

COUNTING THE CONDEMNED

DATA ANALYSIS OF PAKISTAN'S USE OF THE DEATH PENALTY

BY JUSTICE PROJECT PAKISTAN

In December, 2014, Pakistan lifted a de facto moratorium on the death penalty to execute **501 prisoners** to date.

Pakistan now ranks globally as **one of the most prolific users of the death penalty.**

Since 2004, Pakistan has sentenced **4,500 PEOPLE TO DEATH** at an average of almost **ONE DEATH SENTENCE PER DAY**

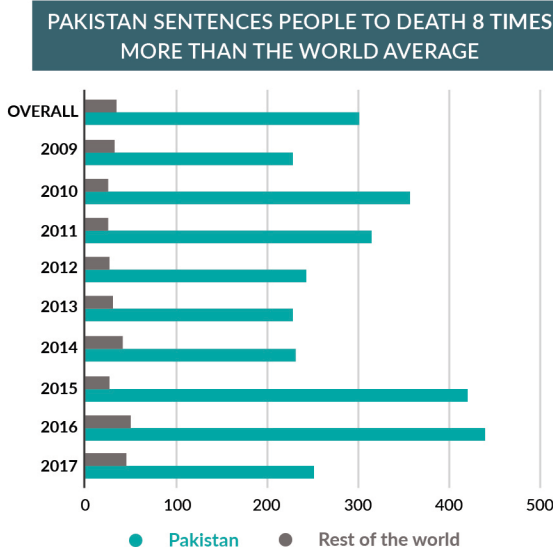
EXECUTING PAKISTANIS: A GLOBAL COMPARISON

Since 2009, at least 19,767 people have been sentenced to death globally. In that time, Pakistan's courts have sentenced 2,705 people to death which accounts for **14% of death sentences worldwide.***

From 2015 to 2017, 3,659 executions were carried out globally. **Pakistan accounted for 13% of those, with 479 executions.**



FIGURE 1: DEATH SENTENCES: PAKISTAN vs THE WORLD



EVERY 4TH PERSON on death row in the world is a **PAKISTANI**

FIGURE 2: EXECUTIONS: PAKISTAN vs THE WORLD

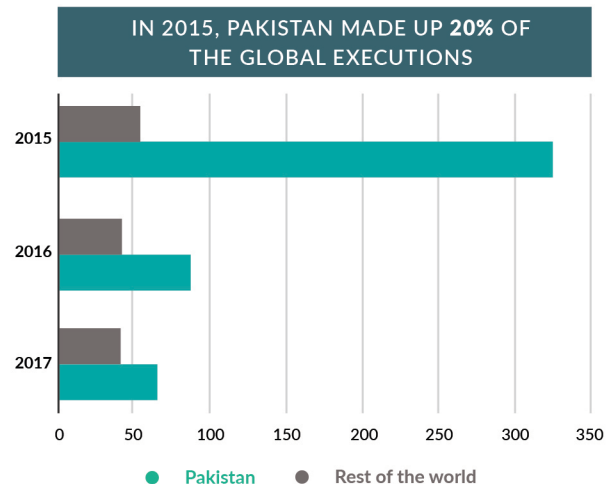
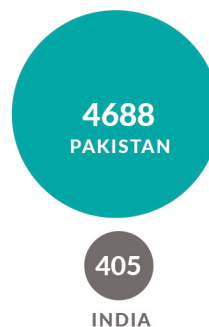


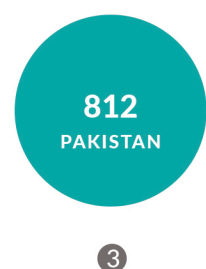
FIGURE 3: PAKISTAN vs INDIA

PAKISTAN'S EXECUTIONS AND DEATH ROW IS MUCH HIGHER THAN INDIA'S – A COUNTRY THAT IS ALMOST SIX TIMES LARGER IN POPULATION THAN PAKISTAN

CURRENT DEATH ROW POPULATION



EXECUTIONS SINCE 2004



* Excluding data from China as their official figures remain unavailable

TRIAL AND ERROR: PAKISTAN'S BROKEN JUSTICE SYSTEM

The average amount of time a prisoner will spend on death row is

11 YEARS

SINCE 2014,
THE SUPREME COURT OF
PAKISTAN HAS **OVERTURNED**

85% OF DEATH
SENTENCES

during appeals primarily on the basis of **faulty investigations and evidence**

467 death sentences were overturned, **OUT OF THE 546 MURDER CASES** heard by a special Supreme Court bench since 2014.

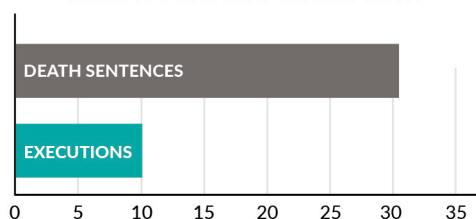
WRONGFULLY HANGED

Ghulam Qadir and Ghulam Sarwar, two brothers from Bahawalpur were **acquitted** by a three-member bench of the Supreme Court, headed by Justice Asif Saeed Khosa in October, 2016.

When word reached Bahawalpur Central Jail, the prison authorities notified the Court that they had been hanged the year before.

While a majority of Pakistan's death row comprises of people accused of murder and related crimes, Pakistan continues to sentence and execute people for crimes that do not cause death.

FIGURE 4
NON-LETHAL CRIMES AND THE
DEATH PENALTY SINCE 2014



THE CURIOUS CASE OF PAKISTAN'S SHRINKING DEATH ROW

According to official government figures of 2012, Pakistan's death row stood at **7,164**. Since 2013, Pakistan has sentenced at least 1,692 people to death while 496 people have been executed since 2014 which means that Pakistan's death row should have had a net increase of almost 1,200 to total about 8,400.

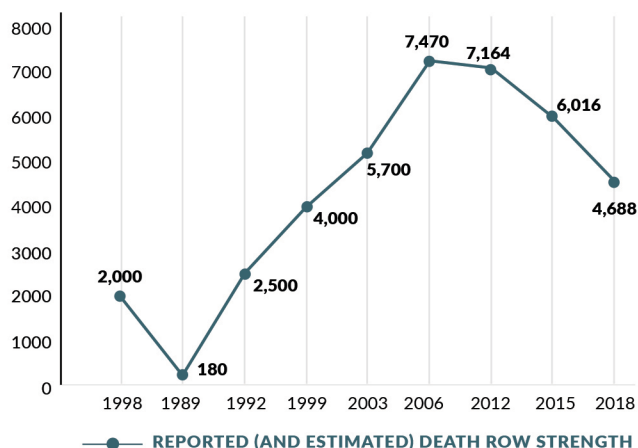
However, the federal ombudsperson submitted before the supreme court that Pakistan's death row population now stands at **4,688**. This indicates a drop of **2,476** prisoners.

Despite this surprising reduction in the official number of Pakistan's condemned prisoners, it is worth noting that **Pakistan continues to add prisoners to its death row, the second largest in the world at an average of 351 death sentences annually since 2004.**

In the last 14 years, Pakistan has sentenced 4,500 people to death and executed around 821 people, at the rate of executing almost 2 inmates for every 11 people sentenced.

Despite a 35% reduction in death row since 2012, **PAKISTAN ACCOUNTS FOR 26% OF THE WORLD'S DEATH ROW**

FIGURE 5:
PAKISTAN'S DEATH ROW OVER TIME



While figures before 2006 are hard to verify, in general Pakistan's death row has usually increased steadily

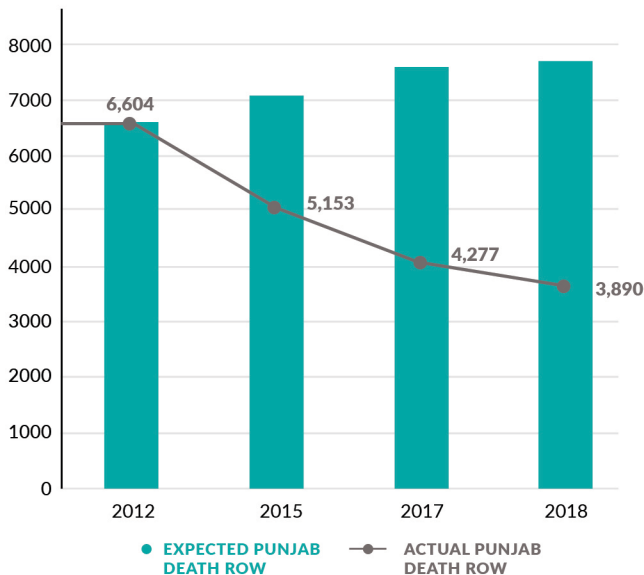
Punjab vs Other Provinces

This decrease in the death row population seems to have taken place in Punjab, falling from **6,604** to **3,890**. Other provinces have seen their death row increase at a consistent rate, from **560** to **798**, congruent with their respective sentencing and execution ratios.

Despite this unprecedented reduction, Punjab still accounts for 81% of the 496 executions that have taken place and 89% of 1,235 death sentences awarded countrywide since the moratorium was lifted in December, 2014

FIGURE 6
PUNJAB'S DEATH ROW PHENOMENON

PUNJAB'S DEATH ROW HAS DECREASED BY 41% IN 6 YEARS CONTRARY TO ITS RATE OF SENTENCING AND EXECUTIONS



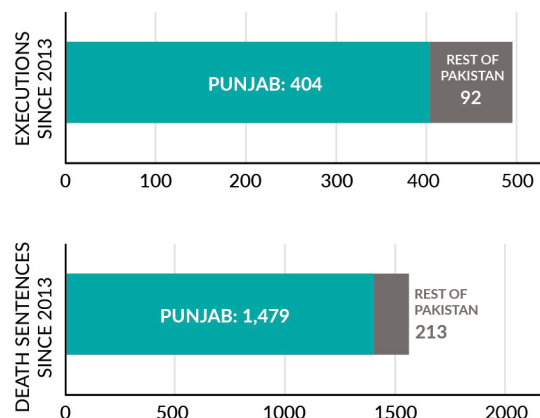
Two Parallel Systems

For Punjab, there appears to be a disconnect between the sentencing courts and the appellate courts.

A major factor influencing the number of prisoners on death row seems to be the institution of a special Supreme Court bench to decide murder appeals headed by Justice Asif Saeed Khan Khosa in 2014. While deciding 546 appeals, this bench acquitted or commuted sentences of death row prisoners in 467 appeals on the basis of wrongful convictions.

An analysis of 144 cases of overturning death sentences by higher courts between 2017 and 2018 indicates that a person has to spend 11 years on death row before his sentence is overturned.

FIGURE 7
EXECUTIONS AND DEATH SENTENCES:
PUNJAB vs REST OF PAKISTAN

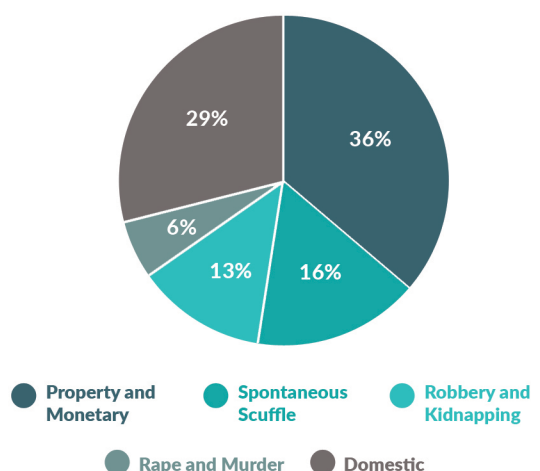


THE DOMINANCE OF CIVIL DISPUTES IN MURDER CASES

An analysis of 150 executions from 2015 indicates that civil disputes are a dominant factor leading to homicides in Pakistan. This suggests that many Pakistanis have no trust in the judicial system to resolve domestic issues, particularly those involving thorny issues of property and money.

The extraordinary delays (often lasting decades) in resolving such conflicts in the civil courts of Pakistan means that the likelihood of violence as a means of extralegal settlement among contesting parties is very high.

FIGURE 8:
REPORTED MOTIVES OF MURDERS COMMITTED
BY THOSE EXECUTED IN 2015



DEATH PENALTY, ECONOMIC INEQUALITY AND POLITICAL VIOLENCE

As JPP's *Counting Executions* demonstrated a weak correlation between executions and homicide rate in Sindh and Punjab, this research shows that homicide rates can be better understood by looking at economic and political factors.

An overview of the past two decades of per-capita GDP growth, terrorism and homicide rates demonstrate a strong correlation between economic inequality, political violence and murder rates. In years where the growth rate of the per-capita GDP is less than 2 per cent, the homicide rate tends to be 7.5 murders per 100,000 or above while it is generally lower in years with higher percentage growth.

It also indicates that the years marred with political violence and instability also had higher murder rates.

FIGURE 9
CORRELATION BETWEEN GDP PER CAPITA GROWTH ON HOMICIDE RATES

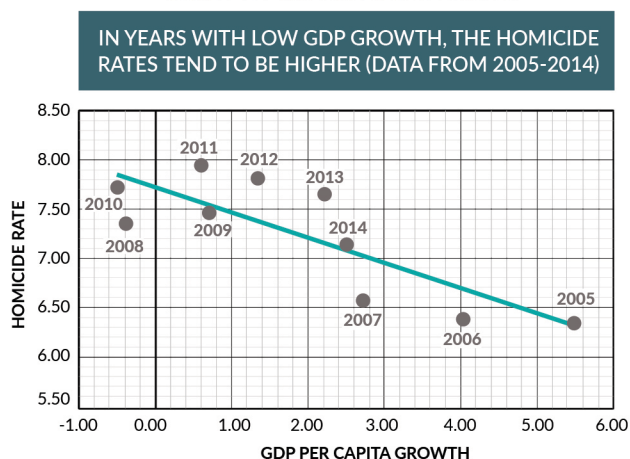
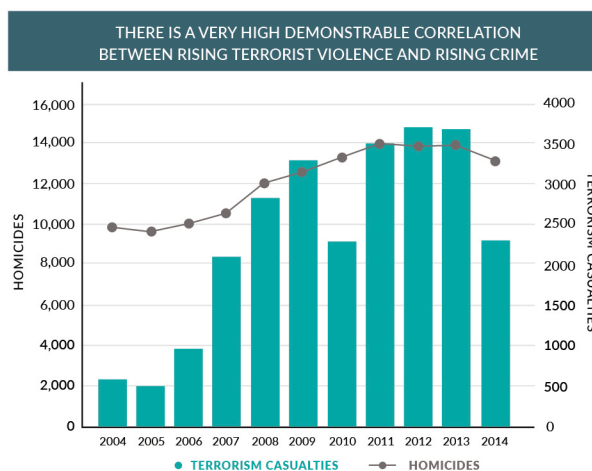


FIGURE 10
IMPACT OF TERRORIST ACTIVITY ON HOMICIDE



RECOMMENDATIONS

1. Reduce the scope of the death penalty by excluding non-lethal crimes.
2. Judicial academies must train newly appointed trial court Judges on use and application of the death penalty in line with “the most serious” offences standard.
3. Trial and sentencing proceedings must be bifurcated to determine a) whether the defendant has committed the crime, and b) what is the appropriate punishment.
4. Reform the method of adjudicating civil disputes to decrease the length of time it takes to resolve them.
5. Constitute a committee to review mercy petitions comprising of representatives from respective ministries to reduce number of wrongful executions.

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Justice Project Pakistan (JPP) ensures access to justice for the poorest Pakistani prisoners at home and abroad. Through public engagement, legal representation, and domestic and international advocacy, JPP combats the death penalty and torture, highlighting gross miscarriages of justice and violations of international standards.

In recognition of our work, in December 2016, JPP was awarded the National Human Rights Award, presented by the President of Pakistan.

DISCLAIMER: The figures of condemned population are taken from official sources. The actual figure may be higher.