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

Written statement* submitted by European Centre for Law and Justice, The / Centre Européen pour le droit, les Justice et les droits de l'homme, 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 2022]

* Issued as received, in the language of submission only.



Request to the United Nations to Urge Pakistan to Stop the Misuse of Blasphemy Laws and the Persecution of Religious Minorities

1. INTRODUCTION

Pakistan has been ranked as the number eight country in the world for persecution of Christians.[1] Through our affiliate office in Pakistan, the ECLJ has firsthand information that Christians are treated as second-class citizens; are given the most menial jobs; discriminated against in every walk of life; put in prison by the government, or violently attacked by Muslim mobs, over false allegations of blasphemy; and minor Christian and Hindu girls are kidnapped, forced to convert to Islam, and married to older Muslim men.

2. BACKGROUND

While Pakistan's Constitution protects the rights to freedoms of religion, speech, due process, etc. and the country is a party to several human rights treaties,[2] the government has failed to protect its minorities from persecution at the hands of the Muslim majority. As we have highlighted in numerous previous reports, about 1000 Christian and Hindu girls are forcibly converted to Islam and married to Muslim men every year[3] and about 40–50 cases of blasphemy are registered every year.[4] The ECLJ has submitted separate, as well as combined, reports on these issues, including, most recently during the previous session, a report on young women's forced conversions and forced marriages. This current report briefly covers cases of blasphemy that need immediate attention.

In 2021 alone, about fifty blasphemy cases were registered, with at least five people murdered.[5] This year, false accusations of blasphemy continue to surface, mobs continue to attack the accused, the justice system continues to lack in providing due process of law, and the courts continue to make unjust decisions due to increasing social pressure to wrongfully convict minority citizens.

3. VIOLATIONS

In a case that we have brought to this Council's attention before, the Lahore High Court, Rawalpindi Bench, recently upheld the death sentence of two Christian brothers, Qaiser and Amoon Ayub, over an allegation that they published blasphemous material on the internet. The ECLJ's affiliate in Pakistan is representing Amoon, the younger brother. The case began in June 2011 when a Muslim man "stumbled upon" a website that contained "sacrilegious" content against Islam and its Prophet Muhammad. The website also contained the name, phone number, and office address of the alleged author, Qaiser Ayub, older of the two brothers. Based on that information and without inquiring why someone in Pakistan, where one could be killed for such an act, would post blasphemous material and also provide his contact information, the police registered a case against both brothers. Amoon was implicated solely because the phone number and office address provided on the website were registered under his name.

Qaiser was arrested in November 2014 and Amoon in April 2015. Since then, both brothers have been incarcerated (over seven years). The trial court convicted them in December 2018, erroneously reasoning that the presence of the Ayub brothers' contact details on the blasphemous website clearly led to the conclusion that they were responsible for creating the website. The court completely disregarded the fact that anyone can create a website and post anybody's name and address.

On June 8, 2022, the Lahore High Court's two-judge bench, comprising of Mr. Abdul Aziz and Mr. Raja Shahid Mehmood Abbasi, upheld the death sentence. The court erroneously stated that, according to the Cyber Crimes Report's technical analysis, the website in question was created using the landline phone number and email address listed on the website. This is incorrect. The Cyber Crimes Report does not say that. What it says is that the contact

information available on the website belongs to Qaiser and Amoon, a fact no one contested, because it does not prove that the Ayub brothers posted their own contact information or the blasphemous material on the website.

In fact, the Cyber Crimes Report states that the cyber-crimes department sent multiple requests to the company that owns the website, inquiring about the identity of the person who posted the material on the specific blog in question, but did not get any response. The court disregarded this vital piece of evidence. Citing a 1991 Pakistani case, which made the death penalty mandatory in cases of blasphemy against the Prophet Muhammad, the Lahore High Court upheld the Ayub brothers' death sentence.

Both brothers have already spent almost eight years in prison. They will now have to wait several more years for the Supreme Court to schedule a hearing for arguments. Intervention by this Council might help shorten that time.

Another case we have highlighted before this Council is of Shahzad Masih, a young Christian man who was 17-years-old when he was arrested in July 2017 over a false blasphemy accusation. His trial has taken more than five years and the trial court continues to postpone the hearing for closing statements. While in most blasphemy cases, there is at least a false allegation, in this case, the allegation does not even constitute blasphemy. All the witnesses have testified that Shahzad told a Muslim co-worker that his father's friend passes derogatory remarks against the Prophet Muhammad. The investigating officer stated that an eyewitness did not observe any insult against the Prophet in Shahzad's conversation. He further testified that he did not find that Shahzad had committed any crime. Nonetheless, his trial has taken over five years and he remains in prison. Although the evidence was concluded about a year ago, the court has rescheduled hearings every month for the closing statements.

It is widely known that Pakistani trial courts commonly convict those accused of blasphemy due to social pressure. If convicted, Shahzad would spend several more years in jail until the High Court hears his appeal.

Recently, on July 4, 2022, a District and Sessions Court in Lahore convicted a 34-year-old Christian man, Ashfaq Masih, in a blasphemy case. The case began in June 2017 after Ashfaq, a motorcycle mechanic, had a dispute with a Muslim man who was also in the same business and had a shop right across Ashfaq's shop. According to Ashfaq's statement presented to the court, his business was successful, which made Muhammad Naveed, the Muslim man, jealous. On June 15, 2017, a Muslim customer, Muhammad Irfan, came to Ashfaq's shop for some repair work, but refused to pay for the work. After an argument over the cost of repair, the Muslim customer went to Muhammad Naveed, the Muslim mechanic across the street, and they both later turned the matter into a religious one, accusing Ashfaq of blaspheming against the Prophet Muhammad. Both Naveed and Irfan then conspired with the landlord who owned both shops. The men then went to the police and filed a complaint against Ashfaq.

After spending five years in prison and facing a lengthy trial, Ashfaq was sentenced to death. The trial court quoted one of the witnesses who testified against Ashfaq, stating that Ashfaq had said that only Jesus was the true prophet and all the other prophets, including the Prophet Muhammad, were false. Disregarding Ashfaq's version of the facts regarding the dispute over the cost of repair, however, the trial court stated that the Muslim men's angry reaction over Ashfaq's blasphemous words was natural, but they controlled themselves and reported it to the police. The court found the Muslim men "trustworthy & reliable having no animosity with [the] accused." It is common knowledge that most blasphemy cases are false, registered due to personal disputes and animosity. Yet, the trial court disregarded this, stating that "it could not be believed that a Muslim [would] spin a story in this regard," while disregarding Ashfaq's and two defense witnesses' statements regarding previous animosity and personal dispute over payment for the work Ashfaq had performed.

In another case, on February 12, 2022, a mob of about three hundred angry Muslims killed Mushtaq Ahmad, a 41-year-old mentally unstable Muslim man, for allegedly burning pages of the Quran.^[6] The mosque's custodian told some others that a man was burning pages of the Quran. When the police arrived, the mob had already surrounded Mushtaq and were beating and stoning him. The mob threw stones at the police, injuring them as well. After killing Mushtaq, the mob hung his body from a tree. The police detained about eighty people.

4. REQUEST

Pakistan is clearly violating its commitments under the international human rights treaties it has ratified. The Government of Pakistan must take measures to stop the abuse of blasphemy laws. The government must also take measures to ensure that courts are equipped to provide justice and not succumb to mob pressure in handing out convictions in blasphemy cases.

1. Pakistan, OPEN DOORS, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/pakistan/>.
2. Ratification Status for Pakistan, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=131&Lang=EN.
3. Anwar Iqbal, 1,000 Minority Girls Forced in Marriage Every Year: Report, DAWN (Apr. 8, 2014), <https://www.dawn.com/news/1098452>.
4. See Blasphemy Cases in Pakistan: 1947 – 2021, CENTER FOR RESEARCH AND SECURITY STUDIES, <https://crss.pk/blasphemy-cases-in-pakistan-1947-2021/>.
5. Id.
6. Asim Tanveer, Man Accused of Blasphemy Stoned to Death by Mob in Pakistan, ABC NEWS (Feb. 14, 2022), <https://abcnews.go.com/International/wireStory/man-accused-blasphemy-stoned-death-mob-pakistan-82858123>.