



The Death Penalty in Pakistan

Data Mapping
Capital Punishment 2024

JUSTICE PROJECT PAKISTAN



JUSTICE PROJECT PAKSITAN

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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 demogra-

phic, 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.

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, 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 for narcotics offences 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.

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.

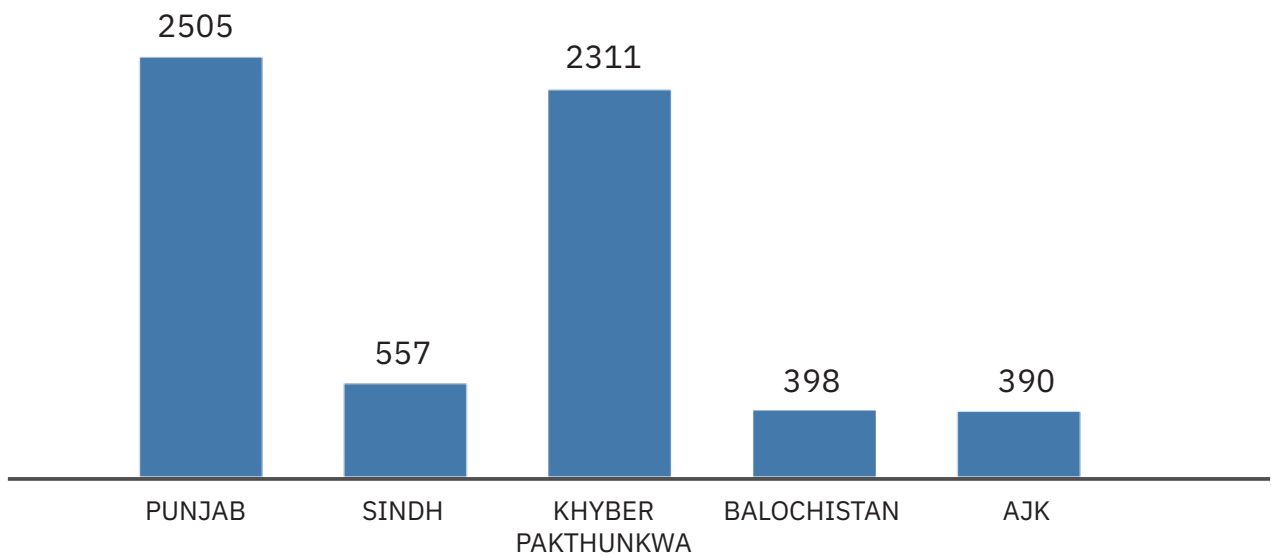
Despite significant legislative strides, such as the elimination of the death penalty for narcotics offenses, the practical implementation of these reforms remains uneven. The cases from Karachi and Hyderabad serve as a reminder that legislative changes must be accompanied by thorough dissemination and 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

As per current data, there are 6,161 prisoners on death row in Pakistan. Province-wise distribution is as follows:

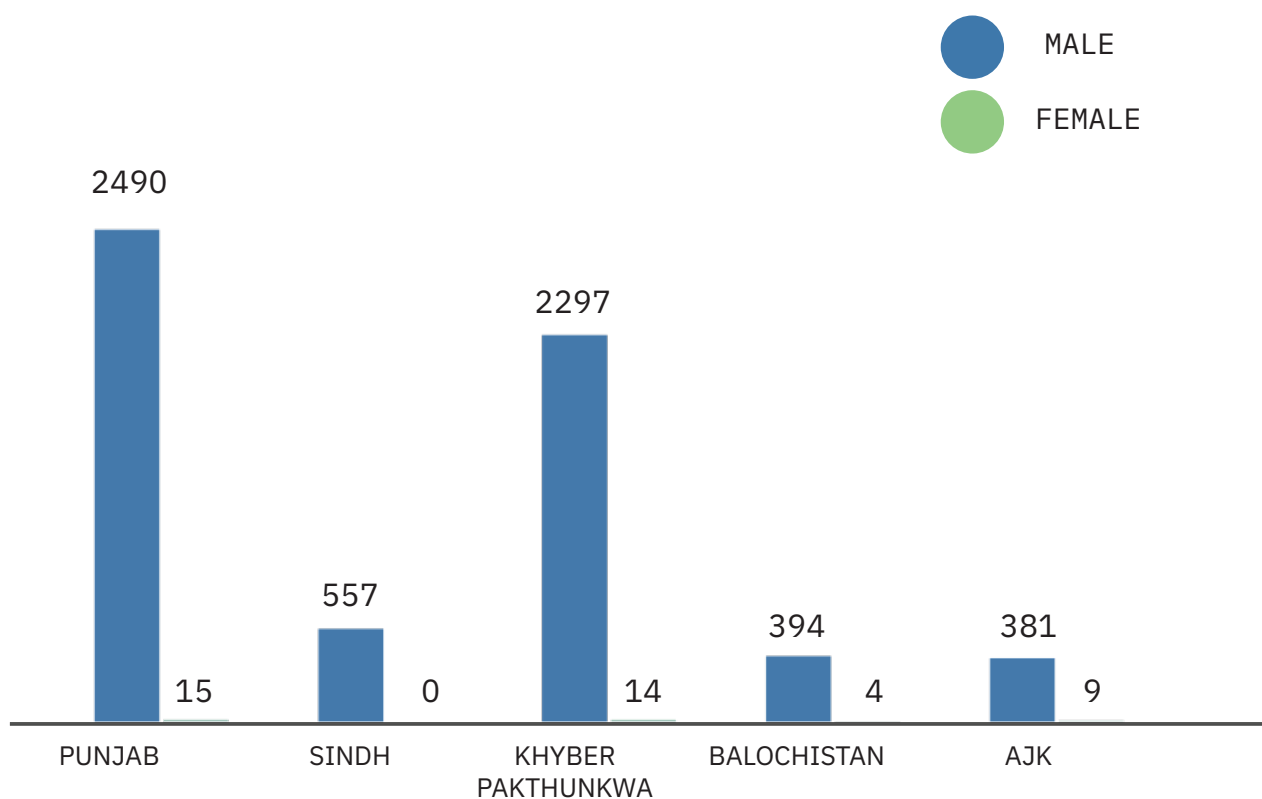
STATISTICS UPDATED ON 30TH SEP, 2024.



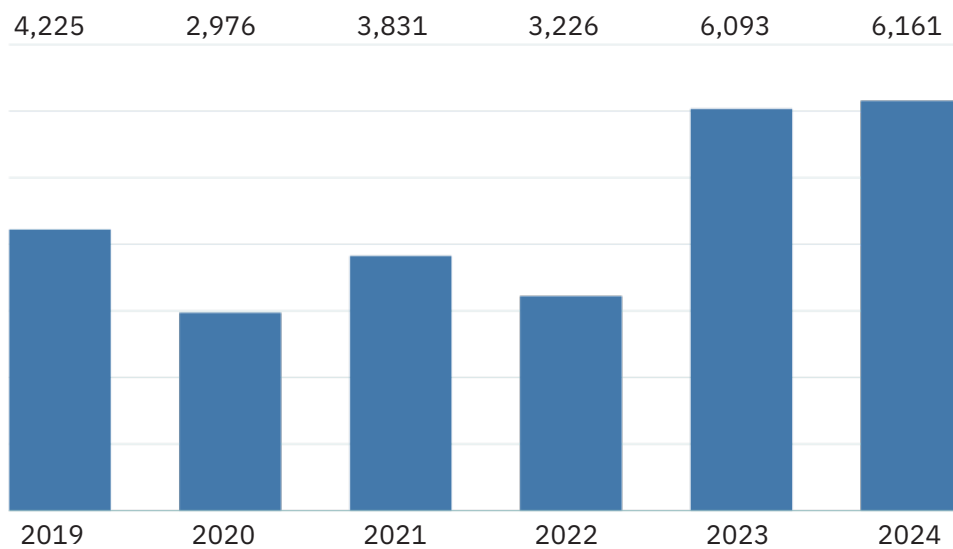
GENDER-WISE DISTRIBUTION OF DEATH ROW INMATES

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.

STATISTICS UPDATED ON 30TH SEP, 2024.



DEATH ROW POPULATION TRENDS AND ANALYSIS

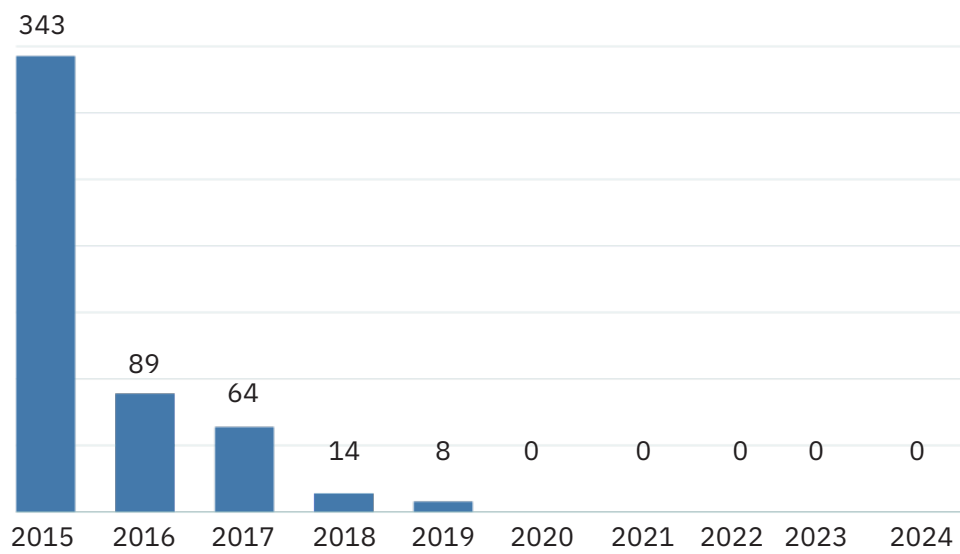


*YEAR 2024 STATISTICS UPDATED UNTIL 30TH SEP, 2023

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

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

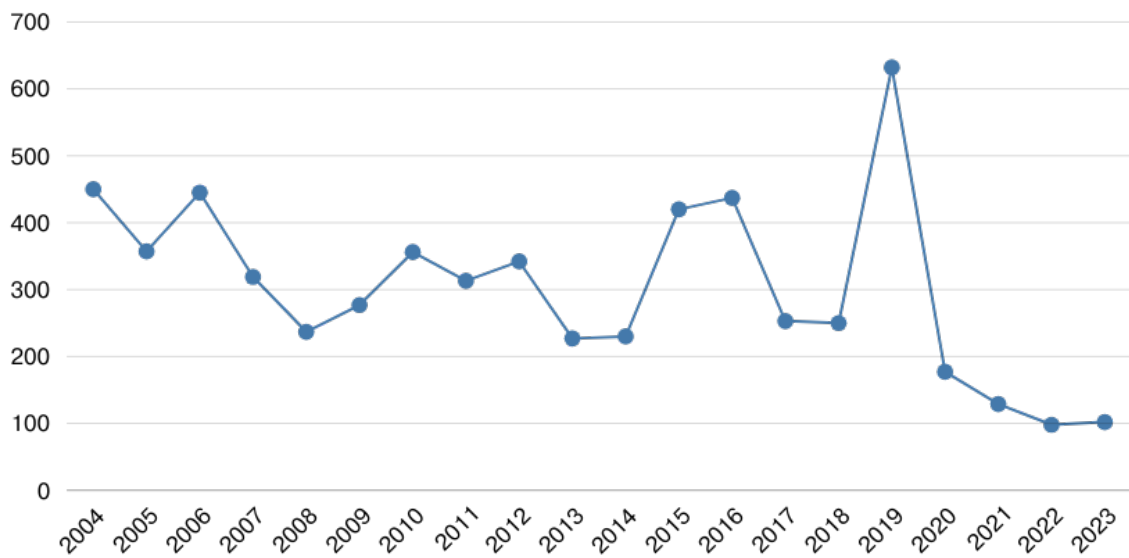
TREND OF EXECUTIONS OVER THE YEARS



STATISTICS UPDATED ON 30TH SEP, 2024.

TRENDS IN ANNUAL DEATH SENTENCES AWARDED BY LOWER COURTS

NUMBER OF ANNUAL DEATH SENTENCES AWARDED BY SESSION COURTS IN PAKISTAN



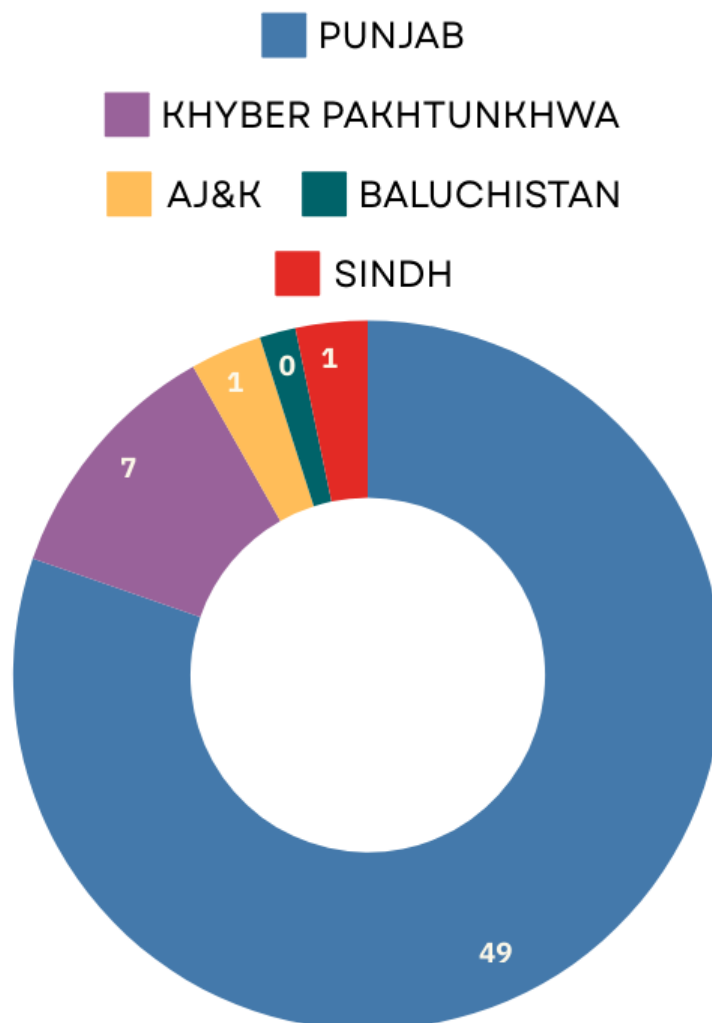
STATUS OF APPEALS FOR DEATH ROW PRISONERS

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. In addition to Punjab, other provinces also have cases pending at various stages of the ap-

peals 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.



TREATMENT & CONDITION OF DEATH ROW INMATES: RECENT UPDATES

Pakistan's State Report to the UN Human Rights Committee on its compliance with the ICCPR 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 framed by the UN Human Rights Committee 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. In May 2024, Ghulam Abbas, a petitioner in the Safia Bano judgement, died at the Punjab Ins-

titute 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] 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> A/HRC/53/13 (Mar. 31, 2023), 15. <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session53/list-reports>

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

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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.

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

JUSTICE PROJECT PAKISTAN IS A LEGAL ACTION NON-GOVERNMENTAL ORGANIZATION THAT REPRESENTS THE MOST VULNERABLE PAKISTANI PRISONERS FACING THE HARSHTEST PUNISHMENTS AT HOME AND ABROAD.

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