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Historic Bail Granted for Victim of Blasphemy Accusations in Pakistan

WASHINGTON, D.C., 6 January 2022 –After four years in prison Nadeem Samson finally gets to taste freedom as his bail appeal, petitioned by Saif ul Malook, is granted in the Supreme Court of Pakistan today.

“This is a very special judgement from the Supreme Court... the first time in the Pakistan judicial history” lawyer Saif ul Malook shares. He adds that this judgement will act as a precedent to help other victims of blasphemy charges.

Courts in Pakistan regularly dismiss bail appeals for blasphemy law victims in a pro forma fashion, specifically when the charges are made with reference to 295C - where the punishment for blasphemy is death, a “non-bailable offence.” But there are instances where “non-bailable” offences can be granted bail, as referenced in the Code of Criminal Procedure, 1898 Section 497. This “bail for non-bailable offences” is often granted for several other offences including accusations of murder, but when it comes to blasphemy, judges dismiss the appeals. This has been the case for Nadeem Samson and many other blasphemy law victims. Saif ul Malook attributes this discrimination to the religious prejudice judges hold when looking at blasphemy cases, “they do not look at the facts.”

During the bail appeal hearing on January 5 for Nadeem Samson, Saif ul Malook exposed this bias and appealed to the judges to view the case as a judge and not let religious sentiment cloud their judgement. He asked how it is possible that a poor man like Nadeem Samson is forced to rot in prison for four years because they are not willing to give him a fair trial. He referenced the Code of Criminal Procedure, 1898 Section 497, which states that if an individual has not been formally charged and the trial has not been concluded within two years and the delay was not due to the accused, they should be granted bail.

When asked about the reason for the bail being granted this time, Saif ul Malook credits the Supreme Court judge, Justice Syed Mansoor Ali Shah, for being “only a judge” and not letting religious bias deter him from exercising justice. “I give 90% credit to the

philosopher judge of the Supreme Court of Pakistan,” he says. He views Justice Shah as an advocate and ally who will, “bring new judgements and new standards of evidence in the times to come,” and counter the rampant discrimination and bias that currently sullies the chances of justice for victims of blasphemy charges.

The granted bail petition however, is only one victory in an arduous journey to justice for Nadeem Samson. When asked if the granting of the bail petition could be a sign that Mr. Samson will be released, Saif ul Malook says, “That is a different story.” The case of Nadeem Samson is still pending in the District Lahore Court and could take years to be finalized. In addition, blasphemy charges, even when lacking evidence, place the accused at substantial risk, Saif ul Malook from his experience shares that, “when Nadeem Samson is going to court he can be killed anytime.” Pakistan authorities do not prioritise the protection of blasphemy law victims as seen in the case of US citizen Tahir Naseem who was shot to death by an extremist when attending court.

The judgement, however, does bring hope that bail can be granted for several pending blasphemy law cases, its victims from all faith backgrounds languishing in prison [indefinitely](#), Ahmadis, Christians, Humanists, Shias, Sunnis. One notable case which could benefit from this judgement and was [flagged](#) by UN experts in October 2021, is that of Stephen Masih, a Pakistani Christian from Sialkot District, who has been detained for over two years awaiting trial for allegedly committing blasphemy. Time will tell, but for now at least Nadeem Samson is outside the jail and not locked up for charges of committing a victimless “crime.”