



General Assembly

Distr.: General
XX May 2024

English only

Human Rights Council

Fifty-sixth session

18 July–12 July 2024

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 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.

[24 May 2024]

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

Requesting that Pakistan Provide Due Process and Impartial Judges in Blasphemy Cases

1. Introduction

According to Open Doors, a watchdog organization that monitors religious persecution around the world, Pakistan is ranked as the 7th worst country for Christians.(1) One of the major ways in which Christians face persecution is mob pressure on the courts that hear blasphemy cases. Often religious extremists gather in courtrooms to intimidate judges. This results in trial courts' handing out convictions in most cases, leaving it up to the higher courts to deal with them. Convictions based on mob pressure then result in the innocent victims of false accusations spending years, if not decades, in jails.

2. Background

In Pakistan, angry mobs consisting of religious extremists regularly attack and accuse Christians of committing blasphemy, a crime punishable by death.(2) These mobs are often free to operate with impunity and are rarely challenged.(3) In many of the cases involving blasphemy, just the mere accusation of blasphemy is considered evidence, and the accused lacks any form of due process.(4) Judges often do not decide cases on the merits because they are afraid of being attacked by the mobs that pack courtrooms in such cases.(5) Because of this, judges feel pressured to convict the wrongfully accused, regardless of the evidence presented.(6) According to a recent survey by Transparency International Pakistan, the judiciary is the third most corrupt institution in the country.(7) While intimidation by angry mobs is not technically corruption, it displays an overall atmosphere of indifference toward justice, as an opinion is rendered contrary to the facts or law, due to fear.

Pakistan has a responsibility to provide due process of law and protection of fundamental rights, such as life and liberty, to all of its citizens, including religious minorities. Article 7 of the UDHR states that “[a]ll are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”(8)

3. Violations

Shahzad Masih's case is a perfect example of courts deciding cases under mob pressure. Shahzad was just sixteen years old when he was arrested in 2017 over false blasphemy charges. In 2022, he was sentenced to death despite the accusations not constituting blasphemy. Shahzad has now spent more than 2,500 days in prison because of an innocent conversation he had with a Muslim co-worker. The Muslim co-worker asked Shahzad about Christian prophets, to which Shahzad had no answer because he did not know much about religion. During the same conversation, Shahzad told his co-worker that his father's Muslim friend, Ali, makes derogatory remarks when he hears anyone's name that has Muhammad in it.

That was enough to anger a crowd of Muslim men who handed Shahzad to the police and accused him of committing blasphemy. The men, who belonged to a fundamentalist group, did not stop there. They continued to attend court hearings and made threats that, if the court didn't punish Shahzad, they would kill him with their own hands.(9) As a result, the trial court disregarded every rule, denying Shahzad due process. Even though Shahzad was a minor, the trial court disregarded evidence confirming his age and tried him as an adult. And even though the police report stated Shahzad had not committed the crime of blasphemy, the trial court disregarded that and sentenced him to death. Our affiliate in Pakistan, the Organization for Legal Aid, which is representing Shahzad, filed an appeal with the High Court. In the meantime, while concluding that Shahzad's detention is

arbitrary, the United Nations Working Group on Arbitrary Detention (WGAD) also noted the intimidation of the judiciary by Islamic religious organizations.

In its concluding remarks, the WGAD urged Pakistan “to immediately and unconditionally release him and to ensure that he receives the medical attention required.”⁽¹⁰⁾ Further, the WGAD expressed “serious concern about blasphemy laws in Pakistan that result in the violation of the rights of minorities.”⁽¹¹⁾

Another case in which the mob intimidated the courts is of Amoon and Qaiser Ayub, who, like Shahzad, are on death row after being accused of committing blasphemy. Amoon Ayub and his brother, Qaiser Ayub, were accused by a Muslim man who came across a website containing blasphemous content. This website contained the Ayub brothers’ names, address, and contact information. This alone was sufficient for the police to arrest the brothers and charge them with blasphemy.

In December 2018, the brothers were convicted and sentenced to death by hanging by a trial court. The reasoning for this decision lacked any substantive evidence, and the court reasoned that just having the brothers’ contact information on the website was evidence that they created the blasphemous content on the website. On June 8, 2022, the Lahore High Court’s bench in Rawalpindi used similar reasoning to uphold the death sentence. However, apparently that was not the only reason for upholding the conviction. The courtroom was full of fundamentalists and even lawyers who were there to ensure that the judges upheld the conviction. The Ayub brothers are currently waiting for their appeal to be heard by the Supreme Court of Pakistan. They have now been in prison for nine years, waiting for justice.

4. Request

Pakistan must provide due process for all its citizens, including religious minorities. In Pakistan, religious extremists have weaponized the blasphemy laws to silence religious minorities. It is imperative that the judiciary in Pakistan is not held captive by religious extremists. The legal system must be impartial. Courts must have the tools to ensure that every citizen’s due process rights are protected, and courts are not intimidated into serving angry mobs. Additionally, we request that Pakistan repeal the blasphemy laws, expedite the hearings of blasphemy cases, decide them on the merits without succumbing to mob pressure, and release people who are falsely accused of committing blasphemy against Islam.

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 2. A.S. Ibrahim, Mob Justice in Pakistan, WORLD (Dec. 15, 2021), <https://wng.org/opinions/ibrahim-on-pakistan-1639571037>.
 3. Id.
 4. Zarrar Khuhro, Pakistan: When a Blasphemy Accusation is Evidence; the Sentence is Often Death, AL JAZEERA (Feb. 29, 2024), <https://www.aljazeera.com/opinions/2024/2/29/pakistan-when-a-blasphemy-accusation-is-evidence-the-sentence-often-death>.
 5. Id.
 6. Pakistan’s Blasphemy Law: All You Need to Know, AL JAZEERA (Aug. 18, 2023), <https://www.aljazeera.com/news/2023/8/18/all-you-need-to-know-about-pakistans-blasphemy-law>.
 7. Police, Judiciary Among Top Corrupt Sectors: Survey, THE EXPRESS TRIBUNE (Dec. 11, 2023), <https://tribune.com.pk/story/2449584/police-judiciary-among-top-corrupt-sectors-survey>.
 8. G.A. Res 217A (III), Universal Declaration of Human Rights art.7 (Dec. 10, 1948).
 9. Saqib Jalali of Tahreek e Tahafuz e Islam Threatens to Kill Chrisitan Man Accused of Blasphemy, YOUTUBE, July 15, 2017, <https://www.youtube.com/watch?v=rDCF3uSN5sQ>.
 10. Id.

11. Id.