



## **INPUT – THE DEATH PENALTY FROM THE PERSPECTIVE OF THE PROHIBITION AGAINST TORTURE AND OTHER FORMS OF ILL-TREATMENT AND THE PROTECTION OF HUMAN DIGNITY**

**February 27, 2026**

### **I. INTRODUCTION**

Pursuant to the call by the Special Rapporteur on extrajudicial, summary or arbitrary executions,<sup>1</sup> the European Centre for Law and Justice (ECLJ) submits this input to inform the report of the Special Rapporteur to be presented at the 62nd session of the Human Rights Council (HRC).

The ECLJ is a non-profit organization dedicated to the protection of human rights around the world. The ECLJ also holds Special Consultative Status with the United Nations ECOSOC. The information provided in this input is obtained firsthand from the ECLJ's affiliate that works on blasphemy cases in Pakistan.

### **II. BACKGROUND**

The ECLJ submits that the mandatory death penalty in blasphemy cases contravenes the prohibition against torture and other forms of ill-treatment and the protection of human dignity. Regardless of whether the death penalty, in all contexts, should be universally regarded as contrary to article 7 of the International Covenant on Civil and Political Rights (ICCPR), according to the universally recognized general principle “*culpa poena par esto*,” the death penalty certainly contravenes article 7 in blasphemy cases.

Specifically, section 295-C of the Pakistan Penal Code (PPC) states:

Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, [or imprisonment for life] and shall also be liable to fine.<sup>2</sup>

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<sup>1</sup> Call for Input, U.N. Human Rights, Office of the High Commissioner, <https://www.ohchr.org/en/calls-for-input/2026/call-input-special-rapporteur-summary-extrajudicial-or-arbitrary-executions>.

<sup>2</sup> Section 295-C, Pakistan Penal Code, <https://pakistancode.gov.pk/pdffiles/administratord5622ea3f15bfa00b17d2cf7770a8434.pdf>.

The words “or imprisonment for life” ceased to have effect after the Federal Shariat Court of Pakistan held in 1991 that the only appropriate punishment for blasphemy is death.<sup>3</sup>

The ECLJ’s affiliate in Pakistan currently represents five individuals who were charged under section 295-C of the PPC. This report provides information pertaining to the key questions outlined in the Special Rapporteur’s call for input.

### **III. INFORMATION REGARDING KEY QUESTIONS ASKED IN THE CALL FOR INPUT**

#### **A. Investigation, Charges, and Interrogation**

In July 2017, Shahzad Masih, a 16-year-old Christian boy, was charged under section 295-C. During a conversation on a religious topic initiated by his accuser, Shahzad told his accuser (who was also his coworker) that his father had a friend who made derogatory comments whenever he heard anyone’s name that has Muhammad in it. Instead of accusing Shahzad’s father’s friend, the coworker accused Shahzad of committing blasphemy. Even though Shahzad’s statement did not constitute a crime, the police filed charges against him.

In 2014, two brothers, Qaisar and Amoon Ayub, were arrested after someone saw their names and address on a website that contained content disparaging Islam. During the investigation, the police did not verify whether the Ayub brothers in fact created the website. The police disregarded the fact that anyone can create a website and post anybody’s contact information. Despite the lack of evidence, the police filed charges against them.

In August 2023, Ahsan Masih, a 26-year-old man, was arrested for allegedly reposting a blasphemous photo on TikTok. Three days before Ahsan was arrested, two other individuals were arrested for desecrating a page of the Quran. Someone took a photo of that page and posted it online. Numerous people shared that image with others through social media before Ahsan was accused of reposting it on his TikTok account. He was charged with blasphemy as well as terrorism. The prosecution charged him with terrorism that the photo could incite Muslims to violence. The investigation did not produce any evidence that Ahsan reposted the alleged photo. Even if he had, Ahsan should not have been charged with a crime since the photo was posted and shared on the internet by thousands of people.

Our affiliate in Pakistan also represents Intizar Masih who was accused of making blasphemous comments in a private chat group on WhatsApp. Intizar was arrested in March 2023 after a blasphemy case was registered against several individuals who were part of the chat group. Twenty individuals, including Intizar, are facing trial. This case is just one of two hundred similar cases in which people have been arrested for being part of chat groups in which they allegedly engaged in conversations disparaging Islam.

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<sup>3</sup> See footnote for Section 295-C, Pakistan Penal Code, <https://pakistancode.gov.pk/pdf/files/administrator/d5622ea3f15bfa00b17d2cf7770a8434.pdf>.

## **B. Proceedings (Trials and Sentencing)**

In Shahzad's case, the Superintendent of Police (SP) concluded in his investigation that he did not find Shahzad's conversation insulting to Islam. His report also states that an eyewitness did not find Shahzad's conversation blasphemous either. Despite these facts, the prosecution brought charges and the court tried Shahzad. Further, the trial court denied Shahzad's counsel's petition to try him as a minor and instead tried him as an adult. In November 2022, the court sentenced Shahzad to death by hanging.

In the Ayub brothers' case, the cybercrimes forensic report states that the Federal Investigation Agency (FIA) of Pakistan sent a letter to WordPress (the domain carrying the blasphemous blog) inquiring about the identity of the creator of the page but received no response. In 2018, the Ayub brothers were sentenced to death. The judge reasoned that the presence of the Ayub brother's contact information on the website leads to the conclusion that they must have created the website. In 2022, the Lahore High Court affirmed the death sentence for both, despite the fact that the prosecution had no direct evidence to support the allegations that the Ayub brothers posted the blasphemous content on the website.

At Ahsan Masih's trial, the prosecution was unable to produce any evidence showing that Ahsan posted the alleged photo on his TikTok account. The photo was not discovered in his cell phone either. Despite the lack of evidence, the trial court sentenced him to death by hanging.

## **C. Death-row Phenomenon and Confinement**

Shahzad has spent more than eight years in prison. His trial took five years. For the last three years, he has been waiting for the Lahore High Court to hear his appeal. His counsel has filed four petitions requesting the High Court to hear the appeal. Hearings have been scheduled – then postponed.

During trial, Shahzad, a completely innocent victim of false blasphemy charges, would sometimes say to his counsel, "*they should just hang me. I can't bear this pain of waiting every day to see what happens.*" At that time, his counsel reported that Shahzad's health was so bad that he looked like a skeleton. His mental and physical condition clearly shows the level of pain and suffering inflicted on a person undergoing a death penalty trial, especially when he is falsely accused of blasphemy. Shahzad's mother told us: "I only meet him for 20 minutes [in prison] each time.... He was a little child when they arrested him and he's still too young. He's imprisoned for nothing from the beginning.... He is like a bird in a cage."

The Ayub brothers have spent more than ten years in prison. Currently, their appeal is pending before the Supreme Court of Pakistan. The Supreme Court has postponed the hearing six times in the last nine months, most of which were postponed at the request of the counsel for the complainant.

Amoon Ayub, the younger of the two, was a newlywed when he was arrested. His wife, Huma, visits him in prison once a week. She has been consistently visiting him for the last ten years, even

though she travels about five hours by bus to get to the prison. She stands in the line and waits for her turn to briefly see her husband for a few minutes. After seeing her husband, she travels five hours back to her residence. Not only is it bad enough for her to have to travel 10 hours each week for ten years, just for just a few minutes with her husband, but as a woman travelling alone in Pakistan, she has also been harassed on these trips.

Equally troubling, her husband, Amoon, suffers from extreme back pain and depression. He worries for his wife who also deals with physical and mental health issues. Amoon's counsels report that Huma often breaks into tears during meetings with them as she desperately waits for the outcome of the case at the Supreme Court of Pakistan.

In Ahsan Masih's case, although his trial was concluded within one year, he has been in prison for over two and a half years. His appeal is pending before the Lahore High Court.

Prior to his arrest, Ahsan was responsible for providing for his elderly mother. Ahsan's entire family now lives in fear not only because of what might happen to Ahsan, but also because of what might happen to them. If he is released from jail, they fear that they will be attacked, as families are violently targeted by mobs in such cases.

Intizar has been in prison for almost three years. His trial is still ongoing. If convicted, he will face the mandatory death penalty.

Intizar was responsible for his wife, two small children, and his mother-in-law. Initially, his wife was not even aware of the gravity of the charges against him. She expected that he would be out of prison quickly. Tragically, consistent with the above cases, Intizar is likely to be sentenced to death and go through years of appeals. Intizar's family survives solely on donations, as his wife is not educated, has no skills to work outside of her home, and cannot leave the children alone. Her children are being raised without a father.

#### **D. Methods of Execution**

Those accused of blasphemy in Pakistan are sentenced to death by hanging. The death penalty, let alone by hanging, is egregious and disproportionate in blasphemy cases. It clearly amounts to torture. Notably, the Pakistani government has never carried out the death sentence in blasphemy cases. However, the accused spend years on death row. Additionally, many accused, their families, and communities have faced mob violence.

#### **E. Responsibility**

All four cases discussed above show that the authorities do not conduct the investigations in an adequate and impartial manner, nor do courts follow the law. While the law requires that a high-ranking police official oversee the investigation, Shahzad's case shows that such requirements in practice lack due process. As mentioned above, the Superintendent of Police concluded that Shahzad's conversation was not insulting to Islam; however, the prosecution still brought charges and the court tried him wrongfully as an adult. Further, at trial, all the prosecution witnesses stated

that Shahzad said that his father's friend blasphemes. Even through this statement does not constitute blasphemy, the trial court convicted Shahzad and sentenced him to death. Despite serious abuses of due process, the state provides no compensation or restitution to the victims in blasphemy cases, and they spend most of their lives in jail waiting for justice

#### **F. Private Actors**

The authorities have also failed to stop mob attacks by private actors, such as fundamentalist individuals and organizations in blasphemy cases. In many cases, mobs gather and attack the accused, their families, and their communities. Where the accused are arrested and tried, fundamentalist organizations continue to pack the courtrooms to intimidate judges. As a result, trial courts rarely acquit the accused, leaving their fate up to the higher courts. In all the above cases, our team in Pakistan has witnessed the intimidation by private actors, including lawyers who are often paid by the fundamentalist organizations.

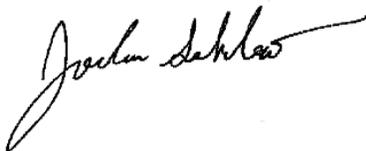
#### **IV. CONCLUSION**

The four cases discussed above show how the death penalty in blasphemy cases affects the accused and their families physically, emotionally, and psychologically. In addition to the fear of mob attacks, the death row prisoners are in constant pain and suffering from spending year after year in jail awaiting their appeals to be heard.

The experiences of both the accused and their family members in blasphemy cases clearly show that the death penalty in such cases contravenes the prohibition against torture and other forms of ill-treatment and the protection of human dignity.

We hope that this input will assist the Special Rapporteur in preparing his report on the subject and will ultimately assist the HRC in urging the government of Pakistan to make appropriate changes in its laws, such that, for example, those charged with blasphemy can no longer be sentenced to death.

Respectfully submitted,



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