



November 11, 2021

The Honorable James P. McGovern
The Honorable Chris Smith
Co-Chairs
Tom Lantos Human Rights Commission
House Committee on Foreign Affairs
4150 O'Neil Federal Building
200 C Street SW
Washington, D.C. 20515

Subject: Request for Advocacy for religious prisoners of conscience in Pakistan – victims of the blasphemy law

Dear Co-Chairs of the Tom Lantos Human Rights Commission,

We would like to bring your attention to two victims of Pakistan blasphemy laws: Stephen Masih and Nadeem Samson. We, the undersigned, are a group of individuals and organizations that advocate for religious freedom around the world. We represent individuals with diverse beliefs and religious and ethnic backgrounds but are united in our goal of promoting freedom of religion or belief for all.

We note the success of the Tom Lantos Human Rights Commission in advocating for prisoners of conscience. We are concerned that your Commission does not appear to be advocating for any prisoners of conscience from Pakistan – a country infamous for its blasphemy laws which are used to arbitrarily detain individuals from minority and also majority religious groups. We know of over 40 individuals who authorities are keeping detained under Pakistan's blasphemy laws.

We ask that the Tom Lantos Human Rights Commission bring attention to how the blasphemy laws in Pakistan are used to arbitrarily detain individuals on the grounds of their religion or belief by holding a hearing on this topic. We also ask that the Defending Freedoms Project include prisoners of conscience from Pakistan.

As this year marks two years since Pakistan was designated as a Country of Particular Concern for its egregious violations of religious freedom, it would be good to evaluate what has been done. What steps have the State Department taken to bring about improvements in the country? What effects have the designation had on Pakistan? What more needs to be done?

We have attached a summary concerning the specific cases of Stephen Masih and Nadeem Samson. We have chosen these two cases since we are personally in contact with the families and believe that international pressure would aid in their release.

We look forward to hearing from you.

Sincerely,

Signatures

Organizations

Christian Freedom International

Church of Scientology National Affairs Office

Hindu American Foundation

Humanity Association of Sabah and Labuan Federal Territory

International Human Rights Committee

International Organization to Preserve Human Rights

Jubilee Campaign

Parity

Prayer Pioneers

Revealing Light Ministries

Set My People Free

Voice for Justice

Individuals

Muaz Ahmad Jahari, from Malaysia

Dr. William Devlin, *CEO*, REDEEM!

Hamid Gharagozloo, International Organization to Preserve Human Rights

Lauren B. Homer, President, Law and Liberty Trust

Michael Javed, brother of Nadeem Samson

Suleman Javed, ADPH

Mr. Daniel Khokhar, ADPH

Francis Masih, brother of Stephen Masih

Asma Michael, individual

Jenny Noyes, *Executive Director*, New Wineskins Missionary Network

APPENDIX I

Prisoner of Conscience Cases

Background Masih

In March 2019 local police arrested Stephen Masih, a Christian man, under Act 295C for blasphemy after a mob gathered around Masih's home saying he had committed blasphemy. Following the arrest of Stephen Masih, mobs burned down Stephen Masih's family home where he lived with his elder brother and family. Stephen Masih's family has shared that Masih is suffering from a mental health condition and lacks the ability to understand or think and therefore should be released from guilt. Formal charges were only registered against Stephen Masih three months after his arrest in June 2019. There have been 42 court hearings, with jail authorities not presenting Stephen Masih in seven of them, for "security concerns", in addition, the judges have been on leave during six of the hearings, and Masih has still not received a final verdict. A hearing was scheduled for April 2020 but was delayed due to the Covid-19 pandemic.

In March 2020 a medical board was convened to review Stephen Masih's mental health, four months after the initial application request was sent in. On July 30, 2021 we finally received news that the Punjab Institute of Mental Health released its medical health report to the court after keeping it on hold for one year. It should be noted that the release of the report came only after Voice for Justice arranged a meeting for Masih's lawyers to visit the Institute and put pressure on them to release the medical examination. The board of medical professionals concluded that Stephen Masih suffers from, "Bipolar Affective Disorder" and is "unfit to stand trial at the moment." Symptoms of the disorder include mood swings which can affect, "judgment, behaviour and the ability to think clearly."¹ Pakistan has both signed and acceded to the International Covenant on Civil and Political Rights and the Convention on the Rights of Persons with Disabilities and should not discriminate against Masih on account of his religious beliefs or disability. Masih should therefore be exonerated, given his mental condition and especially as penalisation for blasphemy breaches international law in the first place. Those who suffer mental disabilities are usually released of culpability, in

¹ "Bipolar Disorder." *Mayo Clinic*, Mayo Foundation for Medical Education and Research, 16 Feb. 2021, www.mayoclinic.org/diseases-conditions/bipolar-disorder/symptoms-causes/syc-20355955.

other cases, even for violent conduct. The courts unwillingness to do so in the case of Mr Masih is a sign of the courts' discrimination of minorities and individuals charged under blasphemy laws.

Background Nadeem Samson

In November 2017 authorities arrested Nadeem Samson after two men accused Mr. Samson of posting blasphemous remarks on his Facebook page. Authorities only took to account the allegation of the accusers and did not consider Mr. Masih's side of the story. Mr. Dogar, one of the two men who raised charges against Mr. Samson, had refused to return the deposit Mr. Samson had paid after leasing Mr. Dogar's home. The accusers had created a fake Facebook account to frame Mr. Samson for blasphemy. In prison, guards reportedly tortured Mr. Samson to extract a false confession, which unfortunately is not unusual for blasphemy cases. Authorities are currently detaining Mr. Samson in Lahore District Jail where they do not grant him access to mental treatment, they have denied Mr Samson treatment for his diagnosed kidney stones.

Concerns

The arrest and detention of Stephen Masih and Nadeem Samson violate several of their rights. Firstly, blasphemy laws are incompatible with international human rights norms as noted by the Rapporteur on freedom of religion or belief and other UN experts.² Secondly, Pakistani authorities have denied Stephen Masih and Nadeem Samson's rights to a fair trial. In both cases there has been confusion regarding the evidence laid against them. In the case of Mr. Samson three witness were added to testify against him, three years after the trial began. In the case of Mr. Masih, witness statements were not recorded, "for numerous reasons" according to the courts own judge yet there is still purported "incriminating material." Pakistan is party to International Covenant on Civil and Political Rights and the Convention on the Rights of Persons with Disabilities and should not discriminate against either Mr. Samson or Mr. Masih on account of his religious beliefs or disability.

Request

Considering the above, we call on the Tom Lantos Human Rights Commission to place pressure on Pakistan, noting their CPC designation, calling on them to drop charges and immediately release Stephen Masih and Nadeem Samson. In the case of Mr. Masih we ask that the Tom Lantos Human Rights Commission raise Mr. Masih's mental condition and Pakistan's international law obligations. Too often authorities in Pakistan disregard the rights of persons of mental disabilities when

² OHCHR side event during the Durban Review Conference, Geneva, 22 April 2009; <https://www2.ohchr.org/English/issues/religion/docs/SRjointstatement22april09.pdf>. United Nations, General Assembly. *Elimination of all forms of religious intolerance*** A/72/365. (28 August 2017). Office of the High Commissioner on Human Rights, *Historic consensus on freedoms of religion and expression at risk, say UN experts*, 23 March 2021, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26937&LangID=E>; United Nations, General Assembly, *Disinformation and freedom of opinion and expression – Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan*, 13 April 2021. para. 38.

it relates to blasphemy cases.³ The courts are hearing both Mr. Masih and Mr. Samson under several articles under the Pakistan Penal Code including 295-C, which mandates the death penalty for blasphemy, exacerbating the two prisoners of conscience's right to justice and a fair trial.

Both court hearings of Mr. Masih and Mr. Samson have been delayed continuously under the pretext of Covid-19 and other reasons.

Mr. Masih's bail petition is currently being appealed at the Lahore High Court and Mr. Samson's bail appeal is with the Supreme Court. None of the cases have received a final judgment regarding the charges of blasphemy.

APPENDIX II

PRESS RELEASE: UN Human Rights Experts Call for the Release of Stephen Masih

GENEVA (21 October 2021)– UN human rights experts* today urgently appealed to Pakistan to release Stephen Masih, a Pakistani Christian from Sialkot District, who has been detained for over two years awaiting trial for allegedly committing blasphemy.

“We are seriously concerned by the persecution and ongoing detention of Mr. Masih on blasphemy grounds, and by his treatment at the hands of the judicial and prison authorities who are aware of his psychosocial disability and health condition,” the experts said.

“We call on the authorities to urgently review Mr. Masih's case, and to release and drop all charges against him, and to ensure protection for him and his family.” The UN experts said they were concerned by the continued persecution and acts of violence perpetrated by State and non-state actors in Pakistan, fuelled by claims of apostasy and blasphemy, often targeting religious or belief minorities. In March 2019, following an argument with one of his neighbours in Imran Pura Badian village, Mr. Masih was attacked by a group of people accusing him of committing blasphemy. His family home was also set on fire. Local police filed a First Information Report (FIR) against him and arrested him on 15 March 2019. He was informed about the blasphemy charges only three months later.

“It is deeply alarming that a mere disagreement between neighbours could lead to the judicial harassment of an individual, based on his religious or other beliefs, and by the use of anti-blasphemy laws which may carry the death penalty,” the experts said.

³ Rana Tanveer, ‘Despite medical board's recommendation, ‘mentally ill’ accused yet to secure bail’ *Express Tribune*, 2014 <<https://tribune.com.pk/story/936816/despite-medical-boards-recommendation-mentally-ill-accused-yet-to-secure-bail/>>; https://humanrightsreviewpakistan.wordpress.com/mentally-ill-prisoners-in-pakistans-criminal-justice-system-analysing-fair-trial-due-process-standards/#_ftn30.

The Session Court in Sialkot denied a bail request on 5 August 2021. According to information received by the UN experts, the prosecution did not disclose publicly any evidence against Mr. Masih, and their witness testimonies were not recorded. Lahore High Court will hear an appeal on his bail application on 22 October. The UN experts also said they were concerned by the lack of medical care given to Mr. Masih in Sialkot District Jail. Medical reviews to assess his mental health and fitness to stand trial have been repeatedly delayed, they said.

The experts added that Mr. Masih's reported detention in a cell with prisoners of the Muslim faith put him in danger, and was a matter of concern. "We urge the Government of Pakistan to comply with its international human rights obligations, including with regard to freedom of expression, religion or belief, as well as with regard to the rights of persons who belong to minorities, to repeal all its anti-blasphemy and anti-apostasy legislation and to take measures to combat advocacy of religious hatred that constitutes incitement to discrimination and violence," the experts said.

The experts have been in contact with the Government of Pakistan on the matter.

ENDS

() The experts: Ahmed Shaheed, Special Rapporteur on freedom of religion or belief; Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Fernand de Varennes, Special Rapporteur on minority issues; Tlaleng Mofokeng, Special Rapporteur on the right to physical and mental health*