

DEATH PENALTY IN PAKISTAN

Data Mapping Capital Punishment

2024



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PREFACE

As we commemorate the World Day Against the Death Penalty, we present the 3rd edition of the annual statistics report, *Death Penalty in Pakistan: Data Mapping Capital Punishment*. This report offers a thoroughly updated and comprehensive analysis of the implementation of the death penalty in Pakistan.

Over the past decade, significant developments have shaped the landscape of capital punishment in Pakistan. This report delves into the data and provides an insightful overview of a period marked by a profound re-evaluation of the death penalty. Our aim is to highlight these developments through detailed statistical analysis and contextual insights.

Since the lifting of the moratorium on executions in December 2014, the administration of death sentences has undergone substantial changes. The statistics reflect a complex interplay of legal processes, judicial decisions, and evolving societal attitudes that influence the application of capital punishment. This edition captures these shifts and provides key findings on trends, patterns, and the underlying drivers.

In this edition, we have expanded our analysis significantly. Building upon the foundation of primary data collected from Provincial Prison Departments, Punjab Police, and 33 prisons across the country in the first edition, and the inclusion of 127 jails in the second edition, we have now incorporated comprehensive data from 132 jails across Pakistan's four provinces and territories including Jammu Kashmir and Gilgit-Baltistan. The enhanced dataset provides more granular disaggregation of demographic, regional, and legal aspects of death penalty cases, allowing for a more nuanced understanding of the state of capital punishment in Pakistan.

A new feature of this edition is a detailed secondary analysis of Pakistan's policies and practice referring to Right to Life under ICCPR, which examines the broader impact of the death penalty on various facets of society, including treatment of prisoners, changes in practice, and efficiency of the justice system. This contextual analysis helps frame the statistical findings within a broader discussion, making this report not just a data repository but a resource for informed discourse and policy considerations.

We extend our sincere gratitude to the Provincial Prison Departments, the Punjab Police, and all 127 jails across Pakistan for their invaluable collaboration in providing data and insights. Their support has been instrumental in enabling us to produce this comprehensive analysis.

PREFACE

As we continue to refine our data collection and management systems, we remain committed to filling data gaps, enhancing accuracy, and presenting a complete picture of the state of capital punishment in Pakistan. We hope this report serves as a valuable resource for policymakers, scholars, activists, and all those concerned with the state of the death penalty in Pakistan.

In a world where the discourse around the death penalty is evolving, we invite you to explore the insights and trends presented in this report and to join us in our ongoing efforts to promote a more just and humane approach to criminal justice in Pakistan.

Zille Huma
Justice Project Pakistan (JPP)
2024

RECENT DEVELOPMENTS

In our ongoing commitment to highlighting the evolving landscape of capital punishment in Pakistan, we present a comprehensive update on recent developments since the publication of the second edition of this report. These developments depict the complexities and challenges that continue to shape the application of the death penalty in the country.

Continued Challenges: Death Penalty Sentences Post-2023 CNSA Amendment

Despite the passage of the Control of Narcotics Substances (Amendment) Act 2023, which eliminated the death penalty for narcotics offenses, challenges remain. In 2024, some courts have continued to impose death sentences under the Control of Narcotics Substances Act (CNSA). On January 15, 2024, the Special Court-II on Narcotics in Karachi sentenced an individual to death under Section 9(c) of the CNSA, despite the legal amendment. The case is currently under appeal before the High Court. Additionally, the Sindh Prisons Department reports two appeals pending before the Hyderabad High Court for individuals sentenced to death under the CNSA on May 31, 2023.

These instances raise questions about judicial awareness and interpretation of the 2023 amendment. Possible reasons for the continued imposition of the death penalty in narcotics cases include a lack of awareness of the new law, adherence to personal or ideological beliefs, procedural inconsistencies, or misinterpretation of legal provisions. Such discrepancies reflect the broader challenge of ensuring consistent application of legal reforms across the judiciary.

Current Death Row Population under CNSA

As of 2024, despite efforts to reform the death penalty regime, 93 individuals remain on death row with sentences confirmed by the superior judiciary. This includes a significant concentration of condemned individuals in Balochistan, which accounts for 84 of the total 93 confirmed death row cases. The province-wise breakdown is as follows: Punjab has 9 individuals on death row, Balochistan has 84, while Sindh, Khyber Pakhtunkhwa (KP), Gilgit-Baltistan (GB), and Azad Jammu & Kashmir (AJK) currently have none.

The high concentration of condemned prisoners in Balochistan calls for a closer examination of the region's judicial and sentencing practices, particularly in light of the ongoing reforms aimed at reducing the use of capital punishment.

RECENT DEVELOPMENTS

Judicial and Legislative Implications

The persistence of death penalty cases under the CNSA, even after the 2023 amendment, highlights the need for ongoing judicial training and awareness programs to ensure the proper implementation of legislative changes. Furthermore, the legal community must address inconsistencies in sentencing to prevent the continuation of practices that contradict the spirit of reform.

Despite significant legislative strides, such as the elimination of the death penalty for narcotics offenses, the practical implementation of these reforms remains uneven. The cases from Karachi and Hyderabad serve as a reminder that legislative changes must be accompanied by thorough dissemination and education within the judicial system to avoid procedural errors and misinterpretations. As Pakistan continues to navigate these challenges, the need for consistent, transparent, and just application of the law remains critical to ensuring a humane criminal justice system.

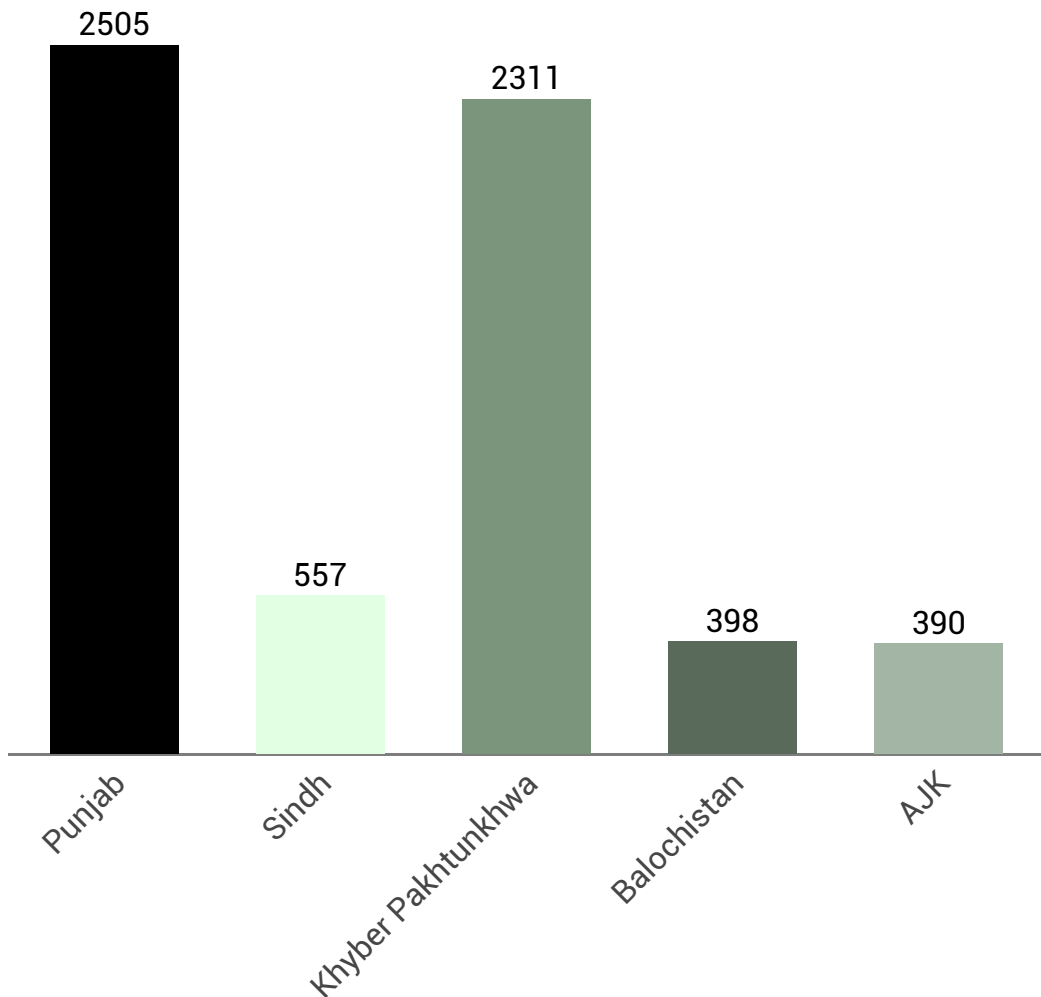
This report remains committed to monitoring and advocating for reforms in the use of the death penalty, providing an evidence-based perspective on these critical issues. We express our gratitude to the Provincial Prison Departments, Sindh Prisons Department, and the judiciary for their cooperation and transparency in providing data, which is essential for understanding and addressing these ongoing challenges.

AGGREGATED STATISTICS OF PRISONERS CURRENTLY ON DEATH ROW

Statistics updated on 30th Sep, 2024.

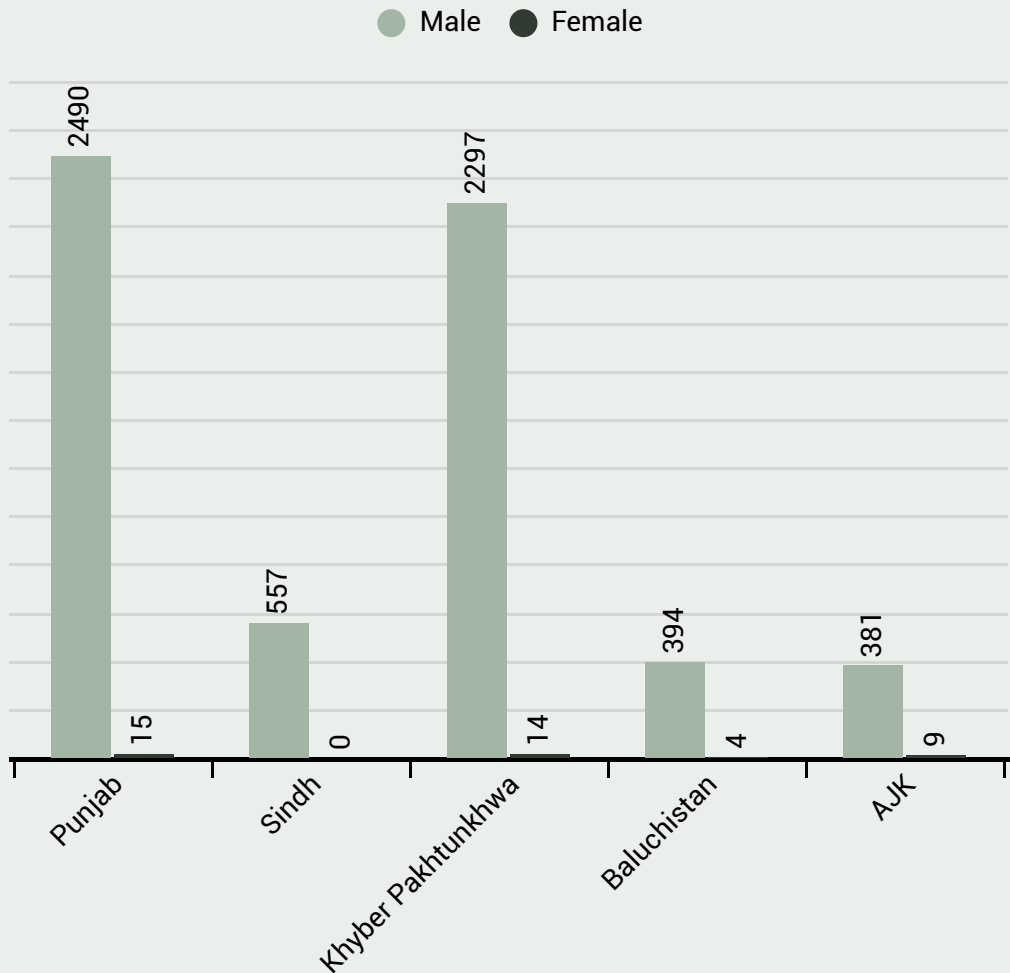
As per current data, there are 6,161 prisoners on death row in Pakistan.

Province-wise distribution is as follows:



GENDER-WISE DISTRIBUTION OF DEATH ROW INMATES

Statistics updated on 30th Sep, 2024.

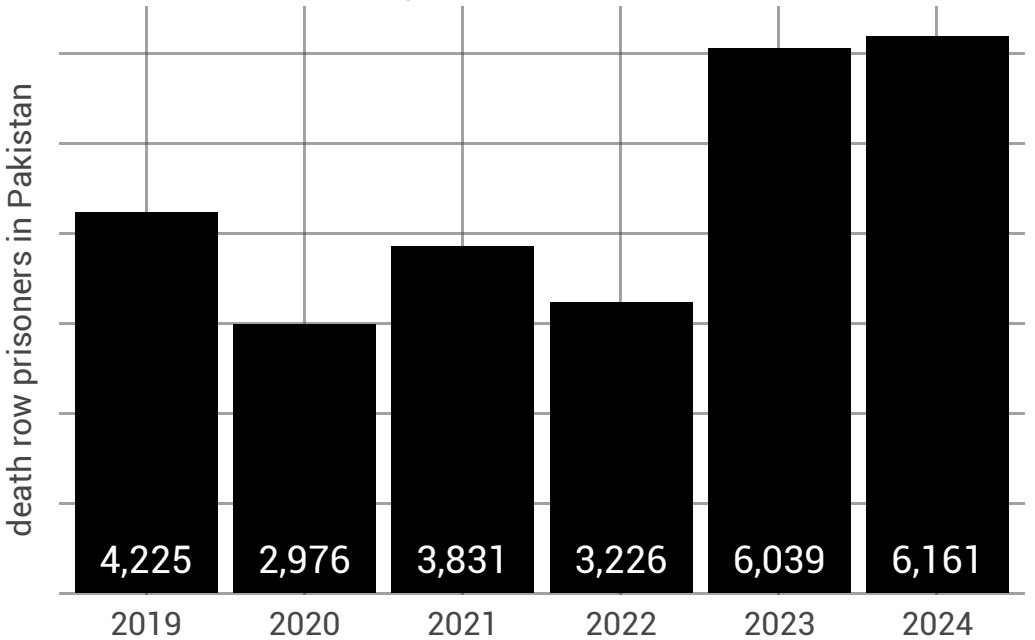


In 2023, males accounted for 99% of the total death row population, while females constituted just 1%, with Khyber Pakhtunkhwa having the highest number of female inmates on death row. In 2024, the proportion of male inmates has increased slightly to 99.3%, with females now representing only 0.7% of the total.

Despite slight fluctuations, the overall demographic profile of death row inmates remains largely unchanged, highlighting the need for deeper analysis of gender-based sentencing trends and the socio-legal factors influencing these outcomes.

DEATH ROW POPULATION TRENDS AND ANALYSIS

By the end of 2024, the total number of death row prisoners in Pakistan reached 6,161, reflecting a slight increase from the 6,039 reported in 2023. This uptick contrasts sharply with the trends observed in earlier years, such as 2022, when the death row population stood at 3,226. The sharp rise in 2023 was driven by the inclusion of previously unreported data from Azad Jammu & Kashmir (AJK) and the high rate of appeal rejections in KP. In 2024, while the overall death row population stabilized, this increase is still concerning, indicating ongoing systemic issues within the criminal justice system, such as lengthy trial processes, high conviction rates, and limited success in appellate relief. This consistency in death row numbers, despite amendments to capital punishment laws like the Control of Narcotics Substances Act 2023, implies the need for more effective policy interventions and judicial reforms to meaningfully impact the reduction of death sentences in the country.

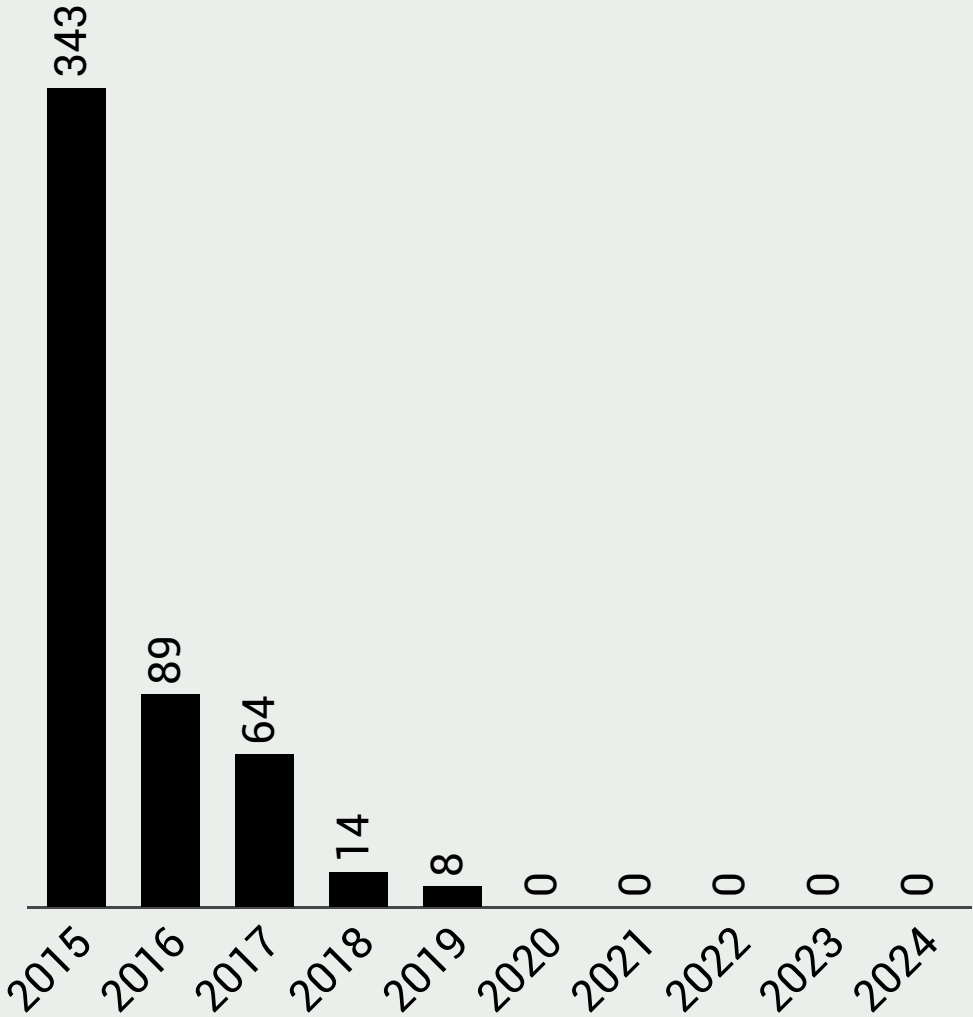


*Year 2024 statistics updated until 30th Sep, 2023

It is important to note that the year 2022 statistics are based on reported aggregated death row data from provincial prison departments.

TREND OF EXECUTIONS OVER THE YEARS

Statistics updated on 30th Sep, 2024.



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

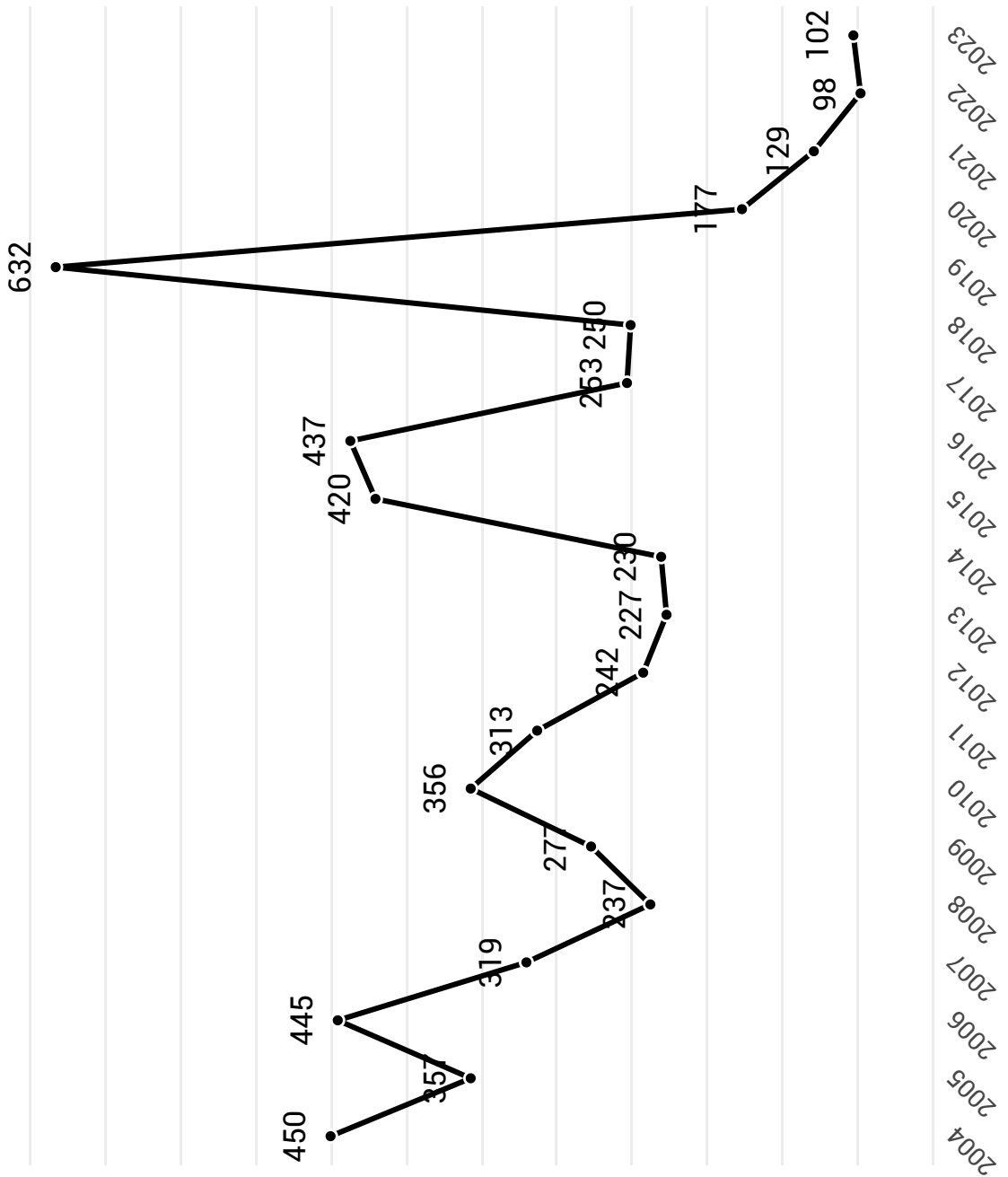
Declining rate of executions or no executions, however, do not deny the possibility of executions in future as currently there are 1,400+ prisoners on death row whose appeals are pending before the Supreme Court.

TRENDS IN ANNUAL DEATH SENTENCES AWARDED BY LOWER COURTS

The data on annual death sentences awarded by lower courts from 2004 to 2023 illustrates distinct shifts in sentencing patterns across different periods. The fluctuating trends reveal phases of heightened sentencing activity, such as in 2019 with 632 death sentences, contrasted sharply by significant drops in 2020 and 2021, likely influenced by external factors like the COVID-19 pandemic, which disrupted court proceedings.

The resurgence to 102 death sentences in 2023, following a historic low of 98 in 2022, suggests a potential recalibration in judicial practices or possibly an increased focus on cases that were previously delayed. This variability in sentencing depicts the dynamic nature of the capital punishment landscape in Pakistan, influenced by both procedural changes and broader socio-political factors. See following Figure:

TRENDS IN ANNUAL DEATH SENTENCES AWARDED BY LOWER COURTS



Number of Annual Death Sentences Awarded by Session Courts in Pakistan

STATUS OF APPEALS FOR DEATH ROW PRISONERS

The legal journey for death row prisoners in Pakistan remains a complex, multi-stage process that begins with sentencing at the session court and can extend through the high courts, Supreme Court, and finally to the President's office. As of 2024, a considerable number of cases remain pending at each stage, depicting the challenges faced by both the judicial system and condemned prisoners seeking justice or reprieve.

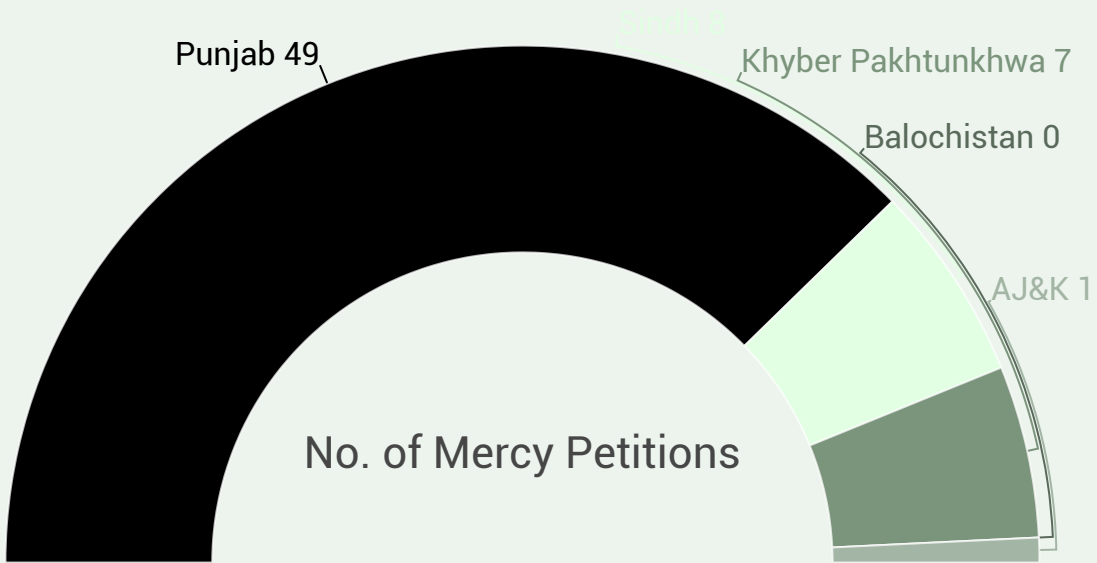
In 2024, Punjab alone accounts for a substantial proportion of pending appeals. Currently, there are 2,215 cases awaiting a decision in the Punjab High Court, with 2,200 male and 15 female prisoners listed as Unconfirmed Condemned Prisoners (UCCP). The Supreme Court of Pakistan, which represents the next stage of appeal, has a significantly lower number of cases awaiting judgment from Punjab, with 290 male prisoners and no female or juvenile cases pending. This shift indicates that many appeals are either resolved at the High Court level or redirected for further legal scrutiny.

At the final stage, filing the mercy petitions before the President of Pakistan is essentially the last resort available to prisoners once their appeals are rejected at the Supreme Court level. As of 2024, there are 49 mercy petitions pending before the President from Punjab alone. The data suggests a slight increase from the previous year, reflecting the cumulative nature of appeals and mercy petitions over time.

In addition to Punjab, other provinces also have cases pending at various stages of the appeals process. Sindh has 8 mercy petitions currently awaiting the President's decision, while Khyber Pakhtunkhwa has 7, and Azad Jammu & Kashmir has 1 petition pending. The backlog in these appeals and petitions indicates an extended period of uncertainty for death row inmates, with the average waiting period for appeals stretching over a decade before a final decision is made by the Supreme Court or the President.

This substantial backlog of appeals and mercy petitions, coupled with the continued imposition of death sentences by lower courts, has resulted in a protracted legal process, often translating into years of psychological distress and uncertainty for prisoners. The persistent delays in the adjudication of these cases imply the critical need for legal reforms and a more efficient handling of appeals within the criminal justice system to ensure a fair and timely resolution for all those awaiting justice on death row in Pakistan.

PENDING MERCY PETITIONS BEFORE THE PRESIDENT



As of 2024, a total of 65 mercy petitions are pending before the President of Pakistan. The majority of these petitions are from Punjab (49), followed by Sindh (8), Khyber Pakhtunkhwa (7), and Azad Jammu & Kashmir (1), while no petitions are pending from Balochistan.

PAKISTAN'S POLICY AND PRACTICE ON THE RIGHT TO LIFE UNDER THE ICCPR: RECENT UPDATES

This section provides an overview of Pakistan's recent developments in policy and practice regarding the right to life, as outlined in the International Covenant on Civil and Political Rights (ICCPR). The right to life is a fundamental human right that underpins the dignity of all individuals, serving as a cornerstone for the protection of other rights. In light of Pakistan's commitments under the ICCPR, this analysis highlights key initiatives, legislative changes, and practical measures implemented by the government to uphold this right. By examining specific examples, this section aims to illustrate the current landscape of human rights in Pakistan, focusing on efforts to protect and promote the right to life within the broader context of international obligations.

Right to Life (Article 6)

I. Imposition of the Death Penalty for crimes other than the "most serious crimes"

In its 2017 Concluding Observations, the Committee expressed its concern that "the death penalty is applied to crimes other than the 'most serious crimes' within the meaning of article 6(2) of the Covenant, such as drug trafficking and blasphemy."^[1] Accordingly, the Committee urged Pakistan to "take all measures necessary to ensure that the death penalty is provided only for the 'most serious crimes' involving intentional killing."^[2]

[1] Human Rights Committee, Concluding observations on the initial report of Pakistan, adopted by the Committee at its 120th session, UN Doc. CCPR/C/PAK/CO/1 (Aug. 23, 2017), 18. <https://www.ohchr.org/en/documents/concluding-observations/ccprcpakco1-human-rights-committee-concluding-observations>

[2] Human Rights Committee, Concluding observations on the initial report of Pakistan, adopted by the Committee at its 120th session, UN Doc. CCPR/C/PAK/CO/1 (Aug. 23, 2017), 18(a). <https://www.ohchr.org/en/documents/concluding-observations/ccprcpakco1-human-rights-committee-concluding-observations>

PAKISTAN'S POLICY AND PRACTICE ON THE RIGHT TO LIFE UNDER THE ICCPR: RECENT UPDATES

Current State Policy or Practice

1. Pakistan has voted against the resolutions on a moratorium on the use of death penalty in the UNGA in 2018, 2020[1] and 2022.[2]
2. In October 2023, Pakistan voted against a UN Human Rights Council resolution that sought to uphold procedural safeguards in capital punishment and expressed opposition to the death penalty for drug offences. Despite being the only country in 2023 to eliminate the death penalty for drug offences, Pakistan's mission to the UN in Geneva sided with nations like Singapore and Saudi Arabia in their defence of the death penalty for drug offences as a necessary tool against trafficking and substance use.[3]

On December 17, 2014, Pakistan lifted a seven-year moratorium on the death penalty and subsequently executed 300+ persons on death row within a year followed by 325 in 2015, 88 in 2016, 66 in 2017, 15 in 2018, and 10 in 2019.[4] In total, the state has executed 516 people, while 6,161 are currently on death row.[4]

Following this period of executions from 2014 to 2019, however, there have been no executions in Pakistan since December 2019.[5]

[1] World Coalition Against the Death Penalty, 'Statement on the Adoption of the 8th UN General Assembly Resolution for a Moratorium on the Use of the Death Penalty', <https://worldcoalition.org/2020/12/17/statement-on-the-adoption-of-the-8th-un-general-assembly-resolution-for-a-moratorium-on-the-use-of-the-death-penalty/>

[2] World Coalition Against the Death Penalty, '9th resolution for a moratorium on the use of the death penalty: the trend is growing,' (Dec. 20, 2022), <https://worldcoalition.org/2022/12/20/9th-resolution-for-a-moratorium-on-the-death-penalty-the-trend-is-growing/>

[3] UNHRC 54th Session 2023 Resolution on the question of the death penalty <https://documents.un.org/doc/undoc/gen/g23/217/23/pdf/g2321723.pdf>

[4] Justice Project Pakistan, Death Penalty Database, Library • Justice Project Pakistan - Death Penalty Database <https://data.jpp.org.pk/>

[4] Justice Project Pakistan, Death Penalty Database, Library • Justice Project Pakistan - Death Penalty Database <https://data.jpp.org.pk/>

[5] Human Rights Council, Report of the Working Group on the Universal Periodic Review: Pakistan, U.N. Doc A/HRC/53/13 (Mar. 31, 2023), 15. <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session53/list-reports>

PAKISTAN'S POLICY AND PRACTICE ON THE RIGHT TO LIFE UNDER THE ICCPR: RECENT UPDATES

1. Pakistan's capital crimes do not meet the "most serious crimes" standard laid out by the Human Rights Committee in General Comment No. 36, restricted to crimes of intentional killing.[1]
2. Further, Pakistan continues to refute this standard by saying that there is no international consensus on the "most serious crimes", in both its State Report[2] and its Reply to the LOI.[3]
3. Moreover, Pakistan's application of the death penalty does not comply with Constitutional safeguards including the right to a fair trial, the right to dignity, and the right to freedom from torture.[4]
4. In 2018, the Ministry of Human Rights began reviewing offences punishable by death, aiming to limit the death penalty to serious crimes and impose alternative punishments for less serious ones. As a result, Pakistan passed two amendments: in November 2022, it removed the death penalty for railway sabotage,[5] and in July 2023, for narcotics offences.[6]

Pakistan currently has the death penalty for 31 offences, many of which do not meet the "most serious crimes" threshold.[7] The following crimes are eligible for the death penalty: murder;[8] robbery resulting in death;[9] terrorism;[10] kidnapping or abduction of a minor;[11]

[1] UN Human Rights Committee (HRC), General comment no. 36, Article 6 (Right to Life), 3 September 2019, CCPR/C/GC/35, available at: <https://www.refworld.org/docid/5e5e75e04.html>

[2] Human Rights Committee, Second periodic report submitted by Pakistan under article 40 of the Covenant, due in 2020 (Dec. 7, 2022), UN Doc. CCPR/C/PAK/2. <https://www.ecoi.net/en/document/2084794.html>

[3] Human Rights Committee, Replies of Pakistan to the list of issues in relation to its second periodic report (May 17 2024), UN Doc, CCPR/C/PAK/RQ/2. <https://documents.un.org/doc/undoc/gen/g24/O83/66/pdf/g24O8366.pdf>

[4] Justice Project Pakistan, Pakistan's Compliance with Article 6: The Right to Life (ICCPR) (June, 2023) <https://jpp.org.pk/pakistans-compliance-with-article-6-the-right-to-life-iccpr/>

[5] See The Railway (Amendment) Bill 2022; see also Sardar Sikander Shaheen, Senate passes Railways (Amendment) Bill 2022 unanimously, Business Recorder (Oct. 12, 2022), available at <https://www.brecorder.com/news/40202520>

[6] Pakistan Today, Pakistan ends capital punishment for drug trafficking convicts (July 2023), <https://www.pakistantoday.com.pk/2023/07/26/pakistan-ends-capital-punishment-for-drug-trafficking-convicts/>

[7] Amnesty International, Death Sentences and Executions: 2022 12, 26, available at <https://www.amnesty.org/en/documents/act50/6548/2023/en>

[8] Pakistan Penal Code 1860 (PPC) sec 301, 302. <https://www.refworld.org/legal/legislation/natlegbod/1860/en/41422>

[9] PPC sec. 396. <https://www.refworld.org/legal/legislation/natlegbod/1860/en/41422>

[10] Anti-Terrorism Act 1997 sec. 7. <https://nacta.gov.pk/wp-content/uploads/2023/01/1-Anti-Terrorism-Act.pdf>

[11] PPC sec. 364-A. <https://www.refworld.org/legal/legislation/natlegbod/1860/en/41422>

PAKISTAN'S POLICY AND PRACTICE ON THE RIGHT TO LIFE UNDER THE ICCPR: RECENT UPDATES

1. In August 2023, an execution warrant was issued for a prisoner in Mirpur Jail, Azad Jammu & Kashmir (AJK). His mercy petition was rejected by the office of the President of AJK on erroneous grounds (that only the victim's heirs had the power to pardon, even though the President of AJK has a Constitutional power to pardon). The Federal Government intervened before his execution, impressing upon the AJK government that the current policy of no executions was to remain in place.
2. In November 2023, the Supreme Court of Pakistan issued a judgement that referred extensively to Article 6 of the ICCPR and the 1984/50 ECOSOC Resolution on Safeguards Guaranteeing Protection of Rights of Those Facing the Death Penalty. This landmark judgement, titled Muhammad Yasin vs. The State, upheld the international law standard of only applying the death penalty for the most serious crimes, referencing General Comment No. 36 of the Human Rights Committee.[1] The judgement further affirmed that in light of Pakistan's withdrawal of its reservations to Article 6, the provisions of this article were applicable to the State in full force. As such, the Supreme Court commuted the death sentence of a defendant on the grounds that the prosecution was unable to establish a motive for the alleged crime of first-degree murder.
3. In February 2024, the Senate of Pakistan rejected a bill seeking public executions for rape and child sexual abuse.[2]
4. In July 2024, an Anti-Terrorism Court (ATC) sentenced a Christian youth to death for allegedly sharing blasphemous content on social media which led to the violent Jaranwala riots of 2023, which saw dozens of Christian homes and churches burned down by mobs.[3] Of the 135 actual persons arrested for actually perpetrating the violence, allegedly only 12 are facing charges.
5. In August 2024, while hearing a criminal appeal filed by condemned prisoner Ghulam Shabbir, Supreme Court Justice Jamal Khan Mandokhail highlighted the inhumane conditions and interminably long periods of time spent on death row.[4] Ghulam Shabbir had spent 34 years in jail, including 24 years in a death cell. The judgement stated that having already served a life sentence, Shabbir could not be executed for the same offence or this would count as double punishment, and as such he was to be released. The judgement referenced the Nelson Mandela Rules and urged the Federal and Provincial Governments to minimise time spent on death row by aligning prison laws and rules with international standards, improving conditions for death row prisoners, and amending the procedure through which mercy petitions are filed before the President of Pakistan in line with international standards.

[1] Muhammad Yasin and Mudassars The State, https://www.supremecourt.gov.pk/downloads_judgements/clip_476_12018.pdf

[2] The Express Tribune, Senate shoots down public hanging bill (February 20, 2024). <https://tribune.com.pk/story/2457022/senate-shoots-down-public-hanging-bill>

[3] Dawn News, 'Christian man on death row for sparking riots in Jaranwala' (July 1, 2024) <https://www.dawn.com/news/1843074/christian-man-on-death-row-for-sparking-riots-in-jaranwala>

[4] Ghulam Shabbir and others The State, https://www.supremecourt.gov.pk/downloads_judgements/clip_103_2017.pdf

TREATMENT & CONDITION OF DEATH ROW INMATES: RECENT UPDATES

Pakistan's State Report says that since 2019, 31 mental health professionals have been posted in Punjab prisons to support death row inmates. However, these professionals are employed by Punjab Prisons, violating international standards that require clinical independence.

Under domestic law, medical staff should be deputed from provincial health departments, not recruited by prison authorities. As their roles are undefined in the Prison Rules, their independence is compromised by their subordination to prison management.

In their 2024 Reply to the List of Issues, Pakistan has stated that "The Safia Bano Case (2021) prohibits death penalty for the mentally challenged accused," but made no further reference to any efforts being made to implement the judgement.

In April 2024, JPP's client, Sheraz Butt died in custody. These deaths highlight the gross negligence of the prison authorities and the lack of implementation of the directions issued in Safia Bano by the Executive. Sheraz was violently strangled to death in Central Jail, Lahore by another prisoner who also had severe psychosocial disabilities. His appeal against his death sentence in the Supreme Court was met with strong resistance by the judges and remained pending for eight years until his death, despite ample evidence of his serious mental illness repeatedly presented before the court.[1]

[1]According to Sheraz's medical records from his treatment at the psychiatric cell of the Jail Hospital, he was visited seven times by psychiatrists from Punjab Institute of Mental Health (PIMH). The series of medical diagnosis and examinations carried out between the years 2013 and 2017 consistently pointed to Sheraz's mental health as a classical representation of a patient suffering from schizophrenia.

TREATMENT & CONDITION OF DEATH ROW INMATES: RECENT UPDATES

In May 2024, Ghulam Abbas, a petitioner in the Safia Bano judgement, died at the Punjab Institute of Mental Health. Ghulam had been suffering from heart problems, and despite the doctors being aware of his severe cardiac issues, he did not receive adequate medical care and was sent back to his cell. He died from another heart attack in his cell at midnight, still in shackles. Despite the Supreme Court's directive, a fresh mercy petition filed in 2021 to highlight his mental illness was left pending before the President. Ghulam Abbas's death underscores the failure of both Federal and Provincial governments to implement the Safia Bano judgement's protections for death row prisoners with psychosocial disabilities.

Mohammad Saleem Ahmad, a prisoner, has been on death row for 16 years. Arrested for murder in 2001, despite the investigation officer's testimony about his mental illness and the trial court's acknowledgment of his insanity and disorientation, he was sentenced to death in 2004. In 2013, he was officially diagnosed with a psychiatric illness and put on strong antipsychotic drugs. His execution, scheduled for 7th November 2017, was cancelled three days before it took place. A medical board in 2018 confirmed his psychosocial disability and recommended his transfer to a forensic psychiatric facility, but he remains confined in the hospital cell of Central Jail, Lahore. His health is rapidly declining, and despite his deteriorating mental and physical condition, judicial and executive authorities have ignored pleas for his transfer to a mental health facility.

Ismail Parvez, a death row prisoner with a documented history of severe psychosocial disability and more than one suicide attempt in prison, has had his mercy petition pending before the President since 2020.[1]An Anti-Terrorism Court convicted Parvez under the Anti-Terrorism Act 1997 for killing two individuals in 2014.[2]Since 2007, Parvez has been held in prison, instead of a mental health facility where his illness can be accommodated, despite ample evidence and documentation.[3]

TREATMENT & CONDITION OF DEATH ROW INMATES: RECENT UPDATES

Furthermore, Ismail's detention, trial and incarceration have not adequately taken his psychosocial disability into account, nor were his rights upheld in a way that accommodated said psychosocial disability.[4]

Without codifying the directions of the Safia Bano ruling into legislation, persons with psychosocial disabilities will continue to fall through the cracks of the justice system and run the risk of facing execution and harsh sentences without adequate treatment and care. The Criminal Law and Justice Reforms (Amendment) Bill, drafted in January 2022 by the Ministry of Law and Justice, revised the Criminal Procedure Code to include key safeguards and standards from the Safia Bano judgement, including the use of more sensitive language on mental health, the establishment of Medical Boards to assess defendants at various stages, and expanding criteria to prove unsoundness of mind. However, the Bill was never tabled due to the ouster of the PTI-led government in April 2022 and was not part of the new government's legislative agenda.

In conclusion, Pakistan's application of the death penalty raises significant human rights concerns, particularly regarding its imposition for crimes beyond the "most serious crimes" as defined by international standards. Despite some recent legislative amendments aimed at limiting the death penalty, such as the removal of capital punishment for drug offences, the persistent use of the death penalty for a wide range of offenses continues to undermine the right to life. Furthermore, the country's judicial practices related to juvenile offenders and the lack of adequate age determination protocols exacerbate the risk of wrongful sentencing. The government's recent judicial rulings and international commitments reflect a potential shift towards more humane practices, yet concrete policy reforms and comprehensive legal frameworks are essential to align domestic laws with international human rights obligations. Immediate action is necessary to protect vulnerable populations from capital punishment and to ensure that the death penalty is reserved solely for the most serious crimes, as mandated by international human rights standards.

[1] Aoláin, Devandas-Aguilar, Callamard, Puras, and Melzer, Public Comment on Case of Mr. Ismail Parvez, UN Submission (Jun. 4, 2020), UA PAK 9/2020. [2] Aoláin, Devandas-Aguilar, Callamard, Puras, and Melzer, Public Comment on Case of Mr. Ismail Parvez, UN Submission (Jun. 4, 2020), UA PAK 9/2020.

[3] Aoláin, Devandas-Aguilar, Callamard, Puras, and Melzer, Public Comment on Case of Mr. Ismail Parvez, UN Submission (Jun. 4, 2020), UA PAK 9/2020. [4] Justice Project Pakistan, Trapped Inside: Mental Illness and Incarceration (2022), <https://jpp.org.pk/report/trapped-inside>

DATA LIMITATIONS

While compiling the data for this report, it's essential to acknowledge certain limitations and provide insight into the sources of our information. Firstly, we regret to inform our readers that aggregated data from Gilgit Baltistan is notably missing from our dataset. The absence of this region's data implies the need for standardized data sharing practices in the country.

Secondly, it's important to recognize that most of the prison statistics presented in this report are compiled by the respective prison departments themselves. While efforts are made to maintain accuracy and reliability, inherent biases or variations may exist in the data due to differences in reporting methods and practices across various regions and institutions.

Despite these limitations, we wish to highlight that the data used in this report has been obtained through official channels, primarily via the respective jails and provincial prison departments, ensuring a degree of credibility and transparency in the information presented. However, it's crucial to remain vigilant and continually advocate for improved data collection and reporting practices to facilitate evidence-based policy decisions and promote transparency in the criminal justice system.

KEY MESSAGE

The ongoing challenges surrounding capital punishment in Pakistan highlight a critical need for continued reform and judicial awareness. Despite legislative advancements, such as the 2023 amendment to the Control of Narcotics Substances Act, the imposition of death sentences under outdated laws reveals significant gaps in judicial interpretation and consistency. The high concentration of death row inmates in Punjab & KP and the persistent backlog of appeals and mercy petitions further illustrate systemic issues within the criminal justice system.

As we move forward, it is imperative to foster a legal environment that prioritizes the fair application of justice and the humane treatment of all individuals. The ongoing monitoring and advocacy for reform are essential in ensuring that the death penalty is applied judiciously and in alignment with international human rights standards. We remain committed to collaborating with stakeholders and the judiciary to promote awareness and understanding of legal changes, aiming to ultimately reduce the reliance on capital punishment in Pakistan.

DATA SOURCES

- *National Academy for Prison Administration: napa.gov.pk*
- *Punjab Prisons Department: prisons.punjab.gov.pk*
- *Sindh Prisons Department*
- *Khyber Pakhtunkhwa Prisons Department*
- *Balochistan Prisons Department*
- *Anti-Narcotics Force (ANF) Pakistan: anf.gov.pk*
- *National Commission on the Human Rights (NCHR): nchr.gov.pk*
- *AJK Prisons Department*
- *District Jail Quetta, Balochistan*
- *Central Jail Lahore, Punjab*
- *Ministry of Interior, Pakistan: interior.gov.pk*
- *Ministry of Law & Justice, Pakistan: molaw.gov.pk*