



**United States Commission on International Religious
Freedom
732 N. Capitol Street, N.W.
Suite A714
Washington, DC 20401**

November 11, 2021

Dear USCIRF Commissioners and Staff,

We represent several members of the International Religious Freedom Roundtable in DC and would like to bring your attention to two blasphemy cases, that of Stephen Masih and Nadeem Samson. We welcome the inclusion of a religious prisoner of conscience from Pakistan this year in January but ask that you include additional prisoners to represent the diversity of those affected by Pakistan's egregious blasphemy laws.

We have noted these two cases since we are personally in contact with the families and believe that international pressure would aid in their release.

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 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.

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.

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 right 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 their religious beliefs or Mr. Masih's disability.

Request

Considering the above, and the recent statement by the UN human rights experts calling for the immediate release of Stephen Masih and reiterating the call for Pakistan to repeal its blasphemy laws,³ we call on USCIRF to place pressure on Pakistan, calling on them to drop charges and immediately release Stephen Masih and Nadeem Samson. In the case of Mr. Masih we ask that USCIRF raise Mr. Masih's psychosocial disability and its international law obligations in protecting those with mental health issues. Too often authorities in Pakistan disregard the rights of persons of mental disabilities when it relates to blasphemy cases.⁴ 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

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.

³ OHCHR. *Pakistan: Christian on blasphemy charges must be freed – experts*, 21 October 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27681&LangID=E>.

⁴ 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.

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.⁵

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 judgement regarding the charges of blasphemy.

Sincerely,

Signatories

Organizations

Christian Freedom International

Church of Scientology National Affairs Office

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

Dr. William Devlin, *CEO, REDEEM!*

⁵ Such as most recently in October – the absence of the second judge presiding over the case.

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

Azam Peter, ADPH

Scott Morgan, *President*, Red Eagle Enterprises

Alam Sardar, ADPH