

**MR. CHAUDHRY NISAR ALI KHAN**

Federal Minister for Interior  
Pakistan Secretariat,  
Islamabad

Friday 20<sup>th</sup> March, 2015

CRIN CHILD RIGHTS INTERNATIONAL NETWORK



Defence for Children International  
the worldwide movement for children's rights



OMCT  
SOS-Torture Network



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

Dear Sir,

Further to our letter of 17<sup>th</sup> March, we are writing to express our relief that on Wednesday night the execution of Shafqat Hussain was stayed and that a full inquiry has been ordered into his age and the facts of his case.

In order to meet the most fundamental principles of justice, any such inquiry must be thorough, independent and meet international standards. We note in particular the guidelines developed in the UN's Istanbul Protocol governing investigations into torture and which are a benchmark for independent investigations more widely. These include:

1. That the investigation must be impartial.
  - a. That the primary investigator in an inquiry must be entirely independent from the government agencies who are allegedly responsible for the violations of the individual's rights.
  - b. That, where necessary, an independent commission of an inquiry should be established to guarantee impartiality.
2. That the individual and his or her counsel should be kept informed at all stages of the process, and have the right to challenge any aspect of the inquiry which does not conform to the relevant standards.
3. That the individual must be interviewed himself and with counsel present.
4. That testimony from other relevant witnesses should be sought.
5. That documentary and photographic proof is also crucial to a full and fair inquiry.
6. That the subject of the inquiry must be protected from threats and pressure at all time.

7. That the investigation must be fully transparent and the results published within a reasonable time.

It was with great concern, therefore, that we learnt that Mr. Hussain's lawyers, the Justice Project Pakistan (JPP), have received confirmation from the jail authorities that Mr. Hussain's execution has only been stayed for 72 hours.

The stated purpose of this inquiry is a comprehensive determination of Mr. Hussain's age and the allegations of enforced confession and other practices that could amount to torture and/or ill-treatment in his case. 72 hours is an entirely insufficient period of time in which to conduct a full and independent inquiry meeting the international standards outlined above. Not least because, in a case like this where age is one of the issues to be determined, the starting point *must* always be to seek testimony from the individual himself, his family, and those in the local community.

Indeed, whilst there have been worrying reports that the Ministry of Interior considers that this inquiry will be concluded on the basis of a physiological examination or 'age test', such tests are not determinative. Rather, the most conclusive evidence of a child's age will always be the testimony discussed above and a collection of any available documentary evidence.

Accordingly, we respectfully request that your office issue a guarantee that this welcome inquiry meet the international standards outlined above and that Mr. Hussain's stay of execution be extended until that inquiry can be appropriately completed.

**Sincerely,**

Child Rights International Network  
Defence for Children International  
World Organisation Against Torture  
Child Rights Movement Sindh  
Penal Reform International  
International Association of Youth and Family Judges and Magistrates