



## General Assembly

Distr.: General  
XX August 2020

English only

---

### Human Rights Council

#### Forty-fifth session

September–October 2020 (TBC)

Agenda item 3

**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

### **Written statement\* submitted by Jubilee Campaign, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2020]

---

\* Issued as received, in the language(s) of submission only.

## **Blasphemy Laws as a Tool to Arbitrarily Arrest Religious Minorities and Others in the Islamic Republic of Pakistan**

In Pakistan—one of three countries where blasphemy is punishable by death— these laws are widely abused to settle personal scores, incite religious hatred and punish those who question Islam. Due to widespread religious intolerance and bias, members of Pakistan’s religious minority communities are disproportionately accused and punished under the country’s blasphemy laws<sup>1</sup>.

Numerous Muslims as well as members of religious minorities have been accused and detained based on the blasphemy laws. The circumstances render the detention arbitrary under category II and category III of the arbitrary detention categories as defined by the Working Group on Arbitrary Detention (Working Group).

### **Category II**

The Working Group regards deprivation of liberty as arbitrary amongst others when the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by article 18<sup>2</sup> and 19<sup>3</sup> of the Universal Declaration of Human Rights (UDHR) and article 18 of the International Covenant on Civil and Political Rights (ICCPR)<sup>4</sup>.

Numerous people are being, have been or risk being arbitrarily detained for exercising their previously mentioned rights.

As an example, Adnan Prince was arrested on 6 November 2013. While at work, Prince found a book entitled ‘I Asked The Bible Why The Qur’ans Were Set On Fire’, a highly controversial book written by Maulana Ameer Hamza, leader of the Jamaat-ud-Dawa group.

Prince began reading the book and made several notes inside of it. Abdi Mehmood, a Muslim coworker, noticed Prince reading the book and took offense. The next day, Mehmood went to the local police station and accused Prince of marking several pages with abusive words against the Prophet of Islam. Police registered a blasphemy case against Prince under Sections 295-A, 295-B, and 295-C of Pakistan’s Penal Code. In 2017, Adnan Prince was released on bail, however, to date, a final decision has not been made in Prince’s case, and he remains accused of committing blasphemy.<sup>5</sup>

Another example is the case of Junaid Hafeez, who was designated a prisoner of conscience by Amnesty International.<sup>6</sup> Junaid Hafeez was arrested on March 13, 2013 in Multan. Amnesty International states that Hafeez is ‘detained solely for peacefully exercising his right to freedom of expression’.<sup>7</sup> Junaid Hafeez’s father has attributed his arrest to the Islamist’ opposition to his son’s liberal views, and their desire to get one of their own members an open lecturer position.<sup>8</sup> In December 2019, Hafeez was convicted and sentenced to death by a court in Multan Central Jail.

In July 2020, Pakistan Tehreek-e-Insaf (PTI) President Zafarwal Tehsil, Qamar Riaz Sulehri, has filed a blasphemy complaint against the ex-minister of foreign affairs of the Pakistan Muslim League, Khawaja Asif for saying that all religions are equal in the light of the constitution.<sup>9</sup>

---

<sup>1</sup> Sections 295-A, 295-B, and 295-C of Pakistan’s Penal Code. <https://www.justice.gov/eoir/page/file/1158851/download> USCIRF report page 75. [accessed 18 August 2020].

<sup>2</sup>UDHR, Article 18: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance

<sup>3</sup>UDHR, Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers

<sup>4</sup>ICCPR Article 18: Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

<sup>5</sup>The Voiceless Victims of Pakistan’s Blasphemy Laws, William Stark, May 2020, International Christian Concern, page 12.

<sup>6</sup>Pakistan: Authorities must immediately and unconditionally release Junaid Hafeez, 25 September 2019, <https://www.amnesty.org/en/latest/news/2019/09/pakistan-authorities-immediately-unconditionally-release-junaid-hafeez/> [accessed 18 August 2020].

<sup>7</sup> Id. at 6.

<sup>8</sup> Junaid Hafeez: Why is Pakistani scholar's blasphemy case receiving scant attention?, 7 October 2019, Deutsche Welle, <https://www.dw.com/en/junaid-hafeez-why-is-pakistani-scholars-blasphemy-case-receiving-scant-attention/a-50722310> [accessed 18 August 2020].

<sup>9</sup> PTI Leader Files Blasphemy Complaint Against Khawaja Asif For Saying All Religions Are Equal, 13 July 2020, Naya Daur,

These cases show that the blasphemy laws clearly abate the right to freedom of thought, conscience and religion as well as the right to freedom of opinion and expression.

### Category III

The Working Group on Arbitrary Detention regards deprivation of liberty as arbitrary amongst others when the total or partial non-observance of the international norms relating to the right to a fair trial, is of such gravity as to give the deprivation of liberty an arbitrary character.

Principle 6 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that no person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 14.3.g of the ICCPR notes that nobody should be compelled to testify against himself or to confess guilt.

In July 21, 2013, Shagufta and her husband, Shafqat Emmanuel, were both arrested and charged with blasphemy under Sections 295-B and 295-C of Pakistan's Penal Code. To extract a false confession, Shafqat claims Gojra City Police tortured him in front of his wife and children. According to Shafqat, he gave this false confession because the police threatened to torture his wife if he refused.<sup>10</sup> They were sentenced to death on April 4, 2014.<sup>11</sup>

Zafar Bhatti was arrested on 22 July 2012 by police who charged him with sending blasphemous text messages. According to Bhatti, police tortured him into confessing to the crime. On May 3, 2017, Bhatti was sentenced to life in prison under section 295-C of Pakistan's Penal Code by Additional District and Session Judge Mohammad Yar Gondal.<sup>12</sup>

Adnan Prince, who was arrested on November 6, 2013 reports that the police tortured him in an attempt to extract a confession.<sup>13</sup>

It has been reported on numerous accounts that those accused of blasphemy face violence from mobs and the police. It has happened recurrently that those accused of blasphemy were tortured while under police investigation in order to force a confession out of them.

Subsequently, article 14.1 of the ICCPR states that 'All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.'

Article 14.2 2. of the ICCPR states that 'Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.'

Formerly a visiting lecturer at the Department of English Literature of the Bahauddin Zakariya University (BZU), Multan, Hafeez was booked on blasphemy charges and was arrested by police on March 13, 2013. In December 2019 Hafeez was sentenced to death by a Pakistani court. Hafeez's family and counsels in a statement said

"The prospect of Hafeez getting even a semblance of fair trial came into question when his counsel Rashid Rehman was brutally murdered inside his chambers. Those involved in the murder were never apprehended. Rehman's murder resulted in a wave of fear, putting off other lawyers from taking up his defence. The failure to apprehend those who shot Rehman dead signalled impunity for other would-be vigilantes," the statement said.

"Could any judge in such circumstances take the risk of doing justice? Those who could were transferred from the district or brought under pressure by groups of lawyers operating as mafias."<sup>14</sup>

Amnesty International called it a "a vile and gross miscarriage of justice" and human rights activist I. A. Rehman, the former general secretary of the Human Rights Commission of Pakistan, said: "The verdict is brutal and unjust. He has been in prison for six years for no reason. It is an open fact that trial courts in Pakistan rarely acquit accused in blasphemy

<https://nayadaur.tv/2020/07/pti-leader-files-blasphemy-complaint-against-khawaja-asif-for-saying-all-religions-are-equal/> [accessed 18 August 2020].

<sup>10</sup>The Voiceless Victims of Pakistan's Blasphemy Laws, William Stark, May 2020, International Christian Concern, page 10. [accessed 18 August 2020].

<sup>11</sup>Second Christian woman and her disabled husband fighting death row conviction for committing 'blasphemy' in Pakistan, 9 May 2019, Fox News, <https://www.foxnews.com/world/second-christian-woman-asia-bibi-blasphemy-pakistan> [accessed 18 August 2020].

<sup>12</sup>The Voiceless Victims of Pakistan's Blasphemy Laws, William Stark, May 2020, International Christian Concern, page 8. [accessed 18 August 2020].

<sup>13</sup>The Voiceless Victims of Pakistan's Blasphemy Laws, William Stark, May 2020, International Christian Concern, page 12. [accessed 18 August 2020].

<sup>14</sup>Academic Junaid Hafeez sentenced to death on blasphemy charges by Multan court, 22 December 2019, Dawn, <https://www.dawn.com/news/1523521/academic-junaid-hafeez-sentenced-to-death-on-blasphemy-charges-by-multan-court> [accessed 18 August 2020].

cases."<sup>15</sup> Jail officials reportedly feared a mob attack if Hafeez was acquitted, and Hafeez's family said that the court had convicted due to external threats. Hafeez's lawyer Asad Jamal said that Hafeez would appeal the verdict.<sup>16</sup>

In July 2020, Tahir Ahmad Naseem, 57, had been on trial at the Peshawar Judicial Complex Peshawar on charges that he had claimed to be a prophet, when he was shot six times. The shooter was identified by authorities as a local 19-year-old man named "Faisal."<sup>17</sup>

In the case of Aassiya Noreen, commonly known as Asia Bibi, her release was pounced on by the hardline Islamist Tehreek-e-Labaik Pakistan party (TLP, or Movement at the Service of the Prophet), which was formed five years ago and gained influence by weaponizing the blasphemy issue.

The party spearheaded violent street protests against Bibi's acquittal and called for the Supreme Court justices to be killed, but crossed the reddest of red lines by urging the overthrow of the country's powerful army chief.<sup>18</sup>

USCIRF mentions that Asia Bibi's Supreme Court's landmark decision criticized the lower court judges and prosecutors for pursuing falsely accused blasphemy cases that did not meet the requirements of Pakistan's evidentiary rules.<sup>19</sup>

It could be concluded that when blasphemy laws are involved, accused on numerous accounts do not receive a fair hearing from an independent and impartial tribunal neither are presumed innocent until proven guilty. Pressure, threats and assassinations<sup>20</sup> have critically influenced the judges, police and lawyers in facilitating a court proceeding in accordance with these rights.

### Recommendations:

- Achieving specific and meaningful reforms of the blasphemy laws.
- Release blasphemy prisoners, or at least those prisoners in whose cases there is a clear lack of (substantial, non-coerced) evidence.
- Repeal the blasphemy law.
- Until repeal can be accomplished, enact reforms.
  - Make blasphemy aailable offense.
  - Require evidence by accusers.
  - Allow investigatory authorities to dismiss unfounded accusation.
- Enforce existing penal code articles that criminalize perjury and false accusations, commencing with launching an investigation against PTI president Qamar Riaz Sulehri.
- Ensuring the safety of Khawaja Asif and the dropping of all charges laid against him.

---

<sup>15</sup> Pakistan: outrage over death sentence for 'blasphemous' lecturer, 21 December 2019, The Guardian, <https://www.theguardian.com/world/2019/dec/21/death-sentence-for-pakistani-lecturer-junaid-hafeez-in-blasphemy-case-prompts-outcry> [accessed 18 August 2020].

<sup>16</sup> Death sentence for Pakistani scholar Junaid Hafeez for 'blasphemous' posts on Facebook; lawyer slams 'spineless system', 22 December 2019, First Post, <https://www.firstpost.com/world/death-sentence-for-pakistani-scholar-junaid-hafeez-for-blasphemous-posts-on-facebook-lawyer-slams-spineless-system-7813411.html> [accessed 18 August 2020].

<sup>17</sup> American citizen accused of blasphemy shot dead in Pakistani courtroom, 13 July 2020, Fox News, <https://www.foxnews.com/world/american-citizen-shot-dead-in-pakistani-courtroom-after-breaking-blasphemy-law> [accessed 18 August 2020].

<sup>18</sup> Blasphemy cases intimidate Pakistan judges, 27 February 2020, Asia Times, <https://asiatimes.com/2020/02/blasphemy-cases-intimidate-pakistan-judges/> [accessed 18 August 2020].

<sup>19</sup> USCIRF Annual Report 2019, Pakistan [https://www.uscifr.gov/sites/default/files/Tier1\\_PAKISTAN\\_2019.pdf](https://www.uscifr.gov/sites/default/files/Tier1_PAKISTAN_2019.pdf) [accessed 18 August 2020].

<sup>20</sup> In July 2020, Tahir Ahmad Naseem was killed in a courtroom in Peshawar. He was accused of blasphemy in 2018, <https://www.bbc.com/news/world-asia-53582578> [accessed 18 August 2020].