



**Human Rights First Submission to the Office of the High Commissioner for Human Rights
Universal Periodic Review: Pakistan 2012**

Introduction

1. This report is a submission by Human Rights First to the Office of the High Commissioner for Human Rights (OHCHR) for consideration in its summary of stakeholder submissions for Pakistan's appearance before the fourteenth Universal Periodic Review session, scheduled from October 22 to November 5, 2012.

Executive Summary

2. Human rights violations stemming from the abuse of Pakistan's blasphemy laws have risen dramatically since 2008. The laws serve to stifle discussion and dissent; spark outbreaks of mob violence; violate freedom of religion, thought or belief; and are used as a weapon to settle private disputes.
3. The government has failed to adequately protect believers of both majority and minority faiths impacted by these laws, as well as individuals accused of blasphemy and those who seek to reform these laws. Further, the government has failed to consistently bring perpetrators of violence to justice or to take action against leaders who incite violence in reaction to allegations of blasphemy.
4. The government of Pakistan should amend the existing laws to limit abuses; **secure justice for victims of violence stemming from accusations of blasphemy**; take steps to ensure that judicial rulings are not influenced by mob violence; secure the release of Aasia Bibi and other prisoners accused of blasphemy; protect and secure those whose lives have been endangered on account of blasphemy and related laws; and eliminate laws that discriminate against minorities.
5. Pakistan's Constitution guarantees fundamental rights including "freedom of thought, expression, belief, faith, worship and association" and further guarantees that "(a) every citizen shall have the right to profess, practice and propagate his religion; and (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions."

Pakistan's Blasphemy Laws

6. Pakistan's blasphemy code provides a context in which the government is able to restrict freedom of expression, thought, and religion. Such laws have resulted in devastating consequences for those holding religious views that differ from the majority religion, as well as for adherents to minority faiths.
7. The ambiguous language of these laws empowers majorities against dissenters and the state against the individual. Governments and individuals frequently abuse the blasphemy laws not only to stifle dissent, but to harass rivals, legitimize violence, and settle petty disputes. Such abuse is supported by legal procedures wherein allegations of blasphemy require neither proof of intent nor the presentation of evidence. Bail is often denied, and there is no punishment for rendering false allegations. Sections 295-B and 295-C of the Penal Code provide punishments of life imprisonment and the death penalty for desecrating the Koran or making derogatory remarks in respect of the Holy Prophet.

8. Individuals accused of blasphemy are at risk before, during, and after their trials. Even when acquitted, those charged with blasphemy are marked for life and may have to live in hiding or seek exile. In January 2011, two Christian women were beaten, publicly humiliated and forced into hiding after being falsely accused of blasphemy. In April 2011, a mob attacked a Christian seminary and nearby homes after learning that two Christians falsely accused of desecrating the Koran had been released from protective custody.
9. Alleged blasphemers have been murdered before being convicted and after their release. In March 2011, Muhammad Imran was killed just two weeks after he was released from jail when blasphemy charges against him were dropped. In November 2010, a 22-year-old was killed near his home after he was released from jail where he served a 5-month sentence for desecrating the Koran. In July 2010, two brothers were shot to death as they emerged from a courthouse where they had been cleared of all blasphemy charges.
10. A number of individuals accused of blasphemy have died while in prison. In September 2011, Aslam Masih died after officials failed to provide proper care for a treatable disease. In July 2011, Shaukat Ali, a 35-year-old described as mentally challenged who had been accused of desecrating the Koran, died after being jailed for four years without access to psychiatric care. Qamar David, who was serving a 25-year sentence for allegedly sending a blasphemous text message in 2006, died in his cell in March 2011. In September 2009, a 19-year-old accused of throwing a chapter of the Koran in the drainage was found dead in his solitary confinement jail cell within a few days of being detained.
11. Legal proceedings in blasphemy cases can take years, and the accused are routinely subjected to mistreatment and torture in jails. In December 2010, Hector Aleem, a human rights activist and founder of Peace Worldwide, was sentenced to seven years in prison for allegedly sending a blasphemous text message from his cell phone. Though most of the charges against him have been dropped, he has been denied bail. The judge and lawyer in the case have been threatened, and Aleem's wife and four children have been forced into hiding. In June 2011, it was reported that he was tortured during a 5-day period in which he "disappeared" from his cell. On July 20, 2010, 60-year-old Zaibun Nisa was released from a prison mental ward where she spent 14 years without being tried in a court of law. She had been accused of throwing torn pages from the Koran down a drainage pipe in 1996. No evidence linked her to the incident.
12. Between 1986 and 2011, 1,060 individuals were charged with blasphemy; 46 of those individuals were killed while awaiting trial or after being acquitted. (Footnote) In many instances, officials have failed to condemn abuses or hold the perpetrators of violence accountable. Further, the police have failed to prevent or stop violence against religious minorities and to protect all those whose lives have been endangered on account of such laws. The lack of meaningful response has fostered a climate of hostility and fear in which discrimination and violent incidents continue to occur.
13. Although no one has been executed under the blasphemy laws, Aasia Bibi, and others have been sentenced to death. Aasia, a Christian farmworker whose case has attracted international attention, was accused of blasphemy by her co-workers in 2010. She is appealing her sentence while living in solitary confinement. A cleric in Peshawar has offered a \$6,000 reward to anyone who kills Bibi if she is released from prison. Soofi Mohammad Ishaq was sentenced to death on January 31, 2012, after he was found guilty of being branded a prophet by his followers. In 2011, Abdul Sattar and Irfam Rafique were both sentenced to death for allegedly sending derogatory text messages. Also in 2011, Sami Ullah, a 17-year-old engineering student, was accused of writing insulting comments about Muhammad. He is in jail and can be sentenced to death if found guilty. Muhammad Shafeeq Latif was sentenced to death for defiling the Koran in 2008; Youinis Masih was sentenced to death in 2007 for allegedly defaming the Prophet. There are others languishing in jail appealing their death sentences.

Blasphemy laws are used to stifle discussion and dissent

14. Pakistan's blasphemy laws provide a context in which the government and non-state actors can prevent the peaceful expression of political or religious views, including those on the role of religion in law, society, and the state. By restricting those essential freedoms in the name of protecting religion from defamation, the government is able to stifle the healthy debate and discussion of ideas and essentially determine which ideas are acceptable and which are not. Politicians, teachers and students, clergy and congregants, writers and journalists, web and social media users, religious converts and others have suffered prosecution for exercising their right to freedom of expression.
15. In 2011, Mehram Wahoco, a retired school teacher, was sentenced to three years in prison for allegedly insulting members of the Prophet's family; Faryal Tauseef Bhatti, an eighth grade student who unintentionally misspelt a word on an exam that was deemed offensive, was expelled from school and charged with blasphemy; Muhammad Akram, a "self-styled magician," was charged with burning the Koran during a ritual ceremony; Rizwan and Saiful Malook were both arrested after they independently found pages from the Koran and burned them to maintain the book's dignity under Islamic law. Sami Ullah, a seventeen-year-old engineering student was accused of writing insulting comments on his exam and could face the death penalty if found guilty.
16. Due to death threats and verbal and physical attacks, politicians are reluctant to speak out against the misuse of the blasphemy laws, and lawyers and judges are reluctant to take on blasphemy cases. Those that do are frequently subjected to intimidation, death threats, and violence.
17. The 2011 assassinations of two high level officials, Governor Salmaan Taseer on January 4 and Minority Affairs Minister Shahbaz Bhatti on March 2, illustrate how deadly the debate over blasphemy laws has become. Both men were murdered for speaking out in favor of reforming Pakistan's blasphemy laws and seeking a presidential pardon for Aasia Bibi. The Governor's murderer, Mumtaz Hussein Qadri—who claims that Taseer was himself guilty of blasphemy for questioning such laws—has been sentenced to death and is currently appealing the verdict. Following his arrest, police officers investigating the case were threatened—as were lawyers representing the state. The Presiding Judge Pervais Shah received multiple death threats and has taken an indefinite leave of absence. Meanwhile, Qadri has been treated like a hero, showered with rose petals outside the courthouse where lawyers rallied in his defense. As a result of these murders, the serious debate that had commenced to reform Pakistan's blasphemy laws has been largely stifled. Religious groups and political parties pressured the government to withdraw the bill proposing amendments to the blasphemy laws.

Accusations of blasphemy have sparked murders, assaults, and mob attacks

18. Mob violence has become a growing concern and reflects the serious challenges confronting the rule of law in Pakistan. Sometimes mobs target government officials for not being strict enough in their application of the blasphemy law but the violence is most frequently directed toward religious minority communities where the practice of their religion has been deemed blasphemous. In some cases, rumors of blasphemy, perhaps a misspoken word or the alleged desecration of the Koran, has spawned violence.
19. Mobs gather in and outside the courthouse where blasphemy cases are tried, asserting that they are prepared to take the law into their own hands unless there is a guilty verdict. Violence does not end at the courthouse doors. Mobs have descended on towns, burning places of worship, looting homes, and killing or injuring residents. In many instances, the government has failed in their obligation to protect people—both alleged violators of blasphemy laws as well as judges and lawyers involved in these cases—from extrajudicial mob violence. In some cases, the perpetrators have asserted it to be their "religious duty" to kill blasphemers and their supporters, which include friends, family, judges, and lawyers. The perpetrators of such extrajudicial violence are rarely brought to justice.

20. In 2011, there were numerous incidents of mob violence. On June 10, a mob of more than 500 demonstrators descended on the home of Dildar Masih, a Christian accused of blaspheming Islam. After being beaten, he was taken to the police station, followed by a mob of 2,000 who blocked the main road demanding that the accused be handed over. On May 2, a mentally ill patient charged with the use of derogatory remarks faced an angry mob led by local clerics eager to take justice into their own hands. On April 30, accusation of blasphemy lodged against a father and son sparked a riot led by clerics who rallied support over mosque loudspeakers. Hundreds of protestors gathered, armed with clubs and batons, damaging homes and government offices.
21. In July 2010, more than a thousand people blocked the road leading to the home of three Christians, demanding that a blasphemy case be lodged against an illiterate family who used a plastic sheet containing Koranic verse to serve as a roof over an open bathroom. Though no evidence of such writing was found, the family has been forced into hiding. In February 2010, a mob congregated outside the courthouse while a verdict was being rendered against Qamar David, a man accused of sending blasphemous text messages. The mob declared that they would “perform their religious duty to kill blasphemers and supporters.”
22. On July 30, 2009, a mob of hundreds descended on the village of Korian in response to an unfounded rumor that local Christians at a local wedding party had desecrated the Koran. The mob looted and burned as many as 47 homes. The police arrested 54 individuals, 43 of whom were released on bail. The violence continued on August 1 when a mob of thousands, some armed and masked, arrived in nearby Gojra. Twenty people were injured and seven died, including 5 members of a family whose house was set on fire. In addition, two churches lay in ruins and more than one hundred homes occupied by Christian families were torched and looted. The police did little to deter the mob. Though arrests were made and written statements were submitted by 185 witnesses, all suspects were acquitted.

Blasphemy laws are used to violate freedom of religion, thought or belief

23. Blasphemy laws create particular problems for adherents of minority faiths that are deemed heretical or blasphemous by Pakistan’s majority or state-backed religious establishments. The laws perpetuate prejudice, promote religious intolerance, and prevent the discussion of views which some segments of the population may find offensive.
24. Since 1974, Anti-Ahmadi laws have been used to discriminate against the religious group by prohibiting them from engaging in any Muslim practices, including the use of Muslim greetings; referring to their places of worship as mosques; posing as Muslim or referring to their faith as Islam; reciting Islamic prayers; or participating in the Hajj pilgrimage and the fast of Ramadan. Further, Ahmadi are prohibited from seeking converts or distributing religious materials. Ahmadi places of worship, residences, and gravesites have been desecrated while individual Ahmadi have been subjected to arrests and arbitrary detentions under the blasphemy code. The government has often failed to protect the Ahmadi community from persecution and perpetrators of attacks are rarely brought to justice.

Blasphemy laws are used as a weapon to settle private disputes

25. The loose and unclear language of Pakistan’s blasphemy laws—along with procedures which allow private individuals to initiate blasphemy cases without prosecutorial or judicial review—provide dangerous ammunition to those who have used them to victimize individuals and as a weapon in private disputes. Accusations of blasphemy are often the byproducts of disputes between neighbors, colleagues, political opponents, religious and academic leaders, and business associates whose dealings have become adversarial. Given the severity of the punishment provided under these laws, the ease with which one may initiate a proceeding raises serious concerns of due process and the right to a fair trial. Though some have tried to prevent the abuse of the blasphemy laws, including

Governor Salmaan Taseer and Minister of Minority Affairs Shahbaz Bhatti, the government has been unable or unwilling to adopt the reforms necessary to address this problem.

26. On April 10, 2011, Gulzar Masih, a Christian book store owner and his son were forced to flee their home after being accused of blasphemy by a former business rival. On April 5, 2011, Arif Masih was arrested after being falsely accused of tearing pages from the Koran. The accusations stemmed from a land dispute with a neighbor. Scores of cases of this nature have been filed.

United Nations Reporting

27. In the Report of the Working Group (A/HRC/8/42) it was recommended that restrictions on freedom of religion or belief be removed; that legislation that discriminates against persons belonging to minorities be amended; and that Pakistan protect and satisfy the unimpeded exercise of freedom of religion. The Government stated that specific steps were “being considered to strengthen laws and procedures to reduce incidence of their abuse.”
28. The government’s representative noted (A/HRC/8/4 par 46 page 10) that “the Constitution does not allow for discrimination on the basis of religion itself” and “the penal code contains provisions for the proscription of actions and statements that would offend all religions, not just Islam, and these laws apply to all.” It was further stated that “the Government has introduced administrative checks in the system, such as those introduced in 2004, the aim of which is to, inter alia, regulate the investigation procedure and to deter the filing of cases under the blasphemy law.”
29. Regarding the use of sermons in Pakistani mosques to incite hatred and violence against various groups, Pakistan stated that it has done its best to stop or control them and “indicated its full commitment to reduce and eliminate this matter, which cannot be done with legislation alone, but requires interaction and dialogue, and is committed to doings.”

Recommendations:

- Amend the existing blasphemy laws to limit abuses by punishing false allegations of blasphemy; strengthen the legal requirements for proof of intent and evidence; and eliminate anti-Ahmadi laws which criminalize their faith.
- Bring to justice those responsible for violence linked to accusations of blasphemy, including the assassinations of Governor Taseer and Minister Bhatti, and take steps to ensure that judicial rulings are not influenced by the threat of mob violence.
- Urge the release of Aasia Bibi and other prisoners who have been sentenced for violating blasphemy laws and ensure their protection and security upon release.
- Protect and secure all those whose lives have been threatened and endangered on account of blasphemy and related laws, including human rights defenders of those accused of blasphemy as well as government officials, lawyers and judges who speak out against the blasphemy law.
- Urge government officials to speak out against human rights abuses whenever such acts occur and, particularly in cases of violence, ensure that there is rapid and appropriate response from both law enforcement and criminal justice authorities.
- Reach out to work with and support Pakistani civil society and human rights organizations who are actively promoting democracy, tolerance, and the peaceful co-existence of different ethnic and religious communities.
- Ensure that police receive adequate training on conflict resolution and community policing, including how to prevent and respond to mob violence.
- Guarantee that the rule of law is upheld by fully investigating violations of religious freedom, including violent acts against members of religious minorities.