

PUBLIC

AI Index: ASA 33/005/2009
26 June 2009

**Further Information on 69/08 (ASA 33/010/2008, 19 March 2008) and follow-up (ASA 33/12/2008) –
Death Penalty/Fair trial**

PAKISTAN

Manjit/Sarabjit Singh, (m) Indian national

A second petition to review the death sentence that was given to Manjit/Sarabjit Singh in 1991 was rejected by the Pakistan Supreme Court on 24 June. The sentence was upheld after the lawyer appointed to defend Manjit/Sarabjit Singh failed to turn up in court on successive occasions.

Manjit/Sarabjit Singh is known by the Indian authorities as Sarabjit Singh and known to the Pakistani authorities as Manjit Singh. He was arrested in Pakistan as Manjit Singh in 1990 on charges of having worked for Indian government intelligence. He was convicted and sentenced in 1991 for his alleged involvement with four bomb attacks in Lahore and Faisalabad that killed 14 people in 1990.

His first appeal to have his sentence overturned in 2006 by the Supreme Court failed and last year President Pervez Musharraf confirmed his death sentence and rejected the mercy petition filed by his lawyer. His execution was set for 30 April 2008 but was indefinitely deferred after Prime Minister Yousuf Raza Gilani intervened.

His family in the Indian state of Punjab have claimed since his arrest that that he is not Manjit Singh, but Sarabjit Singh, an Indian farmer who accidentally strayed into Pakistani territory whilst working.

Safeguard 5 of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, adopted by the UN Economic and Social Council in 1984, states: "Capital punishment may only be carried out pursuant to a final judgment rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings."

Manjit/Sarabjit Singh is held in the Kot Lakhpat Prison in Lahore.

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

- calling on the authorities to halt the execution of Manjit/Sarabjit Singh immediately;
- calling on the authorities to independently verify the identity of the person with the relevant government agencies;
- urging the President to use his constitutional authority to commute the death sentence passed on Manjit/Sarabjit Singh, as well as all other death sentences that come before him;
- stating that Amnesty International recognizes the right and responsibility of governments to bring to justice those suspected of criminal offenses, but is opposed to the death penalty in all circumstances.

- call on the Indian authorities to intervene to halt the execution of Manjit/Sarabjit Singh.

APPEALS TO:

Mr Asif Ali Zardari

President of Pakistan
Pakistan Secretariat
Islamabad
PAKISTAN

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and to diplomatic representatives of Pakistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 06 August.