

Ahmed Omar Saeed Sheikh, Daniel Pearl, and Pakistani “Justice”: The Latest Chapter

by Hugh Fitzgerald



The appalling tale of Pakistani “justice” is [here](#).

A Pakistani court has commuted the death sentence of the main person accused in the 2002 kidnapping and murder of Wall Street Journal reporter Daniel Pearl, and acquitted three co-accused in the matter, two lawyers told Reuters on Thursday.

At least four people were convicted in connection with Pearl’s murder, including British-born Ahmed Omar Saeed Sheikh, who was sentenced to death in 2002 for masterminding the murder. He has been in jail for 18 years awaiting the outcome of an appeal.

The court has commuted Omar’s death sentence to a seven-year sentence,” Khawaja Naveed, the defence lawyer told Reuters by phone. “The murder charges were not proven, so he has given

seven years for the kidnapping.”

Omar has already served 18 years, so his release orders will be issued sometime today. He will be out in a few days,” Naveed said.

A two-member bench of the High Court of Sindh province issued the order in the city of Karachi on Thursday, Naveed said, adding that the three others, who had been serving life-sentences in connection with the case, had been acquitted.

Pearl was investigating Islamist militants in Karachi after the Sept. 11, 2001, attacks on the United States when he was kidnapped in January 2002.

Video emerged a few weeks later of his murder. He was beheaded...

CNN reported in 2002 that the United States had sought to extradite Sheikh after his arrest in connection with Pearl’s killing.

Sheikh was born in Britain and enjoyed a privileged upbringing before going to study at the London School of Economics...

The murder charges were “not proven”? Even though there was a video of Pearl’s beheading, and overwhelming evidence of the part played by Ahmed Omar Saeed Sheikh in abducting Pearl and masterminding his murder? The actual beheading was performed, according to his own testimony, by Khalid Sheikh Mohammad, who was also involved in the 9/11 attacks. There was apparently enough evidence in Omar Sheikh’s original trial to convict him of murder. For some reason, the two judges disagreed with that decision, stating there was enough evidence to convict Omar Sheikh of abduction but not of murder. But wasn’t there enough to convict him of being an “accomplice to murder,” which, in countries that have the death penalty, can also be punishable

by death?

So what has happened since 2002, when Omar Sheikh was originally sentenced to death? How did he manage to keep from being executed for eighteen years? What legal legerdemain did his defense lawyers employ? In Pakistan, the extreme Muslims have become more powerful than they were at the time of the original trial in 2002. We need only look at the insistence of clerics in Pakistan that mosques remain open during this coronavirus pandemic and that crowds of Believers should descend on the mosques en masse, in deliberate defiance of government orders. Prime Minister Imran Khan is terrified of the wrath of these clerics, and has not dared to enforce the coronavirus rules that were meant prohibit gatherings of more than a handful of people; in the mosques, the Believers have come defiantly to pray, side by side, in the thousands.

The two judges who decided to commute the sentence of Omar Sheikh and thereby to set him free (but see below for the latest reversal of fortune) may also have been fearful of antagonizing powerful clerics. Their decision was informed by an awareness that many Pakistanis do not think that those who killed Pearl, who was not just an Infidel but a Jew, deserved severe punishment. Even if they voided the original death sentence for Omar Sheikh, the judges could still have given him a sentence of life imprisonment for the abduction of Pearl and for masterminding his killing. This they refused to do. Omar Sheikh was at the very least an "accomplice to murder," and in many countries, including the U.S., an "accomplice to murder" can receive the death penalty. By freeing him now, and at the same time setting free three others who were involved in the killing, the judges sent a clear message: Pakistani justice will go easy on those who take part in the murder of Infidels, of Jews. The most extreme Pakistani clerics will no doubt be delighted. They have already made Prime Minister Imran Khan afraid to shut down the mosques. Not Justice, but Pakistani "justice," had now been done.

But that was not the end of the story.

When I wrote the above, I thought that was the end of the matter: that Omar Sheikh and his three accomplices would be set free. But on Friday, I learned that the government of Sindh had ordered that the four men – Omar Sheikh and the three accomplices – would not be released after all, but continue to be “detained” for another three months, while an appeal could be made of the commutation of his sentence and the acquittal of the three accomplices. [Here](#) is the story:

Pakistani authorities on Friday [April 3] ordered the four men convicted of the 2002 murder of American-Jewish journalist Daniel Pearl to be detained for three months, despite a lower court’s ruling to overturn their convictions...

The provincial government of Sindh issued the order to arrest and detain the four before they were released from prison.

“The government of Sindh has sufficient reason that Ahmed Omar Sheikh and Fahad Nasim Ahmed, Syed Salman Saqib, Sheikh Muhammad Adil be arrested and detained for a period of three months from the date of arrest (April 2, 2020),” a top official of the department said in the order.

The official cited concern that the released men may act “against the interest of the country.”...

Faiz Shah, the prosecutor-general in Sindh, said immediately after the court’s decision on Thursday that he would launch an appeal – a move supported by Daniel Pearl’s family...

“The decision to acquit the four terrorists was “a mockery of justice,” Judea Pearl added.

This was a case of *raison d’etat*, not of a sudden awakening of a sense of justice among Pakistani officials. They were moved to act because of the damage that was being done to Pakistan’s

image, and especially, to its relations with the United States. Had there not been a worldwide outcry over the decision to reduce the sentence of Omar Shaikh, the mastermind of the murder of Daniel Pearl, so that he could be released, and to acquit three others who were complicit in the murder, and had the American government itself not angrily protested, it is likely that the four would have walked free.

In response to the outcry and official American protests, these four have now been detained for another three months, while the lower court's decision – the High Court of Sindh being inferior to the Supreme Court of Pakistan – is appealed. The American government will no doubt make clear that it expects the three accomplices to serve out their original sentences of life imprisonment. As for Omar Sheikh, if the Pakistani Court refuses to enforce the original sentence of capital punishment, he, too must be given life imprisonment. If these sentences are not given, then there will be consequences. Prime Minister Imran Khan will get the message. And justice will then prevail.

First published in