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Pakistan: Placing children on death row -- "in the best interests of the child"?

ISLAMABAD -- Pakistan's cruel treatment of Mohammad Saleem not only demonstrates its blatant disregard for children's rights, it also flies in the face of its international obligations and violates the country's own constitution, Amnesty International said as it launched a new report today.

Four months after going through the traumatic experience of being sentenced to death by a military court and then acquitted for want of evidence, 14-year-old Mohammad Saleem now faces the same ordeal again following his re-arrest on the same charges on 13 May.

This latest twist in Mohammad Saleem's case graphically illustrates how Pakistan continues to flout the most fundamental principle underlying all child rights protection -- that their treatment be guided by what is "in the best interest of the child". This principle is enshrined in the United Nations (UN) Convention on the Rights of the Child, which Pakistan ratified in 1990.

Since he was first arrested on 1 June 1998 for his alleged involvement in the murder of three police officers in the alley where he lives, Mohammad Saleem has seen his fundamental rights systematically violated by the criminal justice system:

- he was arrested without being informed of the charges against him
- he was detained together with adults, first in police custody and later in jail
- he was beaten by police
- he was tried alongside adults
- he was given an unfair trial by a military court which was later declared to be unconstitutional
- he was convicted despite there being no evidence to link him to the offence
- he was sentenced to death

Saleem's recent re-arrest and re-trial violates the prohibition of double jeopardy -- the principle that no one can be tried for the same offence twice. This safeguard is contained in international law as well as article 13 of Pakistan's own constitution.

The testimony of Mohammad Saleem -- contained in *Pakistan: Juveniles sentenced to death*-- reveals the fear, loneliness and bewilderment that all children in his position go through when they are subjected to procedures they do not understand, locked up in a prison cell, cut off from their families, fearing for their lives.

Around 50 children are currently on death row in Pakistan. Amnesty International is calling on the Pakistani government to adhere to its obligations under the Convention on the Rights of the Child by commuting their sentences and reviewing their continued imprisonment in line with international principles on the detention of young people.

"Pakistan is now one of only a handful of countries which are still ignoring the near universal consensus that killing children is no solution to juvenile crime," Amnesty International said.

The human rights organization opposes the death penalty unequivocally in all cases in all countries. While the organisation does not argue that juvenile offenders who have committed serious crimes should not be held criminally accountable, it believes that capital punishment -- which denies any possibility of reform and rehabilitation -- is wholly inappropriate for young people who have not attained full maturity at the time of the offence.

Background

Mohammad Saleem was only 13 or 14 years old when he was picked up by police on 1 June 1998 for his alleged involvement in the murder of three police officers in the alley where he lives. One of nine children of a migrant Bengali fisherman's family, Saleem is illiterate and has worked as a carpet weaver since he was six or seven years old.

He was taken to the local police station, where *"they started asking me if I belonged to a political party and if I had killed the policemen. I said that I don't know anything about any party, nobody in our family is involved in any political activity, but they did not believe me. They kept beating me with fists and with a leather strap and a stick all the time to make me confess. But I had nothing to confess. There were eight other men in my cell ... four of us were small -- one was only 12 years old..."*

After 12 days in police custody, Saleem was transferred to the juvenile jail in Karachi. He was not told what the charges against him were. He was tried and sentenced to death by a military court in Karachi in December 1998, alongside adult detainees, and then transferred to a death cell which he shared with convicted adult men.

Following over six months' detention Saleem was eventually acquitted on appeal in January 1999 due to a lack of evidence. He had only just begun to settle back in with his family when he was rearrested by police on 13 May. His trial has since begun.

The special military courts which sentenced Mohammad Salim to death were abolished when declared unconstitutional by the Supreme Court in February 1999. The judgment stated: "Convictions made and sentences awarded by the military courts which are not yet executed, are declared illegal and without lawful authority. These cases and all other cases pending before military courts stand transferred to the anti-terrorist courts already in existence or which may hereinafter be created in terms of the guideline provided ...". Several men sentenced to death by the special military courts have been retried by anti-terrorist courts and been sentenced to death a second time.

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*******Amnesty International representatives will be available for further comment and interviews following the press conference on Saturday 22 May at Allama Iqbal Open University, Islamabad, at 17.30pm local time. Please call Menno Kamminga at The Orchard House in Islamabad on +92 51 27 20 17.**