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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.

[11 August 2024]

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

Requesting That Pakistan Provide Due Process And Impartial Judges In Blasphemy Cases

1. INTRODUCTION

Pakistan has been ranked as the 7th worst country for Christians, making it one of thirteen countries that is considered to have “extreme levels of persecution.”⁽¹⁾ Two significant ways in which Christians face persecution are mob violence and 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 regardless of the relevant facts and circumstances, leaving it up to the higher courts to appropriately deliver justice. Convictions based on mob pressure then result in the innocent victims of false accusations spending numerous years in jail. Additionally, there are instances where those who are put on trial or are being investigated for inflicting “mob justice” against their victims who allegedly committed blasphemy are given considerable leniency. The following information is based on firsthand knowledge from the European Centre for Law and Justice’s (ECLJ) affiliate office in Pakistan.

2. BACKGROUND

In Pakistan, bloodthirsty, outraged mobs consisting of religious extremists regularly attack innocent Christians over accusations of blasphemy, a crime punishable by death under Pakistani law. These mobs are often free to operate with impunity, are rarely challenged, and even retaliate against police who get in their way. In many blasphemy cases, just the mere accusation of blasphemy is considered substantial evidence, and the accused lack any real form of due process. Judges frequently do not decide cases on the merits because they are afraid of being attacked by the mobs that pack courtrooms in such cases. Accordingly, judges feel pressured to convict the wrongfully accused, regardless of the evidence presented.

Pakistan has a responsibility to provide due process of law to its citizens. Pakistan must also provide protections for the fundamental rights of its citizens, including life and liberty protections. These protections must apply to religious minorities as well. 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.”

3. VIOLATIONS

In a recent case, the corruption behind not holding unlawful mobs accountable is fully on display. In June 2024, Nazir Masih, a Christian victim of a Muslim mob attack, died of injuries caused during an attack on him, his home, and his shoe factory. Masih was picking up and burning trash after a windstorm, as is customary in Pakistan, when a Muslim neighbor, Muhammad Ayub Gondal, accused him of burning religious texts and pages from the Quran. Word quickly spread, which led to the rapid formation of a mob dead set on retaliation. Masih was brutally beaten before being frantically evacuated by an ambulance. He died in the hospital a few days later.

Additionally, Masih’s home and shoe factory were ransacked and burnt down. While the police have charged between 400–500 people with attempted murder, assaulting an officer, mischief by fire or explosion to cause death or hurt, and several other assault and arson charges, the police also charged Nazir Masih, the victim, with violating the anti-terrorism statute, blasphemy, and the willful destruction of the Quran. Furthermore, all those who were actually arrested have been released on bail. ECLJ’s affiliate in Pakistan is representing Nazir Masih’s family and appealed the bail orders in an effort to establish some accountability.

Mob intimidation is so prevalent in Pakistan that recently, in July of 2024, an Anti-Terrorism Court in Pakistan sentenced Ahsan Masih, a 26-year-old Christian man, to death by hanging over a false accusation of blasphemy. The allegation against him was that he posted evidence of another blasphemy case on social media. The evidence of the other blasphemy case was the alleged page produced to the police in Jaranwala. This all led to an angry mob burning down over twenty churches and eighty Christian homes in August 2023.

Pictures and videos of the attack on the innocent Christian community in Jaranwala, including the picture of the alleged evidence, i.e., the desecrated page of the Quran, were widely posted on social media. Thousands of people received those pictures and videos and reposted them or forwarded them to others. However, the police arrested one Christian man, Ahsan (mentioned above), accusing him of reposting the blasphemous page on TikTok.

During the trial, attorneys associated with ECLJ's affiliate in Pakistan cross-examined the prosecution witnesses (police officers) and asked them if they had any evidence proving that Ahsan had actually posted the picture, as no such picture was recovered from his phone or from his TikTok account. The witnesses testified that they had no such evidence. Further, the forensic reports of Ahsan's phone and TikTok account did not find any evidence that linked any post to Ahsan. Furthermore, the attorneys cited a case of precedential value, by the Lahore High Court, which held that, in order to convict the accused, the prosecution must prove that the accused was the author of the alleged blasphemous material, and actually published it. Without giving any plausible reason, the Anti-Terrorism Court stated that all of these arguments were "devoid of any force" and sentenced Ahsan to death by hanging.

Another case the ECLJ has been highlighting for years is of Shahzad Masih. 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 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 Muslim 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.⁽²⁾ As a result, the trial court denied Shahzad due process, tried him as an adult, and sentenced him to death. ECLJ's affiliate filed an appeal with the High Court, which has been pending since November 2022 even though the UNWGAD has urged Pakistan "to immediately and unconditionally release him."

Another case in which a 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 by a trial court to death by hanging. 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 their death sentence. However, apparently that was not the only reason for upholding the conviction. The courtroom was full of Muslim 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 ten 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 its courts are not intimidated by angry mobs. Additionally, we request that Pakistan repeal the blasphemy laws. Until such laws are repealed, we request that Pakistan 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.

(1) World Watch List 2024, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/> (last visited May 20, 2024).

(2) 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>