

URGENT APPEAL

Pakistan: Death by hanging of a man set on March 12 after confessing due to torture by military

Thursday 6 March 2008, by [AHRC](#) (Date first published: 5 March 2008).

NOTICE: The AHRC has developed an automatic letter-sending system using the “button” below [Not available here — for signing see above or below]. We encourage you to send your letters by clicking the button. Those who can not access to email are also encourage to send your letters by fax or post. Fax numbers and postal addresses of the authorities are attached below with this appeal. Thank you.

To signe the letters go to:

<http://www.ahrchk.net/ua/support.ph...>

ASIAN HUMAN RIGHTS COMMISSION - URGENT APPEALS PROGRAMME

Urgent Appeal Case: AHRC-UAC-043-2008

5 March 2008

PAKISTAN: Death by hanging of a man set on March 12 after confessing due to torture by military

ISSUES: Death penalty; torture; unfair trial; military court; incommunicado; denial of legal assistance

Dear friends,

The Asian Human Rights Commission (AHRC) has received information regarding the death sentence of a man from minority community, who is due to be executed on 12 March 2008. He was charged with murder however, he was allegedly severely tortured after the illegal arrest. It is also alleged that he was not provided any legal representative during the military trial. He was not allowed to communicate with his parent during his two years of military custody and meet his parents only after the military court convicted him.

CASE DETAILS:

According to the information received, Mr. Zahid Masih son of Salamat Masih was recruited in the Pakistan Army as a sanitary worker and sweeper in August 2001 at the cantonment of Multan city, Punjab province. After some months he was transferred to another cantonment at Tarbella- Punjab province, 600 kilometers far from Multan, his hometown. He served in Tarbella cantonment for almost two years and in 2003 he was again transferred to another place, the Chirat, a cantonment at Peshawar in province of North Western Frontier Province (NWFP) as a sweeper because of his good work and loyalty to officers.

He joined Regiment/Unit 4 Commando Battalion (Special Service Group) Chirat. When he reached and joined service at Chirat cantonment he heard that a 9-year-old boy was sexually molested and murdered by unknown persons among the staff of the cantonment and there was a military investigation going on. After one week of joining service he was given two months leave to go home for recreation as it is a common feature that, whenever there is a transfer the staff is allowed to have leave. Zahid Masih went to Multan to meet his parents and other family members and after two months he returned to Chirat to resume his duties. Till that time the investigation of murder was going on. Suddenly, one month after his return Zahid Masih was disappeared from the work place and his whereabouts were not known to the family for about two years.

Zahid's family later found him in Central jail at Peshawar charged with murder under Section 302 of Pakistan Penal Code (PPC). He was accused of committing sodomy and killing the nine-year-old boy, Muhammad Adnan on 1 March 2005. The Military Court found Zahid guilty and sentenced him death on 10 March 2006.

While in the military custody for 2 years, he was extensively interrogated for 28 days consecutively and he was severely tortured to confess to the murder of the boy. Due to the severity of the torture he had no choice but to confess even though he alleged that he was innocent. Some Orderlies of officers came and persuaded him that if he confessed the officers would provide him with relief. Mr. Mohammad Khusheed son of Mohammad Nawaz, the orderly of an army officer, conveyed this message to him with saying that his confession would save the image of Pakistan Army. Zahid Masih informed these facts to his brother in a letter. However, Zahid was not allowed to meet with his family during his trial in the cantonment by a military court and the family did also not know about that.

When Zahid Masih was allowed to meet his family in early 2008, he told his family that he was made an escape goat as he was Christian and a sweeper. He further said that the messengers from officers of Chirat cantonments convinced him that he would be free from the charges if he confessed the crime. He alleged that military persons at cantonment killed the boy and they wanted to shift the offence to weakest person.

On 20 January 2008, Zahid's mother wrote a mercy appeal to the President and human rights groups and the Church leadership wrote letters to the authorities, including the President. Due to this intervention, the execution date was delayed for 20 days however, it is again scheduled on 12 March 2008.

BACKGROUND INFORMATION:

Pakistan is among the top in the list of countries with the highest number of executions (along with China, Iran, Iraq, Sudan and USA). It has approximately 7,400 convicts awaiting execution. According to the Amnesty International 2007 report, 82 persons were executed in 2006. A local source claimed that 109 people have been awarded death sentence in the first 9 months of 2007 and

about 10,000 were executed in Pakistan in the past 11 years.

According to the PPC 302, which Zahid Masih is charged under: whoever commits pre-meditated murder shall be punished with (a) death as “retaliation”; (b) death or imprisonment for life as corporal punishment to be administered at the discretion of the judge; and (c) imprisonment of up to 25 years, provided it is not committed in the name or the pretext of honour.

According to the PPC section 304, the proof of murder could be in form of voluntary and true confession before a competent court that the accused committed the offence; and by evidence as provided in Article 17 of the Qanun-e-Shahadat, 1984 (P.O. No. 10 of 1984), based on the competence of a person to testify and the number of witnesses required accordingly.

Local sources claim that the penal system in Pakistan is full of loopholes and defects. It may be better sometimes not to hang the alleged killers due to mal-administration of justice, police service dereliction, and cultural prejudices affecting women and religious minorities.

It has also been commented that the laws have become “tools for personal vendettas against vulnerable segments of society, including the poor and minorities” and are often “manipulated, especially in blasphemy cases, where both judicial system and police department investigate with bias, without checking veracity of the facts.”

SUGGESTED ACTION:

Please write the letter and fax to the following authorities showing your concern of what appears to be an unfair trial and a confession obtained by torture. Please also demand clemency as he is innocent of this crime and at the time of murder of young boy he was doing job in another cantonment of Tarbela. After his transfer to Chirat he was booked in the case only because he was from a minority community and a weak target as being the sweeper, the most lowest job.

The AHRC writes letters to the UN Special Rapporteur on the Question of Torture and working group on arbitrary detention calling for urgent intervention in this case.

To support this appeal, please click here:

SAMPLE LETTER:

Dear _____,

PAKISTAN: Death by hanging of a man set on March 12 after confessing due to torture by military

Name of victim: Mr. Zahid Masih, son of Salamat Masih, 27 years old, Sanitary worker, Chirat Cantonment, Regiment/Unit 4 Commando Battalion (Special Service Group) Chirat, Peshawar, North western frontier province; resident of Saeed Colony near Purani Chand Mari, Farooq Pura post office, Purana Shuja Abad Multan-Punjab province

Currently detained at: Peshawar prison, North Western Frontier Province

Date of scheduled execution: 12 March 2008

I am writing to voice my concern regarding the case of Mr. Zahid Masih who is to be hanged on March 12 after his and his family's appeal of clemency were turned down. Mr. Zahid's family has been asked to meet him on March 11, 2008 as a final meeting. On March 4, some persons from the

military have taken thumb impressions of his mother on mysterious papers and they had not informed on several enquiries that why they were taking the signatures.

Mr. Zahis was also denied a fair trial and case was tried at military court without providing him any legal assistance.

According to my information, Mr. Zahid Masih son of Salamat Masih was recruited in the Pakistan Army as sanitary worker/ sweeper in August 2001 at the cantonment of Multan city, Punjab province. After some months he was transferred to another cantonment at Tarbella- Punjab province, 600 kilometers far from Multan, his native place. He served in Tarbella cantonment for two years and in 2003 he was again transferred to another place, the Charat, a cantonment at Peshawar in province of North Western Frontier Province (NWFP) as sweeper because of his good work and loyalty to officers. He joined Regiment/Unit 4 Commando Battalion (Special Service Group) Chirat. When he reached and joined service at Chirat cantonment he heard that on young boy of 9 years was sexually molested and murdered by unknown persons among the staff of cantonment and there was military investigation was going on. After one week of joining service he was given two months leave to go home for recreation as it is a common feature that when ever there is transfer the staff is allowed to have leave. Mr. Zahid Masih went to Multan to meet his parents and other family members and after two months he came back to Tarbella to resume his duties. Till that time the investigation of murder was still going on.

It is very shocking for me that as he reached Charat and that after one month he was disappeared from the work place and his whereabouts were not known to the family for about two years. The question is very pertinent that when he was under interrogation why the authorities have kept in incommunicado which means that he was pressured to confess the offence and face the severest kind of torture.

Zahid's family later found him in Central jail at Peshawar booked for murder under Section 302 of Pakistan Penal Code (PPC). He was accused of committing sodomy and killing a nine-year-old boy Muhammad Adnan on 1 March 2005. The Military Court found Zahid guilty and sentenced him to death on 10 March 2006.

I am shocked to know that during two years of his disappearance he was extensively interrogated continuously for 28 days in the military custody and he was tortured severely, inhumanly to confess the murder of 9 year old boy, which he confessed for not finding any other option. He was told by the Orderlies of officers that if he confesses murder of the boy then officers will provide him relief. Torture in custody to get the confessional statement is very much against the UN Convention Against Torture (CAT) and Pakistan being the elected member of UN human rights council should have to follow the charter of human rights of the UN.

Mr. Zahid Masih is scheduled to be hanged on March 12, 2008. On 20 January 2008, Zahid's mother wrote a mercy appeal to the president and on 28 January 2008 human rights organizations and his Church leadership wrote letters to the authorities, including the President, to consider mercy for Zahid Masih. They responded by delaying the execution for 20 days (31 January—20 February 2008). But now it is fixed on March 12.

I appeal to you to provide clemency to Zahid Masih and order the authorities to retrial the whole case in ordinary courts of the country and provide him fair trial according to the laws of the country.

I also appeal to investigate the whole issue of trial in military court when the offence comes under the criminal procedural laws of Pakistan and hold a enquiry that he was kept in incommunicado for confessional statement and military trial.

I hope that you will do best for providing clemency to him as he is innocent and was not provided legal assistance and was kept in incommunicado and was tortured.

Yours sincerely,

PLEASE SEND YOUR LETTERS TO:

1. General Pervez Musharraf

President

President's Secretariat

Islamabad

PAKISTAN

Fax: +92 51 922 1422, 4768/ 920 1893 or 1835

Email: (please see->

<http://www.presidentofpakistan.gov.pk/WTPresidentMessage.aspx>)

2. Mr. Afzal Haider

Minister of Law, Justice and Human Rights

S Block Pakistan Secretariat

Islamabad

PAKISTAN

Fax: +92 51 920 2628

E-mail: minister molaw.gov.pk

3. Federal Minister of Interior

Room#404, 4th Floor, R Block,

Pak Secretariat

Islamabad

PAKISTAN

Tel: + 92 51 9212026

Fax: + 92 51 9202624

E-mail: minister interior.gov.pk

4. Secretary

(Criminal Prosecution) SGA &CD Department

Government of Sindh

Sindh Secretariat,

Karachi, Sindh Province

PAKISTAN

Tel: +92 21 9213327-6

Fax: +92 21 9213873

E-mail: secy.cpsd sindh.gov.pk

5. Dr. Faqir Hussain

Registrar

Supreme Court of Pakistan

Supreme Court Building

Islamabad

PAKISTAN

Tel: +92 51 9213770

Fax: +92 51 9213452

Thank you.

Urgent Appeals Programme

Asian Human Rights Commission (ua ahrchk.org)

View online : [To singe the letters:](#)