

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ASA 11/1615/2015
7 May 2015

Afghanistan: Justice for Farkhunda is not achieved through executions

The Afghan authorities are only exacerbating injustices by handing out death sentences after apparently unfair trials against some of those involved in the vigilante killing of a woman in Kabul after she was falsely accused of burning the Koran, and should immediately establish a moratorium on all executions with a view to its full abolition.

A Kabul court yesterday sentenced four men to death for the killing of Farkhunda on 19 March 2015, following trials which lasted just four days. A further eight people were sentenced to 16 years in prison while 18 others were found not guilty. Charges included assault, murder and incitement to violence.

The lynching of Farkhunda in broad daylight was a horrific crime which brought into clear view the violence that so many women suffer in Afghanistan, and those responsible must be held to account. The case became an almost unprecedented rallying point for people across the country disturbed by the gravity of violence facing Afghan women.

It is positive that the Afghan authorities moved decisively to investigate the case and bring the perpetrators to justice. However the use of the death penalty in this case will only multiply the injustices of this horrific crime, especially given the apparent denial of fair trial to the accused and the absence of compelling evidence that the death penalty prevents crime more effectively than other punishments.

Instead, the authorities need to address the root causes of endemic violence against women and tackle such violence effectively, including by fully implementing the country's Elimination of Violence Against Women (EVAW) law.

There are serious unanswered questions about the fairness of the trial of the 49 accused in connection with the case, including lack of access to legal counsel for the majority of defendants, while one of the men sentenced to death claimed he had been tortured by police in detention. It is also highly questionable if the defence had enough time and resources to prepare their case adequately.

Under international law, the Afghan authorities have an obligation to protect the rights of those accused of crimes, including the right to life, the right to a fair trial and the right not to be subjected to torture and other ill-treatment.

The government should carry out an independent review of the handling of this case, including by the police and prosecutor. They should also ensure that the trial into “neglect of duty” against 19 police officers for failure to intervene during the lynching, in which a verdict is due on 10 May, is open to the public to ensure it is conducted in a transparent way. All police officers responsible, regardless of their rank, should be held to account in fair trials and without recourse to the death penalty.

Background

Amnesty International opposes the death penalty in all cases and under any circumstances, regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to carry out the execution. The death penalty violates the right to life as recognized in the Universal Declaration of Human Rights and is the ultimate cruel, inhuman and degrading punishment. So far, 140 countries have abolished the death penalty in law or practice.

There is no compelling evidence that the death penalty prevents crime more effectively than other punishments. A comprehensive study carried out by the United Nations on the relationship between the death penalty and homicide rates concluded that research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment.