

His Excellency Mr. Mamnoon Hussain
The Honourable President of Pakistan
Islamabad

29 October 2016

Dear President Hussain,

We the undersigned professionals from a range of countries whose legal systems have common law roots note with some dismay the impending execution of Imdad Ali. If ever there were a case where mental illness was obvious to people ten thousand miles away, this is the one. When Mr. Ali was two years old, his father – also schizophrenic - threw himself in front of the train, acting under the delusion that he was invincible. He was not. Mr. Ali himself has a long history of paranoid schizophrenia, recognised by the prison staff, and everyone who has contact with him.

Indeed, the Supreme Court of Pakistan in reviewing the case last week, wrote that throughout the proceedings Mr. Ali has been “a psychiatric patient suffering from paranoid schizophrenia.” The Court went on to hold, however, that this did not constitute a “mental disorder” constituting a statutory bar to execution. The tribunal therefore rejected his appeal against his death sentence. Three days later, Mr. Ali received a black warrant for his execution, which is now scheduled for Wednesday 2nd November.

Whilst many of us might wonder at the correctness of the reasoning of the Supreme Court, that is not why we write, and is not the question before you. The very purpose of executive clemency is to provide a last fail safe to prevent executions in cases – such as this one – where there are clear and compelling reasons to remit an execution, notwithstanding the prior contrary judgment of the courts. This principle, which dates back to the days of the Magna Carta, has been invoked in cases across the Commonwealth and beyond and has been used frequently in cases of mental illness, where executive officials have often been called upon to exercise their prerogative to exercise wise discretion regardless of the degree of medical understanding displayed by contemporary courts.

Mr. Ali's case is precisely the kind of case which warrants executive clemency. The man is so unwell that he doesn't understand the notion that he is to be executed. See *Ford v. Wainwright*, 477 U.S. 399, 406-08 (1986) (discussing deeply-rooted common law revulsion to execution of such persons and holding practice unconstitutional). It is within the power of the President of Pakistan under Article 45 of the Constitution to pardon prisoners facing execution. We strongly urge you to accept Imdad Ali's mercy petition pending before him, allowing him to live – albeit under the life-long sentence of his serious mental disorder.

Yours sincerely,

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