



October 10, 2016

HE Jalil Abbas Jilani  
Ambassador of the Islamic Republic of Pakistan  
to the United States of America  
Embassy of Pakistan



*RE: Urgent Request Regarding Asia Bibi*

Your Excellency:

The purpose of this correspondence is to draw to your attention the case of Aasia Noreen (more commonly known as Asia Bibi), and the immediate need for her release. Asia Bibi is a Pakistani Christian, wife, and mother of five who has been imprisoned in Pakistan for *seven years*. She is currently facing the death penalty for blasphemy after having been convicted under Section 295-C of the Pakistan Penal Code.

By way of introduction, the American Center for Law and Justice (ACLJ) is an organization dedicated to the defense of religious freedom at home and abroad. ACLJ attorneys have argued before the Supreme Court of the United States in a number of significant cases involving the freedoms of speech and religion.<sup>1</sup> The ACLJ submits this correspondence on behalf of its members and over 456,000 concerned persons world-wide.

Asia Bibi is currently waiting for the Supreme Court of Pakistan to hear her appeal. She was arrested in June 2009 after an argument occurred between Asia and her co-workers. Asia, who

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<sup>1</sup>See, e.g., *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009) (unanimously holding that a monument erected and maintained by the government on its own property constitutes government speech and does not create a right for private individuals to demand that the government erect other monuments); *McConnell v. FEC*, 540 U.S. 93 (2003) (unanimously holding that minors enjoy the protection of the First Amendment); *Lamb's Chapel v. Ctr. Moriches Sch. Dist.*, 508 U.S. 384 (1993) (holding that denying a church access to public school premises to show a film series on parenting violated the First Amendment); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8-1 vote that allowing a student Bible club to meet on a public school's campus did not violate the Establishment Clause); *Bd. of Airport Comm'rs v. Jews for Jesus*, 482 U.S. 569 (1987) (unanimously striking down a public airport's ban on First Amendment activities).



was picking berries, took a break from her work to get a drink of water and offered some water to the other women working with her. Her co-workers informed Asia that they could not drink water from the hands of a Christian woman, because, by handling it, she had made the water *haram*. Asia's co-workers then demanded that she convert to Islam to be cleansed of her impurity. Asia refused and instead publically affirmed her faith in Jesus Christ.

*Five days* after this incident occurred, a Muslim cleric from Asia's village brought blasphemy charges against her, alleging that during the exchange with her co-workers Asia uttered derogatory remarks about the Prophet Muhammad. Due to the cleric's accusation, a mob of hundreds of villagers formed. They placed a rope around her neck and paraded her around the community. Men and women from the mob also beat her. Out of fear for her life, Asia was forced to confess to the crime of blasphemy in front of the mob. A First Information Report (FIR) was registered against her. Asia was charged by authorities under Section 295-C of the Pakistan Penal Code, which criminalizes speech that is perceived to be insulting to the Prophet Muhammad.

During her trial, Asia testified that she did not blaspheme the Prophet Muhammad's name. Furthermore, Asia's attorney failed to cross-examine her two accusers. In November 2010, however, a trial court sentenced Asia to death. Asia appealed her sentence and conviction, but her appeal was *delayed multiple times* over a period of four years. In October 2014, the Lahore High Court upheld her conviction. Asia's new attorney filed an appeal with the Supreme Court, noting errors in the case. He argued that, in upholding Asia's death sentence, the High Court, *inter alia*, failed to take into consideration the unexplained delay of five days in registering the FIR. Under Pakistani law, such delay is considered harmful for the prosecution's case because it shows that the accusers had planned the case with *mala fide* intention. In this case, the petition states, Asia Bibi was forced to confess the crime before a mob of hundreds of Muslims and the case was registered "after due deliberation and consultation by [the local Muslim cleric]."

After hearing preliminary arguments, a three-justice panel temporarily suspended Asia's death sentence and granted her leave to appeal. The Supreme Court also granted her petition for an early hearing. Finally, the Court is scheduled to hear the argument on October 13, 2016. This is a positive development, as the decision shows that the Supreme Court believes that errors may have been made in the lower courts, thus requiring a review of the case.

Asia's case has sparked controversy both in Pakistan and around the world. During Asia's imprisonment, she and her family have been targeted for threats of violence. In 2010, BBC News reported that "[a] radical cleric has promised 500,000 Pakistani rupees to anyone prepared to 'finish [Asia]'. He suggested that the Taliban might be happy to do it."<sup>2</sup> These threats and acts of violence have extended to those who are willing to speak out for Asia. Two government officials, Salmaan Taseer, Governor of the Punjab province, and Shahbaz Bhatti, Federal Minister for Minorities Affairs, were killed for speaking out on Asia's behalf and against the blasphemy laws.

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<sup>2</sup>Orla Guerin, *Pakistani Christian Asia Bibi 'Has Price on Her Head'*, BBC NEWS, PUNJAB PROVINCE (Dec. 7, 2010), <http://www.bbc.com/news/world-south-asia-11930849>.

Pakistan's blasphemy laws constitute a *severe restriction of religious liberty and freedom of expression*. In addition to Asia Bibi, Pakistan has "nearly 40 individuals currently sentenced to death or serving life sentences for blasphemy."<sup>3</sup> Not only do blasphemy laws restrict religious freedom, but they have also been *misused and abused* by Pakistani citizens, such as Governor Taseer's bodyguard (who killed Taseer), who have taken the law into their own hands and killed alleged blasphemers.

Asia's arrest, imprisonment, and death sentence violate international agreements Pakistan has ratified without reservations. Pakistan is a party to the International Covenant on Civil and Political Rights (ICCPR). It also voted in favor of the Universal Declaration of Human Rights (UDHR), which states: "[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."<sup>4</sup>

According to the ICCPR, "[e]veryone shall have the right to hold opinions without interference,"<sup>5</sup> and "[e]veryone shall have the right to freedom of expression."<sup>6</sup> Freedom of expression under article 19 includes the "freedom to seek, receive and impart information and ideas of all kinds."<sup>7</sup> The right to impart information and ideas of all kinds clearly includes communicating and expressing religious opinions to others. Pakistan's blasphemy laws are, on their face, not only contradictory to these provisions, but restrict Pakistan's ability to fulfill obligations it has agreed to with the international community through the ICCPR.

Moreover, article 6 of the ICCPR limits the "sentence of death" to only "the most serious of crimes."<sup>8</sup> Neither the death penalty nor life imprisonment is by any standard proportional punishment to the "crime" of blasphemy. Article 9 of the ICCPR further states, "[a]nyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide *without delay* on the lawfulness of his detention."<sup>9</sup> While Asia's case has been tried in the courts, she has spent seven years in prison waiting for the final outcome of her case. This is utterly unconscionable in light of the well-known fact that most blasphemy cases are based on false accusations, followed by faulty investigations and trials full of errors. This is exactly what happened in Asia's case.

Despite its international commitments, Pakistani citizens such as Asia are experiencing arrests and convictions for expressing their religious views, lengthy delays in the appeals process, and convictions carrying death sentences.

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<sup>3</sup>UNITED STATES COMM'N ON INT'L RELIGIOUS FREEDOM 2016 ANN. REP. 114, *available at* <http://www.uscirf.gov/sites/default/files/USCIRF%202016%20Annual%20Report.pdf>.

<sup>4</sup>Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc A/810, at 18 (1948).

<sup>5</sup>International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316, at 19 (Dec. 16, 1966).

<sup>6</sup>*Id.*

<sup>7</sup>*Id.*

<sup>8</sup>*Id.* at 6.

<sup>9</sup>*Id.* at 9.

As Asia waits for the Supreme Court to hear her appeal on October 13, 2016, we respectfully submit this letter to you in the hope that Pakistan will honor its international legal obligations and release Asia Bibi. Your Excellency, we specifically request that you use your esteemed office to advocate for her freedom and the protection of the rights and religious freedoms of all Pakistani citizens.

Executing Asia for her religious beliefs would be a direct violation of the ICCPR and the UDHR. People from all around the world are paying attention to Asia's case. We hope the nation of Pakistan is paying attention as well.

Again, on behalf of over 456,000 individuals, we urge your serious consideration of this urgent matter.

Respectfully submitted,



Jay Alan Sekulow  
Chief Counsel



Robert W. Ash  
Senior Counsel