

PUBLIC

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Death penalty

19 August 2005

AFGHANISTAN

Sharifullah, surname unknown (m), aged 35
Habib al-Rahman (m)
Zalmi, surname unknown (m)
Neyaz Mohammad (m)
Tila Mohammad (known as Telgai) (m)
Mohammad Rafiq (m)
Omar Khan (m)

The seven men named above have been sentenced to death by a Court for Crimes against Internal and External Security in the capital Kabul. Sharifullah was sentenced to death on the charge of kidnapping, and the other six men were sentenced to death on the charge of highway robbery. It is not known if any of the men are appealing their sentences though if the appeals are unsuccessful, the death sentences will be passed to the President for approval before they can be carried out.

Sharifullah was sentenced to death on 17 August for the kidnapping of three foreign election workers in October 2004. The election workers were released unharmed after nearly a month of captivity, after a ransom was reportedly paid for their release. At the time, a Taliban group claimed they were holding the workers. Officials have said that several other men also involved in the kidnapping are still at large.

The trial of Sharifullah was held in a closed court, reportedly due to concerns for the safety of those involved in the case. According to a report by the Reuters news agency, the judge stated that Sharifullah 'confessed' to the kidnapping. Sharifullah allegedly said that the purpose of the kidnapping was to seek ransom and release of colleagues held by Afghan authorities. He also reportedly said that he had no connection with the Taliban group, and established contact only in an attempt to sell the hostages on to them. It is not known if he 'confessed' freely to the kidnapping, or if he was coerced. It is also not known whether he had access to legal representation.

Habib al-Rahman, Zalmi, Neyaz Mohammad, Tila Mohammad, Mohammad Rafiq and Omar Khan were sentenced to death by the same court in a separate case, for committing a series of highway robberies. They too are said to have 'confessed', although the circumstances under which the confessions were made are not known. It is not known whether they had access to legal representation.

BACKGROUND INFORMATION

Since the fall of the Taliban in 2001, there has been one known judicial execution in Afghanistan. Abdullah Shah, a military commander from Paghman, a town west of Kabul, was executed around 19 April 2004. In October 2002, the United Nations' Special Rapporteur on extrajudicial, summary or arbitrary executions, who had observed Abdullah Shah's trial proceedings, stated:

"The lack of capacity in the domestic judicial system has time and again been pointed out and indeed been observed by me during a well-publicized trial. I am concerned that the safeguards and restrictions according to international standards for imposing capital punishment cannot be observed at this stage. I therefore urge that the punishment of death penalty be suspended and a moratorium on executions be implemented until such standards can be met."

In 2003, the UN Commission on Human Rights called on the Afghan authorities to "declare a moratorium on the death penalty in the light of procedural and substantive flaws in the Afghan judicial system."

According to reports, at least 50 individuals are under sentence of death, issued by various courts, which are awaiting a decision by President Karzai.

For further information on Abdullah Shah's execution, please see Amnesty International's public statement, 'Afghanistan: First execution since the fall of Taliban' (AI Index ASA 11/007/2004, 26 April 2004).

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Dari, Pashto, Urdu, English or your own language:

- stating that Amnesty International recognizes the rights and responsibilities of governments to bring to justice those suspected of criminal offences, but unconditionally opposes the death penalty as the ultimate cruel, inhuman and degrading punishment;
- expressing concern that Sharifullah, Habib al-Rahman, Zalmay, Neyaz Mohammad, Tila Mohammad, Mohammad Rafiq and Omar Khan are reported to have been sentenced to death, and urging that their sentences be commuted on appeal;
- asking for details of their trial proceedings, including whether they had access to adequate legal representation;
- urging the Afghan authorities to declare a formal moratorium on executions in line with a view to the eventual abolition of the death penalty.

APPEALS TO:

Chief of Justice

His Excellency Abdel Hadi Shenwari

Email: info@moj.gov.af or eyaqubi@afghanistanrolp.org (please ask to be forwarded to HE Abdel Hadi Shenwari)

Alternatively, you can submit an email through the Ministry of Justice's website at:
http://www.moj.gov.af/english/Contact_Us.html

President

His Excellency Hamid Karzai

Fax numbers and e-mail addresses for President Karzai do not seem to be available. Please send appeals via the Afghan embassy or diplomatic representative in your country, asking them to forward your appeal.

Minister of Foreign Affairs

His Excellency Dr. Abdullah Abdullah

Ministry of Foreign Affairs of Afghanistan

Malak Azghar Road

Kabul, Afghanistan

Fax: +1801 459 2967

E-Mail: contact@afghanistan-mfa.net

COPIES TO: Diplomatic representatives of Afghanistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 September 2005.