

Prof. dr. Miguel De Jonckheere, Dean of the faculty Law and Criminology, kindly invites you to the public defence to obtain the academic degree of

## DOCTOR OF LAWS

of Mr. Muhammad Sadiq Kakar

which will take place on

Wednesday 18 June 2025 at 4 pm

At the VUB main campus and [online](#)

Please [register](#) by 16 June 2026, we will then inform you about the venue by email.

## CAPITAL PUNISHMENT IN PAKISTAN:

### Examining the Intersection Between Shari'ah Principles and International Human Rights Standards

#### SUPERVISOR

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Shifa Tameer-e-Millat University  
**Dr. Shahab Saqib**  
University of Birmingham

Are you unable to attend in person? You can watch the livestream [here](#).  
A map of the campus and directions to reach the VUB can be found [here](#). If you're arriving by car, please register your licence plate [here](#) in advance for smooth parking access.



## **Abstract**

The protection of the right to life and the issue of capital punishment are essential to be analysed under Islamic law. The analysis of capital punishment under Islamic law holds significant value as it influences whether Islamic states ratify the 'Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty' adopted by the United Nations in 1989 or reduce the scope of capital punishment to the 'most serious crimes' under the International Covenant on Civil and Political Rights adopted in 1966. This PhD project examines the practice of capital punishment and the prospects in Islamic countries, particularly Pakistan, for abolishing or reducing capital crimes. It aims to investigate Islamic law concerning human dignity and capital punishment, along with an examination of Pakistani laws to identify crimes punishable by the death penalty. This study explores the reasons why Pakistan and some other Islamic countries retain capital punishment and the factors that impede their ratification of the relevant Protocol on the topic by the United Nations. It proposes a flexible approach by examining the limitations of capital punishment under Islamic law, as Islamic law prescribes such penalties for a few crimes under certain conditions. Some of these capital crimes fall under the scope of 'most serious crimes', while others are unimplementable due to strict standards prescribed by Shari'ah (Islamic law). As a matter of principle, both Islamic law and international human rights law value the protection of life and the administration of justice. The conflict arises when individual interests are prioritised over the collective welfare of society. This approach of the international human rights law has resulted in the right to life being considered absolute and inalienable. A comprehensive investigation aims to bridge the gap between international human rights law and Islamic law, especially the domestic laws of Pakistan. This comparative analysis forms the basis for the recommendations towards a harmonised legal interpretation and implementation. The project highlights violations of international human rights law standards as well as Shari'ah principles in relation to many crimes in Pakistan; for example, blasphemy, which is the most controversial capital crime, violates international law, international human rights law, and the high standards of evidence and conditions required by Shari'ah. Legislation concerning capital crimes in Pakistan is based on Shari'ah principles, but still allows Pakistan to comply with international standards and obligations of ratified treaties to some extent. The scope of capital punishment in Pakistan needs to be reduced to Hudood and Qisas crimes only (specific categories of crimes under Islamic law), with the application of certain standards of evidence in criminal trials to minimise its application. This would lead to a harmonised international human rights law, ICCPR's obligation, and Shari'ah, as well as a balanced approach between constitutional and international obligations.