

**MR. CHAUDHRY NISAR ALI KHAN**  
Federal Minister for Interior  
Pakistan Secretariat,  
Islamabad

6<sup>th</sup> May, 2015



**URGENT: RE: INQUIRY INTO THE AGE AND CASE OF CONDEMNED PRISONER SHAFQAT HUSSAIN, A JUVENILE**

Dear Sir,

Further to our letters of 17<sup>th</sup> and 20<sup>th</sup> of March, we write to express our deep concern about the case of condemned prisoner Shafqat Hussain. As we noted in our letter of 20<sup>th</sup> March, we were relieved to learn that Mr. Hussain's execution had been stayed and a full inquiry into his juvenility and the facts of his case ordered. We welcome the news that the Islamabad High Court yesterday granted a further stay of Mr. Hussain's execution – which was due to take place on 6<sup>th</sup> May.

We understand that the Islamabad High Court has stated that the existing inquiry, which we understand was conducted by the Federal Investigation Authority (FIA), was "prima facie illegal" and we write today to add our concerns to those levelled against the procedure and findings of that inquiry.

We have been made aware of various concerns regarding this FIA inquiry, including: lack of transparency; apparent impartiality on the part of the investigating authorities; witness intimidation; the dismissal of contradictory evidence; and reliance on anecdotal and inaccurate evidence of Mr. Hussain's age.

First, we were extremely concerned by media reports suggesting that FIA sources had made statements confirming the outcome of this inquiry to the media *before* the inquiry was concluded. This certainly casts doubt over the independence of this inquiry and, if correct, would be indicative of bias on the part of at least some within the investigating authorities.

Second, we note that whilst the FIA inquiry found that Mr. Hussain had not been a juvenile at the time of his alleged offence, it did so based primarily on the trial record and on anecdotal evidence of Mr. Hussain's appearance. It is our understanding that the accuracy of the record of the case – which you yourself conceded is inconsistent as to Mr. Hussain's age<sup>1</sup> – has been called into question. As our earlier letters noted, the assessment of a person's age is always complex and, where doubt does exist, the most conclusive evidence of a child's age will always be available documentary evidence (birth certificates, school records or ID cards – most frequently) and the testimony of the individual himself, his family, and those in the local community. Such testimony will be especially important

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<sup>1</sup> <http://www.dawn.com/news/1171595/shafqat-hussain-case-nisar-says-victims-parents-under-pressure>

where, as in this case, the child's birth was not registered contemporaneously – a common problem in Pakistan and countries the World over.<sup>2</sup>

It is absolutely critical that inquiries into the facts of this case be entirely above reproach and that they meet the standards of impartiality and independence demanded by the significance of Mr. Hussain's case and the issues within it. Therefore, in the light of the concerns outlined above, we would like to lend our combined voice to requests that a full *judicial* inquiry to be conducted into the facts of Mr. Hussain's case in line with international standards of due process, independence and transparency and that Mr. Hussain's stay of execution be extended until such a time as that inquiry can be appropriately completed. We further request that this inquiry should include not only an analysis of Mr. Hussain's juvenility, but rather a review of the case as a whole, in particular the allegations of torture – which were not addressed by the FIA inquiry.

Yours sincerely,

Child Rights International Network  
Defence for Children International  
World Organisation Against Torture  
Penal Reform International

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<sup>2</sup> Every Child's Birth Right, Inequalities and Trends in Birth Registration [http://www.unicef.org/mena/MENA-Birth\\_Registration\\_report\\_low\\_res-01.pdf](http://www.unicef.org/mena/MENA-Birth_Registration_report_low_res-01.pdf)