war	
17.	Zina – s.5 of Offences of Zina (Enforcement of Hudood) Ord. 1979	Zina	Hadd offence
18.	Dacoity resulting in Murder – 396 PPC		Hadd offence

Serial No.	Offence	Nature of Crime	Comments
19.	Punishment of Haraabah – s.17(4) Offences Against Property (Enforcement of Hudood) Ord. 1979		
20.	s.2 High Treason (Punishment) Act 1973	Treason	
21.	s.24 of the Pakistan Army Act	Offences in relation to the enemy and punishable by death	
22.	s.34 of the Pakistan Air Force Act		
23.	Misconduct in action by persons in command – s.29 of the Pakistan Navy Ord. 1961	Misconduct in action by persons in command	
24.	Misconduct in action by other officers and men – s.30 of the Pakistan Navy Ord. 1961	Misconduct in action by other officers and men	
25.	Obstruction of Operation – s.31 of the Pakistan Navy Ord. 1961	Obstruction of Operation	
26.	Corresponding with, supplying or serving with the enemy– s.32 of the Pakistan Navy Ord. 1961	Corresponding with, supplying or serving with the enemy	
27.	s.26 of the Pakistan Army Act	Disclosure of Parole or Watchword	
28.	s.13A(c)(1) of Pakistan Arms Ordinance 1965	Arms Trading	
29.	s.3 of the Explosives Act	Explosives Act	Triable by Anti - Terrorism Courts as per s.6(3) and 3 rd schedule of the Anti-Terrorism Act 1997
30.	Unintentional murder – 301 PPC	Homicide	
31.	Qatal-e-Amad – 302 PPC		
32.	Punishments for acts of terrorism – s.7 of the Anti-Terrorism Act 1997	Terrorism	
33.	Blasphemy – s.295-C PPC	Blasphemy	



Justice Project Pakistan (JPP) is a legal action non-profit that provides pro-bono legal representation to the most vulnerable Pakistani prisoners facing the harshest punishments. Our clients include those facing the death penalty, the mentally ill and victims of police torture. In December 2016, JPP's Executive Director was presented the National Human Rights Award by the President of Pakistan.