

## AFTAB BAHADUR PAKISTAN



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**AFTAB BAHADUR** was arrested by police in Lahore on 5 September 1992 along with another man, suspected of murder. He was held in police detention for a period of several months without access to a lawyer. Detainees are often held in police custody for weeks at a time and sometimes up to a year while charges are prepared. They are rarely given the chance to challenge the lawfulness of their detention before a court or seek bail.

When Aftab Bahadur finally appeared in court in 1993, he pleaded not guilty, claiming that police had taken him to the scene of the crime and forced him to leave fingerprints. His co-defendant Ghulam Mustafa also claimed that he had been tortured and forced to leave fingerprints. The judge noted their claims without comment.

Aftab Bahadur was provided with a state-appointed lawyer at trial who failed to produce any evidence or witnesses in defence of his client. State-appointed lawyers in Pakistan are often poorly trained and paid, and may not represent their clients vigorously unless the defendant also pays them.

Aftab Bahadur was tried before the Special Court for Speedy Trials No.2 in Lahore on 13 April 1993, convicted of murder and sentenced to death. These courts operated between 1987 and 1994 with exclusive jurisdiction over certain scheduled offences, including murder and violent and non-violent political offences for which the death sentence could be imposed. They operated outside the regular legal system, were presided over by retired judges and allowed for appeals only to a Special Supreme Appellate Court, again outside the ordinary Supreme Court bench. Strict time limits were placed on bringing cases to trial after charges had been filed, length of hearings, and the appeal process. Although the laws establishing these speedy courts were repealed in 1994, a number of people remain imprisoned following trials in these courts, some of them, like Aftab Bahadur, under sentence of death.

Aftab Bahadur appealed against his conviction to the Supreme Appellate Court. A lawyer was again appointed by the state to represent him. His appeal application is not dated and simply contains four generic points made on one sheet of paper: that the prosecution failed to establish his guilt beyond reasonable doubt; that there was insufficient reliable evidence to convict him; that Aftab Bahadur is innocent; and that the trial court judgement was arbitrary and based on conjecture.

“The police tortured me and then after smearing my hands with oil, put those hands around the room and thus the impressions were obtained.”

Aftab Bahadur

TORTURE/OTHER  
ILL-TREATMENT

SPECIAL COURTS

The appeal court confirmed the conviction and sentence on 27 March 1994. A mercy petition to the President was filed by Aftab Bahadur in 2010. He is detained in a Lahore jail.

Courts in **PAKISTAN** sentence a large number of people, including juveniles, to death, despite a promise made by the President in 2008 that all death sentences would be commuted. Over 8,000 prisoners are said to be on death row; many have been there for years. The death penalty is most frequently imposed for murder, but can be imposed for almost 30 other offences including those without lethal consequences which fall outside the scope of the “most serious crimes” as defined by the International Covenant on Civil and Political Rights. Anti-terrorism courts operate outside the regular judicial system with wide powers given to the police and security agencies. Systemic problems exist within the judicial system including corruption, lack of judicial independence, and discrimination.

## ACT NOW

### Appeal to the President to:

- ★ Stop the execution of Aftab Bahadur by whatever judicial or other means available.
- ★ Investigate all claims of torture and other ill-treatment and ensure that statements and other evidence resulting from such coercion are completely excluded from any re-trial.
- ★ Ensure Aftab Bahadur is re-tried by a regular court in proceedings which comply with international fair trial standards.
- ★ Suspend all executions and the imposition of death sentences as a step towards the total abolition of the death penalty.
- ★ Fully comply with obligations under the International Covenant on Civil and Political Rights and revise laws and change policies and practices to ensure fair trials in line with international standards.

### Write to:

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