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PAKISTAN

Use and abuse of the blasphemy laws

1. Introduction

Amnesty International opposes the imprisonment of prisoners of conscience, that is people arrested or detained or otherwise physically restricted solely for their religious beliefs, or their political views or because of their ethnic origin, sex, colour or language. It calls for the immediate and unconditional release of prisoners of conscience. When a law provides for the imprisonment of prisoners of conscience, Amnesty International may call for that law to be derogated, amended or for its application to be suspended. Amnesty International also works for the fair trial of all political prisoners in accordance with international standards for fair trial. The organization unconditionally opposes torture, and other cruel, inhuman or degrading treatment or punishment of prisoners and the death penalty and works for their abolition.

Several dozen people have been charged with blasphemy in Pakistan over the last few years; in all the cases known to Amnesty International the charges of blasphemy appear to have been arbitrary, founded solely on the individuals' minority religious beliefs or unfounded and malicious accusations brought by individuals against others in the majority Muslim community. The available evidence in all of these cases suggests that charges were brought as a measure to intimidate and punish members of minority religious communities, or as a consequence of accusations brought by individuals motivated by personal enmity or a desire to gain political advantage. As a consequence, Amnesty International has concluded that most of the individuals now facing charges of blasphemy, or convicted on such charges, are or could become prisoners of conscience, detained for their real or imputed religious beliefs in violation of their right to freedom of thought, conscience and religion.

A common feature of accusations of blasphemy in Pakistan is the manner in which they are uncritically accepted by prosecuting authorities, who themselves may face intimidation, threats and accusations should they fail to accept them. Similarly, ill-treatment is frequently reported, and may be exacerbated by the emotional manner in which charges of blasphemy are brought and publicized and those accused vilified by their accusers. These are just some of the elements contributing to Amnesty International's concern that trial procedures in cases involving charges of blasphemy, including pre-trial procedures, do not meet international standards for fairness.

Following legal changes in 1991, the death penalty is the mandatory punishment for the offence of blasphemy. Two men have so far been sentenced to death; their appeals are pending.

The changes in legislation relating to religious offences in recent years have contributed to an atmosphere of religious intolerance in Pakistan in which violence against members of religious minorities has markedly increased. On 5 April 1994, Mansoor Masih, a Christian man charged with blasphemy, was shot dead near the Lahore High Court; his two co-accused, including a 13 year-old boy, and an escort were injured. A few days later, on 21 April 1994, a Muslim practitioner of indigenous medicine was stoned to death by a mob in Gujranwala which believed him to have burned some pages of the Koran. They tried to set his body on fire while he was probably still alive and dragged his dead body through the streets.

Instances of violence reported over the last few years against members of religious minorities have been treated with laxity by successive governments; this may have created the impression that the authorities condone such acts of violence.

Amnesty International welcomes the government's recent announcement that steps would be taken to amend the penal code and the code of criminal procedure to curb the abuse of the blasphemy law. At the time of writing it was awaiting information as to what concrete legislative measures have been initiated. Amnesty International is, however, gravely concerned that after recent instances of violence against members of the religious minorities or on religiously motivated grounds, such as the killings in Lahore and Gujranwala, the Government of Pakistan has not publicly condemned such acts and taken all possible measures to ensure the safety of members of religious minorities. None of the major political parties have publicly condemned the incidents. During a debate in the National Assembly following the murder of Mansoor Masih, Retired Supreme Court Judge Dorab Patel, Chairman of the non-governmental Human Rights Commission of Pakistan, declared that the blasphemy law should be amended as it contributes to religious "fanaticism". He was interrupted by Member of Parliament Maulvi Azam Tariq of the Anjuman Sipah-e Sahaba (Society of the Soldiers of the Companions [of the Prophet], a Sunni Muslim organization), who shouted that "anyone who commits blasphemy will meet the fate of Mansoor Masih". Amnesty International is not aware of any public response of the government to such public statements inciting to murder.

Amnesty International reiterates its call to the Government of Pakistan to ensure that the laws against blasphemy are not abused to imprison prisoners of conscience; to immediately and unconditionally release such persons who are held solely for their religious beliefs and to drop the charges against such persons; to ensure that, while the law remains on the statute book, everyone charged under the blasphemy law receives a fair trial and is not subjected to any form of ill-treatment; to declare a moratorium on carrying out the death

penalty under this law and to take steps to abolish the death penalty for this offence; to take adequate steps to ensure the safety of members of the religious minorities in general and anyone at present charged with blasphemy in particular; and to implement international standards for the protection of the rights of religious minorities.

The present paper first outlines legal changes over the last years relating to religious offences which may be broadly considered to fall within the category of blasphemy. It then focuses on section 295-C of the Pakistan Penal Code which makes the defiling of the name of the Prophet Mohammad a criminal offence carrying the mandatory death penalty. The paper then describes several cases of individuals charged with blasphemy, instances in which they have been victims of religiously motivated violence and the attitude of the authorities to such cases. The final section lists Amnesty International's concerns and recommendations relating to these cases. The appendix describes most of the cases referred to in this report in greater detail. (For recent cases of Ahmadis charged with blasphemy, see Amnesty International's report Pakistan: Five Ahmadi journalists charged with blasphemy, AI Index: ASA 33/03/94.)

2. Offences relating to religion in the Pakistan Penal Code (PPC)

Pakistan, though intended as a homeland for British-India's Muslim population, was not by its founding fathers conceived as an Islamic state, a state based on Islamic law. The Objectives Resolution adopted by the Constituent Assembly in 1949 said that Pakistan "will be a state ... [w]herein the Muslims of Pakistan shall be enabled to order their lives in the individual or collective spheres in accordance with the teachings and requirements of Islam", but it also said that "adequate provisions shall be made for the minorities freely to profess and practice their religions". The constitutions of 1956, 1962 and 1973 declared Pakistan to be an Islamic Republic and Islam to be the state religion but they guaranteed freedom of religion to the country's minorities.

Historically the most far-reaching steps towards Islamization were taken by President Zia-ul Haq (1977 to 1988) who introduced a number of Islamic laws and set up a judicial body to review all existing laws as to their agreement with Islamic laws. Laws and orders passed during the martial law years under President Zia-ul Haq, including those governing religious offences, were placed outside the scope of judicial review by the Eighth Constitutional Amendment of 1985.

During the first period of government of Benazir Bhutto (1988 to 1990) no further steps towards Islamization were undertaken. The next federal parliament, in which the Islamic Democratic Alliance (IDA, a coalition of several Islamic parties under the leadership of the Muslim League) of Prime Minister Nawaz Sharif (1990 to 1993) had a clear majority, in May 1991 passed the Enforcement of Shari'ah Act, 1991. It declared that "the Injunctions

of Islam ... shall be the supreme law of Pakistan" and provided for the Islamization of education and the economy while ensuring that none of the provisions of the Act would "affect the personal laws, religious freedoms, traditions, customs and way of life of non-Muslims". In elections in October 1993 the Islamic parties obtained considerably fewer seats in the National Assembly than in the two previous elections (Muslim League 72 seats, other Islamic parties 9 seats of a total of 217 seats) while the secular Pakistan People's Party obtained a clear majority and formed the government under Benazir Bhutto. At the same time, religiously motivated attacks on members of minority groups have been on the increase; for instance, at least 13 attacks were recorded against members of the Ahmadiyya community in late 1993 and the early months of 1994. It is not known to Amnesty International at present if these and other reported instances of religiously motivated attacks are spontaneous outbreaks of violence or if any militant groups plan, support, condone or co-ordinate them.

The present chapter sets out those sections of the law dealing with religious offences which date from the colonial period and then describes the amendments brought about during Zia-ul Haq's Islamization drive. The last section describes in detail one specific legal change, the introduction of section 295-C of the Pakistan Penal Code, the blasphemy law.

Amendments of laws relating to religious offences in the Pakistan Penal Code brought about under President Zia differ significantly from earlier laws in at least four ways. They do not specifically mention malicious intent to wound religious sensitivities as a condition of criminal offence and they provide significantly increased penalties. Moreover they make specific reference to Islam while the earlier laws were intended to protect the religious sentiments of "any class of persons". Besides, there is a distinct shift in emphasis: the newly introduced sections of the PPC do not make it a criminal offence to injure the religious feelings of Muslims, but rather define the offence in terms of insult or affront to Islam itself. The offences consist in defiling or insulting the prophet of Islam, his companions and family members and desecrating the Koran. Again, for the Ahmadiyya community specifically (see below), to "misuse" nomenclature, appellations and usages of Islam, including the term "Muslim" itself, was declared a criminal offence.

The sections of the PPC mentioned below have all been used to prosecute and detain people as prisoners of conscience. For instance, members of the Ahmadiyya community have over the years been charged, tried and sentenced specifically under sections 298-B and 298-C merely for the exercise of their right to freedom of religion, i.e. for practising, preaching and propagating their faith. The present paper focuses in particular on the use and abuse of the blasphemy law under section 295-C of the PPC. Crimes under this section carry the mandatory death penalty and it is therefore of particular concern to Amnesty International.

2.1 Sections dealing with religious offences dating from the colonial period

The Pakistan Penal Code (PPC) of 1860 dates from the British colonial period; sections 295 to 298 of the PPC dealing with religious offences date back to that period and were intended to prevent and curb religious violence. The offences listed are: defiling a place of worship (section 295), acts insulting religion or religious beliefs (section 295-A), disturbing a religious assembly (section 296), trespassing on burial grounds (297) and utterances wounding religious feelings (section 298). These sections have in common that the intention of the offender to hurt the religious susceptibilities of others, is considered integral to the offence; they also share a universal application, whereby hurting the religious feelings of any group is made an offence.

Section 295 reads: "Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment ... for a term which may extend to two years, or with fine, or with both."

Section 298 reads: "Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment ... for a term which may extend to one year or with fine, or with both."

Still during the colonial period, in 1927, Section 295-A was added which read: "Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens ... , by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

2.2 Sections of the PPC amended or added during Zia-ul Haq's Islamization drive

Several sections were inserted in the PPC in the 1980s. Section 295-B was added in 1982; it made defiling the Koran a criminal offence. It reads: "Whoever wilfully defiles, damages or desecrates a copy of the Holy Koran or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life."

In 1980, section 298-A was inserted in the PPC, by which the use of derogatory remarks "by words, ... or by imputation innuendo or insinuation, directly or indirectly" in respect of persons revered in Islam, was made a criminal offence punishable with up to three

years' imprisonment. In 1986, defiling the name of the Prophet Mohammad was made a criminal offence and the relevant section, 295-C added to the PPC (see below in detail).

In 1984 legislation was passed which directly addressed the Ahmadiyya community and makes it a criminal offence for Ahmadis to profess, practice or propagate their faith. Ahmadis, members of a sect founded in the nineteenth century, consider themselves to be Muslim, but orthodox Muslims regard them as heretical. In 1974, a constitutional amendment introduced by the then Prime Minister Zulfikar Ali Bhutto had declared the Ahmadiyya community a non-Muslim minority. In April 1984, President Zia-ul Haq issued Ordinance XX which inserted sections 298-B and 298-C in the PPC which make it a criminal offence for Ahmadis to call themselves Muslims, to employ nomenclature and appellations associated with Islam, to use Muslim practices of worship and to propagate their faith.

Members of the religious minorities of Pakistan have over the years been charged, tried and sentenced under all the above mentioned sections of the PPC.

2.3. The blasphemy law: Section 295-C PPC

In 1986 the penal code was amended by Criminal Law Amendment Act, 1986, which added the blasphemy law under section 295-C to the Pakistan Penal Code. It provided the death penalty or life imprisonment for the criminal offence of defiling the name of the Prophet Mohammad. It reads:

"295-C: Use of derogatory remarks, etc. in respect of the Holy Prophet: Whoever by words, either spoken or written, or by visible representations, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (peace be upon him), shall be punished with death, or imprisonment for life, and shall also be liable to fine."

In October 1990, the Federal Shariat Court, a court set up in 1980 to "examine and decide the question whether any law or provision of law is repugnant to the injunctions of Islam" (Article 302-D of the Constitution) ruled that "the penalty for contempt of the Holy Prophet ... is death and nothing else". It also noted that "no one after the Holy Prophet ... exercised or was authorized the right of reprieve or pardon."

The Court directed the government of Pakistan to effect the necessary legal changes and added, "in case this is not done by 30 April 1991 the words 'or punishment for life' in section 295-C, PPC, shall cease to have effect on that date". Decisions by the Federal Shariat Court are binding on the government under Article 203-D(3) of the Constitution. The Government has the possibility to appeal against such decisions to the Shariat Appellate

Bench of the Supreme Court before any directive of the Federal Shariat Court takes effect. The government of Prime Minister Nawaz Sharif did not file an appeal against the decision making the death penalty the only punishment available for blasphemy. In July 1991, it announced that it had decided to amend section 295-C as directed by the court. A bill to that effect was placed before parliament in 1992. While the Senate, the upper house of parliament, unanimously adopted the bill in July 1992, the lower house of parliament discussed it at length but did not pass it. Opposition parties considered it to be too vague and liable to abuse.

In 1993, a new bill was reportedly introduced in parliament which sought to enlarge the scope of section 295-C to include the names of the Prophet's companions and family members; it has not so far been passed. In April 1994, the Lahore High Court extended the application of the blasphemy law when it ruled that defiling the names of "all the true prophets of Allah mentioned in the Koran", including Abraham and Jesus, constitutes blasphemy. The Federal Shariat Court in its judgment of 1990 had already recommended that the words "any prophet" be substituted for "the Holy Prophet", meaning the prophet Mohammad, in section 295-C. However, no parliamentary legislation has been enacted to amend the section accordingly. Commentators in Pakistan have pointed out that the recent decision of the Lahore High Court could open the door to further litigation as the ruling reflects the Muslim interpretation of such prophets who may be viewed differently in other faiths.

In February 1994, the Pakistan Law Commission, presided over by the Chief Justice of Pakistan and attended by the Minister for Law, Justice and Parliamentary Affairs, the Chairman of the Council of Islamic Ideology and the Chief Justices of the four provincial high courts, decided to send a draft of the blasphemy law amendment bill to the Council of Islamic Ideology for further scrutiny. According to reports, the Law Commission expressed concern about the abuse of authority by the police when dealing with blasphemy cases and the misuse of the law for ulterior purposes by various political and sectarian organizations. The Law Commission reportedly also noted with concern the negative international reaction to the abuse of the blasphemy law in Pakistan. Maulana Kausar Niazi, Chairman of the Council for Islamic Ideology, said to the press that "the law needs modification to ensure that it is not abused by unscrupulous elements for their selfish ends ... The procedure for police registration of a case, the judicial level at which it should be considered and the suitable criteria for admission of witnesses have all to be looked at thoroughly" (Agence France Press, 18 February 1994).

The new government of Pakistan, in office since October 1993, has on a number of occasions pledged that it would seek to amend religious legislation to prevent its abuse. According to reports, it has prepared a bill which would make the false imputation of blasphemy an offence which can be punished with imprisonment for up to 10 years. The bill reportedly also requires police to obtain a warrant from a magistrate before arresting people

on complaints of blasphemy. Federal Minister for Law and Parliamentary Affairs Syed Iqbal Haider said the government was seeking "consensus of the ulema" [religious scholars] of different schools of Islamic law before tabling the bill in the national assembly. Explaining the amendment bill to the press, he declared that the blasphemy law would not be repealed as the government believed that a deterrent to defiling the name of the prophet needed to remain on the statute book. He also justified the retention of the law by pointing to legal provisions in the United Kingdom, the United States and other countries which he described as "similar" (Daily Dawn, Karachi, 28 May 1994).

The legal situation in respect of the blasphemy law in Pakistan is confusing and this confusion was frequently used by the then government of Prime Minister Nawaz Sharif to confound human rights activists and critics. Following the directive of the Federal Shariat Court of 1990, the alternative punishment of imprisonment for life contained in section 295-C is void: the death penalty is the mandatory punishment for blasphemy. But as parliament did not pass the legislation required of it by the Federal Shariat Court, the clause "or imprisonment for life" is still part of section 295-C of the Pakistan Penal Code, though without force. Amnesty International has received numerous letters from the Government of Pakistan pointing to the alternative punishment of life imprisonment on the statute book to counter its concern about the death penalty as the only punishment available for anyone convicted of blasphemy - but this punishment cannot be imposed any longer.

3. Cases of abuse of the blasphemy law

At present several dozen people are charged with blasphemy in Pakistan; the majority of these are free on bail pending trial. Two people have so far been sentenced to death, Gul Masih and Arshad Javed, in November 1992 and February 1993 respectively; their appeals have been pending since then. No one has so far been executed following a death sentence on blasphemy charges. At least four Christians accused of blasphemy, Tahir Iqbal, Naimat Ahmer, Bantu Masih and Manzoor Masih, have so far died, however, one of them in suspicious circumstance in jail and three at the hands of armed attackers.

The majority of those charged with blasphemy belong to the Ahmadiyya community. According to reports of the non-governmental Human Rights Commission of Pakistan, between 1987 and 1992, 106 Ahmadis were charged with religious offences on grounds of practising, preaching and propagating their faith. In 1992 alone, some ten cases were instituted. In 18 of these cases, the charges included charges under section 295-C as also violations of section 298-C under which Ahmadis are prohibited from using Muslim terms and practices. Over the last three years members of the Christian minority have increasingly been charged with blasphemy. The Archbishop of Karachi Diocese in April 1994 said that

some 25 Christians had been charged with blasphemy as of that date. Charges of blasphemy have also been brought by Muslims against Muslims, reportedly on grounds of sectarian or personal rivalry.

The blasphemy charges in all the cases known to Amnesty International and described in the appendix appear to be without basis: none of the men charged with blasphemy appear to have been committed the offence.

The apparent motives for bringing the blasphemy charges are various. Charges against Christians or Ahmadis appear to have been brought solely because they are members of these communities, i.e. because of their religious beliefs. Latent or overt hostility against religious minorities is often exacerbated by economic or professional rivalry. For instance, Chand Barkat, a Christian who was detained from the time of his arrest on a charge of blasphemy in October 1991 until his acquittal in January 1993, was a small merchant selling bangles in a bazaar in Karachi, Sindh province; a business rival provoked a quarrel and threatened Chand Barkat with dire consequences if he did not remove his stall from the market. When Chand Barkat did not respond, the rival accused him of having uttered blasphemous words. Similarly the killing of the Christian teacher Naimat Ahmer in Faisalabad, Punjab province, appears to have been caused by professional envy and dissatisfaction with the posting of Naimat Ahmer to Dasuha High School. Several teachers who resented the posting appear to have instigated a student to take the law in his own hands and to murder Naimat Ahmer. The student believed that Naimat Ahmer had uttered blasphemous words and considered himself as acting in accordance with religious injunctions.

In a number of cases, personal grudges against Christian neighbours seem to have led people to settle their disputes by bringing blasphemy charges. Anwar Masih, a Christian in Sammundry in Faisalabad district, had a quarrel with the local Muslim shopkeeper over a small debt and was subsequently charged with blasphemy. Salamat Masih, a 13 year-old Christian boy in Gujranwala, Punjab province, was reported to have said that he had had a fight with the eight year-old son of a Muslim neighbour. "It all started with some pigeons. The boys caught my pigeons and they didn't want to give them back to me. ... The little boy with whom I had a fight said he saw me write [blasphemous words] on the mosque" (Los Angeles Times, 23 March 1994). Salamat Masih, who has never learned to read or write, and two adult Christians were charged with blasphemy in May 1993.

Hostility towards members of the religious minorities is sometimes compounded if they have or spread progressive ideas that are resisted by Islamists. Tahir Iqbal, a Christian teacher living in Lahore, gave free tuition to local school children. He had earlier been an air-force engineer, later fell ill and became partially paralysed. Though confined to a wheelchair, he took up watch repair for a living. His courage in dealing with his physical handicap appears to have impressed his students. The local Muslim cleric appears to have

resented the students' preference for Tahir Iqbal's free classes; he claimed that the Christian had defiled a copy of the Koran and filed a blasphemy charge against him.

Hostility towards new ideas coupled with profit motives appears to be the background to the blasphemy charges brought against a prominent liberal Muslim social activist, Dr Akhtar Hamid Khan. His most successful undertaking, the Orangi Pilot Project in Karachi, encouraged slum inhabitants to use self-help in improving housing, sanitation, health services and employment possibilities in Orangi, thereby depriving local contractors and money-lenders of business opportunities. Local observers believe that the two blasphemy charges brought against Dr Khan by an employee he had earlier dismissed, are related to his social activism. He was charged with blasphemy for allegedly defiling the name of the prophet during an interview and for writing a children's story which supposedly contains slurs against the son-in-law of the prophet, Ali.

In several of the cases known to Amnesty International, the complaints were filed at the insistence of local clerics or members of Islamist parties. For instance, the complaint against Anwar Masih in Sammundri was not filed by the shopkeeper with whom he had had a heated argument in the course of which blasphemous words were allegedly uttered, but by a member of the Sunni Islamist organization, the Anjuman Sipah-e Sahaba (ASS), who heard about the incident. Again, the complaint of blasphemy against the Christian Gul Masih following a quarrel with a Muslim neighbour over a broken community water tap, was filed three days after the quarrel which had reportedly been amicably concluded. A local human rights organization investigating the case found that the complaint appeared to have been filed on the insistence of a senior office bearer of the ASS, who at that time was also contesting local elections. Gul Masih's family supported his opponent. Again, in some of the few cases in which charges were filed by Muslims against Muslims, they appear to have been based on sectarian or political rivalries. Hafiz Imam Bukhsh, a lecturer of Islamic studies who reportedly sympathized with the Islamist party Jamiat-e Islami, was charged with blasphemy by a student who had discussed the lecturer's interpretation of Islam in class with members of a Muslim students' organization and had then reportedly been encouraged to file a complaint by an official of the Jamiat Ulema-i Pakistan, which opposes the Jamiat-e Islami.

Some of the allegations of blasphemy should not have been maintained by the police at all as they were, even on superficial scrutiny, untenable. Mohammad Arshad Javed, a Muslim, had a history of mental disturbance. In February 1989, he stood in front of a procession of Islamist university students in Bahawalpur, Punjab province, who were protesting against Salman Rushdie's book The Satanic Verses and declared that he was Christ and agreed with the book. The police accepted the charge of blasphemy brought against him and he was remanded to judicial custody. Again, 13 year-old Salamat Masih, a Christian, was charged with having written blasphemous words on the walls of a mosque in Gujranwala, though he is totally illiterate. A young evangelist, Sawar Masih Bhatti, was

charged with blasphemy for allegedly burning a copy of the Koran in his home in Sanghar, Sindh province; but on the day of the alleged offence, he was visiting family members in the Punjab.

The police may maintain such prima facie untenable charges because local clergy exert pressure on them or because they are themselves in agreement with certain Islamist elements. When Naimat Ahmer was killed by a student who believed that he had blasphemed and considered himself to be acting in accordance with Islam, the police officers arresting him reportedly embraced him and praised him for his commitment to Islam. The police investigation in this case appeared to have been very slow and geared to delaying trial and conviction. The student was, however, sentenced to 14 years' rigorous imprisonment in June 1994.

Many lawyers and the lower judiciary exhibit the same bias against persons charged with blasphemy. In almost all the cases known to Amnesty International no local lawyer was willing to take up the case of the defendant. For instance, the case of Tahir Iqbal, arrested in December 1990 on a charge of blasphemy, was not taken up by any lawyer until May 1991, when a lawyer of the non-governmental Human Rights Commission of Pakistan assumed his defence. At least four lawyers turned down the defence of Sawar Masih Bhatti in Sanghar, Sindh province, after they were threatened by the complainants. The lawyer defending Tahir Iqbal was threatened in open court by several clergy for having taking up the case; shortly after the presiding judge had reprimanded them for disturbing the proceedings and threatening the lawyer, he was transferred to another court. Several lawyers defending people charged with blasphemy have received death threats.

Trials of blasphemy cases are invariably accompanied with agitation by local clergy who interrupt proceedings, shout slogans demanding the death sentence and threaten the defendants with abuse. For instance during the hearing of 13 year-old Salamat Masih and his two co-accused, religious groups paraded outside the court building in Gujranwala, carrying banners demanding that the accused be hanged. Public pressure and media campaigns against people charged with blasphemy seriously jeopardise the fairness of the trial as such activity may well be assumed to prejudice the court.

The trials in which Arshad Javed and Gul Masih were sentenced to death on charges of blasphemy involved breaches of the standards for fair trial, indicating that some judges may be prejudiced in religious matters. Arshad Javed, who claimed to be Jesus Christ, was known to the court to be suffering from mental disorder. Upon an application by Javed's lawyer, he was examined by the Medical Superintendent of the Bahawalpur Hospital who stated that Javed exhibited typical symptoms of "hypomania and insanity". In 1990 the judge had Javed admitted to the Lahore Mental Hospital where doctors confirmed the earlier diagnosis. He was treated for about a year and then transferred back to Bahawalpur Central Jail. On 9 February 1993 he was sentenced to death by the District and Sessions Court,

Bahawalpur on the charge of blasphemy and an additional three years' rigorous imprisonment for his comments on Rushdie's novel. When he heard the sentence, Javed reportedly danced and sang in the court room.

Gul Masih was sentenced to death on 2 November 1992 on the sole testimony of the complainant, Sajjad Hussain. In the complaint filed with the police in Sargodha, Sajjad Hussain had stated that Gul Masih's brother, Basir Masih, had agreed with Gul Masih's blasphemous words and thus also blasphemed, but several eye-witnesses contradicted this claim which led to Bashir Masih's release after over a month in judicial custody. Sajjad Hussain in his complaint also stated that two Muslim neighbours had been witnesses to the blasphemy, but in court both men said that they had not heard Gul Masih say anything derogatory to the prophet. They were then declared witnesses hostile to the prosecution and their evidence was not taken into account. The defence argued that there was no corroboration from any reliable source for the claims of the complainant who, it said, had already shown himself to be unreliable. Judge Khan Talib Hussain Baloch, Additional Sessions judge in Sargodha, concluded that "the statement of the sole witness of the prosecution [Sajjad Hussain, the complainant] ... is straightforward, consistent ... and needs no corroboration. ... Sajjad Hussain is a young man of 21 years, student of 4th year with a beard and outlook of being a true Muslim and I have no reason to disbelieve him." He declared that the agitation by Muslim clergy inside the courtroom was of no relevance to the trial as "it was natural for every Muslim to take keen interest in the investigation as well as the trial". The appeal against the death sentence has been pending in the Lahore High Court since February 1993 and Gul Masih continues to be held in Central Jail, Sargodha.

The incomplete trial of Tahir Iqbal, who died in mysterious circumstances in jail, also appears to have involved a serious miscarriage of justice. Following his arrest on 7 December 1990 in Lahore, a lawyer of a human rights organization applied for his release on bail. In July the bail application was turned down with the sessions judge saying that "since conversion from Islam into Christianity is itself a cognizable offence involving serious implications, hence I do not consider the petitioner entitled to the concession of bail at this stage." Conversion is not listed as an offence in the Pakistan Penal Code. Tahir Iqbal's bail application was therefore rejected on an erroneous interpretation of the penal code by the sessions court judge. In a further bail application to the Lahore High court, the defence lawyer pleaded that in the absence of any witness to the alleged offence and in view of the fact that conversion is not an offence under the Pakistan Penal Code, his client be released on bail. The Appeals Division of the Lahore High Court rejected the bail application on the same grounds as the sessions court. Tahir Iqbal's state of health, which a medical officer of Kot Lakhpat Jail had certified as "suffering from paraparesis with loss of sensation on the left side and no control over micturition or defecation", did not in the opinion of the court merit release on bail.

Judges and police are also known to have on their own account, without any discernible objective grounds, altered the charges against members of religious minorities and to have introduced the charge of blasphemy. In the most recent case in early 1994, five journalists of the Ahmadiyya community were charged with "posing as Muslims" and injuring the religious feelings of Muslims, which are offences under Section 298-C. A judge of the sessions court in Chiniot, Punjab province, who heard their bail application, added the charge of blasphemy and had them arrested on that charge in court, during the hearing relating to their pre-arrest bail application. The report of the Human Rights Commission of Pakistan for 1992 mentions that in Abbottabad, Punjab province, police on their own accord added a charge of blasphemy to a complaint in order to lend weight to a case. Only when the complainants swore in court that they had only complained of a minor dispute on a land issue and that no religious offence had taken place, was the charge withdrawn and the accused released.

The safety of those charged with blasphemy - whether free on bail, in police or judicial custody, or acquitted and released - is another concern for Amnesty International.

Bantu Masih, a 65 year-old Christian, was stabbed eight times in 1992 in a Lahore police station by the young Muslim who had accused him of blasphemy. He was reportedly persuaded in hospital by the police to enter into a compromise with his attacker to the effect that if he did not bring a case against the attacker then he would not be arrested for blasphemy. Bantu Masih died shortly afterwards.

In jail, several of the accused have been ill-treated, leading in at least one case to the death of the accused. Christians appear to be kept in cells separate from Muslims as the latter refuse to share their eating utensils, but some of those accused of blasphemy, like Gul Masih, appear to be held in total isolation "because of the nature of the crime" as the Deputy Superintendent of the District Jail Sargodha said to an investigating human rights group. When they are taken for hearings they are placed in bar fetters, long iron bars connected to chains around ankles and waist, though none of them have been known to have behaved violently.

Anwar Masih, arrested on 2 February 1993, was transferred from Sammundri Jail to the Faisalabad District Jail "as a precautionary measure to save him from public wrath" (Daily Dawn, Karachi, 7 February 1993). This followed daily processions in Sammundri organised by the ASS, during which processionists demanded his death. He complained of ill-treatment by fellow prisoners and prison staff in disregard of his illness and the fact that his guilt had not been proved.

The most serious case of ill-treatment appears to have been perpetrated in the case of Tahir Iqbal, who died on 19 July 1992 in Kot Lakhpat jail, Lahore. Although partially paralysed and confined to a wheelchair, he was for some time kept in solitary confinement,

without toilet, electricity or water. Following protests by the Christian community he was transferred to a regular cell, where during the hot season, water and electricity were again turned off for over a month. Tahir Iqbal feared that he would be murdered in jail; he expressed this apprehension in letters to federal and provincial ministers but apparently no measures were taken to protect him. In June, his jail warden repeatedly said to Tahir Iqbal that people like him deserved to be killed; during his last court hearing on 13 July 1992, Tahir Iqbal told his lawyer that he seriously feared for his life and safety. Tahir Iqbal died during the night of 19 July. His body was handed over to his Muslim mother and buried in a Muslim graveyard. All efforts of his lawyers to have his body exhumed and to have a post-mortem examination performed have so far been in vain.

Even after the innocence of persons charged with blasphemy has been established, Christians may not be safe. Chand Barkat, in judicial custody in Karachi Central Jail since his arrest on a blasphemy charge in October 1991, was "acquitted with honour" on 24 January 1993; nonetheless he has not been able to resume a normal life as his Muslim neighbours continue to threaten him. He and his family had to leave Karachi; they are in hiding.

The blasphemy law and the common knowledge that blasphemy is punishable with death have created an atmosphere where some people believe themselves entitled to take the law into their own hands. In January 1992 Naimat Ahmer was stabbed to death by Farooq Ahmed, a student who believed that the Christian had blasphemed although he reportedly admitted that he had not heard any such utterance himself. He later said that when hand-written posters had appeared on the walls of Dasuha, near Faisalabad, claiming that a certain Christian schoolmaster had insulted the prophet, he was disappointed that police did not take any action against Naimat Ahmer. He then decided to take action himself. He reportedly knew that blasphemy is a criminal offence under Pakistan law and that any such allegation should be investigated by the police.

On 5 April 1994, Salamat Masih and his two co-accused and a Christian escort were shot at after a hearing of their case in the District and Sessions Court, Lahore, when they left their lawyers' office. The Lahore High Court had accorded the three accused police protection between the court and their lawyer's office. Thirty-five year-old Manzoor Masih died on the spot while the other three Christians were injured. Their attackers were three gunmen who eye-witnesses and the surviving accused believed they could identify. Earlier their case had been transferred from Gujranwala to Lahore on the ground that in Gujranwala their safety could not be guaranteed. After Salamat Masih had been released on bail in November 1993 and the two co-accused had been freed in January 1994, all had gone into hiding as after their releases there had been several demonstrations in Gujranwala demanding their death and their families had been harassed by Muslim neighbours. Two persons were later arrested in connection with the killing but it is not known if charges were brought against them.

The latest instance of people taking the law in their own hands was reported to have taken place on 21 April 1994. Dr Hafiz Amjad Farooq, a devout Muslim, was stoned to death after his opponents in Gujranwala incited the local people by claiming that Dr Farooq had burned a copy of the Koran. He was reportedly first beaten up, then dragged to the local police station; in the meantime an announcement was made over the loudspeakers of several local mosques that "a Christian had burned a copy of the Koran" and that people should come forward to stone him to death. A mob quickly formed and stormed the police station after the police refused to comply with their demand to hand over Dr Farooq. He died after bricks were thrown on him, kerosene was poured over his body and set on fire. Finally the body was tied to a motorbike and dragged through the streets. According to reports in the Pakistan media, police did little to control the mob and to protect Dr Farooq. Later, complaints were reportedly registered against five people; at present it is not known to Amnesty International if the police has begun its investigation of the incident.

Amnesty International's work on the abuse of the blasphemy law

Amnesty International has over the years repeatedly raised its concern about the abuse of the blasphemy law with successive governments of Pakistan. In 1991, Amnesty International published a report Pakistan: Violations of human rights of Ahmadis, (AI Index: ASA 33/15/91) describing cases of members of the Ahmadiyya community charged and tried under several sections of the PPC, including under section 298-B, 298-C and 295-C, apparently solely for the peaceful exercise of their religious beliefs. In August 1993, Amnesty International expressed its concern that 13 year-old Salamat Masih and two co-accused had been detained on charges of blasphemy; the organization considered them to be prisoners of conscience and called for their immediate and unconditional release. In April 1994, following the killing of Manzoor Masih, Amnesty International said it feared for the safety of all those charged with blasphemy and urged the authorities to send a clear signal that those taking the law into their own hands would be brought to justice. During the same month, Amnesty International issued a report, Pakistan: Five Ahmadi journalists charged with blasphemy (AI Index: ASA 33/03/94), in which it called on the Government of Pakistan to ensure that the charges against the five journalists be dropped as they appeared to have been brought solely for the men's exercise of their right to freedom of religion.

5. Amnesty International's concerns and recommendations

Amnesty International believes it likely that none of the persons charged with blasphemy under section 295-C described in this report have committed this offence. The charges of blasphemy appear in all cases to have been brought solely for their religious beliefs, often compounded by professional jealousy, economic rivalry, political opposition or personal hostility. Amnesty International believes that those who are in prison on blasphemy charges

are prisoners of conscience and urges the Government of Pakistan to immediately and unconditionally release them. Wherever charges have been brought solely because of the defendants' religious beliefs, they should be dropped immediately.

The Universal Declaration of Human Rights lays down the right to freedom of religion in Article 18 which says: "Everyone 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." Article 29(2) of the Universal Declaration of Human Rights lays down the only permissible limitations to this freedom: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

The blasphemy laws of Pakistan, while purporting to protect Islam and the religious sensitivities of the Muslim majority of Pakistan, are vaguely formulated and arbitrarily enforced by the police and the judiciary; as such they permit, even invite, abuse and the harassment and persecution of minorities in Pakistan. They go against the spirit of the preamble of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief proclaimed by the General Assembly in November 1981 which clearly states: "... it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion and belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible ...".

The abuse of the blasphemy law contained in section 295-C is facilitated by its vague wording which leaves key terms like "defiling" open to subjective interpretation; under several of the sections of the PPC mentioned above, malicious intent need not be established for an utterance to be deemed to constitute a criminal offence. Moreover, arrests under section 295-C can be made by police officers without their obtaining a warrant from a judicial magistrate, leaving it to the judgment of local police officers, who themselves may not be without religious or political bias, whether to effect an arrest. Amnesty International welcomes that the Government of Pakistan is reportedly considering the introduction of procedural changes requiring a formal authorization by a judicial magistrate before any arrest under the blasphemy law may be effected. The organization also welcomes the stated intent of the Government of Pakistan to make the false allegation of blasphemy a criminal offence which may effectively deter people from bringing unfounded charges.

Amnesty International is further gravely concerned that many people charged with blasphemy are denied a fair trial. Equality before the law and right to a fair trial are

fundamental rights laid down in the Universal Declaration of Human Rights. Amnesty International calls upon the Government of Pakistan to ensure that international standards for fair trial are scrupulously adhered to in all cases in which blasphemy charges are brought.

The ill-treatment of people charged with blasphemy is another matter of concern for Amnesty International. Torture, and cruel, inhuman and degrading treatment or punishment are prohibited by the Universal Declaration of Human Rights and the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also contravenes the International Covenant on Civil and Political Rights and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, neither of which Pakistan has ratified or acceded to.

Amnesty International is also gravely concerned that the judicial amendment to Section 295-C makes the death penalty mandatory for the criminal offence of defiling the name of the Prophet Mohammad. Amnesty International unconditionally opposes the death penalty. The death penalty violates the right to life and the prohibition of cruel, inhuman and degrading punishment. In Amnesty International's view, the death penalty is inherently unjust and arbitrary.

In countries that have not abolished the death penalty, international standards require that the strictest possible procedural and substantive safeguards be applied. These minimum safeguards and restrictions are set down in a number of documents, including the United Nations Economic and Social Council "Safeguards guaranteeing protection of the rights of those facing the death penalty" which were adopted by the UN Economic and Social Council in 1984 (ECOSOC resolution 1984/50) and approved by the UN General Assembly the same year. Safeguard 1 requires that "capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes, with lethal or other extremely grave consequences." The provision of the death penalty, as a mandatory punishment for an offence of a religious nature, ambiguously defined and not necessarily intentional, is incompatible with ECOSOC safeguard 1. Making the death penalty the mandatory punishment for the offence of blasphemy runs counter to the spirit of the UN General Assembly resolution 32/61 of December 1977 which calls for "progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing this punishment".

Amnesty International frequently calls for the derogation or amendment of laws under which people can be held as prisoners of conscience. The organization is aware that under the provisions of the Pakistan Constitution of 1973 which is presently in force, the Government of Pakistan cannot abolish the death penalty for the offence of blasphemy or do away with section 295-C of the PPC altogether. Directives of the Federal Shariat Court are binding on the government under Article 203-D of the constitution and no appeal against the

directive to the Shariat Appellate Bench of the Supreme Court was made within the stipulated period. However, Amnesty International calls on the Government of Pakistan to take every possible measure to prevent the abuse of the blasphemy laws while they remain in force. While the blasphemy laws are on the statute book of Pakistan, the Government of Pakistan can do much to prevent their abuse by strengthening institutional and legal safeguards and, as a first step, by making the abuse itself an offence.

The blasphemy laws have contributed to an atmosphere of hostility towards religious minorities in Pakistan which has by some people been understood to permit them to take the law into their own hands. Amnesty International calls upon the Government of Pakistan to clearly condemn such acts, to ensure that such acts are promptly investigated, that those responsible are brought to justice and that adequate measures are taken to prevent a recurrence.

Amnesty International also recommends that the Government of Pakistan consider adopting the relevant international standards relating to religious freedom, acceding to the International Covenant on Civil and Political Rights, and implementing the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief.

Appendix: Case studies

Anwar Masih, a Christian prisoner

Anwar Masih, a Christian laundryman, married with three children, was arrested on 2 February 1993 in Sammundri in Faisalabad district of Punjab province, following a complaint filed by Haji Mohammad Tayyab, a local leader of the Anjuman Sipah-e Sahaba (ASS). Tayyab alleged that Anwar Masih had "argued loudly, abusing Muslims and blaspheming". Massive processions in Sammundri demanded that Anwar Masih, who had "challenged the faith of the Muslims", should be tried by a Special Court for Speedy Trial and be publicly hanged "so that others may learn a lesson" (*Jang*, Lahore, 3 February 1993). A city-wide strike was staged a day after Anwar Masih's arrest under section 295-C to protest against his offence.

The complainant Haji Mohammad Tayyab reportedly said that Masih had on 1 February uttered blasphemous words in an argument with Mohammad Aslam, a shopkeeper. Aslam had not filed the complaint as he apparently did not see any need for it and reportedly described himself as a friend of Anwar's; however, he had told fellow ASS members about the incident and Tayyab then filed the complaint.

Anwar Masih was born into a Christian family but had twice converted to Islam and then reconverted to Christianity. He has been a drug addict and is considered mentally unstable by people in his community. Apparently an argument between Anwar Masih and Mohammad Aslam on 1 February had turned acrimonious. A witness was reported to have said that "both used objectionable words about each other's prophets and religion, but since the law is only for Islam, Anwar Masih is behind bars, and Aslam is a hero". A local priest also reported that Anwar Masih had joined local protests against the inclusion of a person's religion in Pakistani identity cards and that this may have displeased the ASS, contributing to the move to bring a complaint. Anwar Masih denied having blasphemed; he said he had only had an argument with the shopkeeper about minor debts that he owed him.

Anwar Masih was initially detained in Sammundri Jail but, "as a precautionary measure to save him from public wrath", was transferred to Faisalabad District Jail (*Dawn*, Karachi, 7 February 1993). ASS activists reportedly continued to organize daily processions in February in Sammundri, at least one of which threatened to burn the Christian quarters of Sammundri, housing some 20,000 Christians, if Anwar Masih was not publicly hanged. The non-governmental Human Rights Commission of Pakistan said in mid-February that Anwar Masih was being ill-treated in jail both by fellow prisoners and by prison staff in disregard of his fragile health and the fact that his guilt had not been proved. To Amnesty International's knowledge, his case was still pending in mid-1994.

Arshad Javed, sentenced to death

The District and Sessions Court, Bahawalpur in Punjab province, on 9 February 1993 convicted Arshad Javed of blasphemy for having claimed he was Jesus Christ and sentenced him to death; additionally he was sentenced to three years' rigorous imprisonment for having said that he had read, and agreed with, Salman Rushdie's book The Satanic Verses which is banned in Pakistan.

Arshad Javed, a Muslim shopkeeper in his late forties or early fifties, was arrested on 14 February 1989 after he had stood in front of a procession of Bahawalpur university students who were protesting against the Satanic Verses and said that the book was correct. He reportedly said: "I am the Christ. God is my father. Judgement day will be February 21 [1989]." The students seized him, beat him and dragged him to a police station where the blasphemy charge was filed and he was arrested.

Arshad Javed is a disturbed person and there is a record of mental illness in his family. During his stay of some 10 years in Britain, he was a controversial figure in the local Muslim community as he claimed to be a prophet and challenged Islamic teachings.

Upon application by his lawyer, Arshad Javed was medically examined by the Medical Superintendent of Bahawalpur Hospital; its report in July 1989 said that Javed exhibited "typical symptoms of hypomania" and insanity. In 1990, the District and Sessions judge had Javed transferred to a mental hospital, where doctors confirmed the earlier diagnosis. After receiving treatment for about a year, he was returned to Bahawalpur Central Jail. During subsequent hearings Javed said that he did not recognize the jurisdiction of any court, as God alone was his judge. Upon hearing his death sentence, Arshad Javed reportedly danced and sang. The appeal against his sentence was still pending in the Lahore High Court in mid-1994.

Gul Masih, a Christian sentenced to death

Gul Masih, a 42 year-old Christian employed as an electrician, was sentenced to death by a Sessions Court in Sargodha, Punjab province, on 2 November 1992. Days later an appeal was filed in the Lahore High Court where it was still pending in mid-1994. Gul Masih is held on death row in Sargodha District Jail. Several dates for hearings of his appeal were fixed, but after repeated postponements, no hearings appear to have taken place so far.

Gul Masih was arrested on 14 December 1991, together with his brother, Bashir Masih, following a quarrel on 10 December with a Muslim neighbour, Sajjad Hussain, about the repair of a community water tap. Bashir reported later that after the quarrel, Gul Masih and Sajjad Hussain had shaken hands, embraced and parted on amicable terms. Apparently Sajjad Hussain was later encouraged to file a complaint against Gul Masih by local clergy and a local Muslim League candidate in local council elections who faced strong opposition from Gul and Bashir Masih's elder brother, who was also a candidate. The complaint was filed in

the Satellite Town police station in Sargodha on 13 December 1991. The brothers were arrested the next day. No lawyer in Sargodha was willing to take up their defence.

Bashir Masih was released over a month later when a preliminary inquiry had shown him to be innocent and charges against him were dropped; local clergy, however, demonstrated in the streets of Sargodha demanding his re-arrest. Posters appeared on the walls of Sargodha naming the two brothers as blasphemers and demanding that both be hanged. The family of both Bashir and Gul Masih have been harassed and some family members have gone into hiding. Following his release, Bashir Masih has not been able to resume his work in a transport firm due to the hostility of his former colleagues.

The prosecution in the trial of Gul Masih relied on six witnesses, of whom three were the police officers who had arrested him. Of the three eye-witnesses to the quarrel in the course of which Gul Masih is alleged to have uttered blasphemous words, two did not corroborate the prosecution version: one declared that "no occurrence took place in my presence" and the other said that "Gul Masih has spoken no words derogatory to Hazrat Muhammad (peace be upon him)"; both witnesses were then declared by the court to be hostile to the prosecution. The only eye-witness who maintained his statement in court was the complainant.

The conviction and death sentence were based solely on the statement of the complainant. The Additional Sessions Judge said that he saw no reason why the account of the complainant should not be believed or needed corroboration from witnesses as "Sajjad Hussain is a young man of 21 years of age, student of 4th year, with a beard and outlook of a true Muslim, I have no reason to disbelieve him". The history of personal enmity and political rivalry between the Masih family and some of their Muslim neighbours was rejected by the court as irrelevant to the assessment of the charges. The judge did not consider the frequent interventions of Muslim clerics in the court proceedings to have been prejudicial against Gul Masih's case, as "it was natural for every Muslim to take keen interest in the investigation as well as trial of this case".

In Sargodha jail, Gul Masih has been exposed to threats and abuse by fellow prisoners; he has been held segregated from other prisoners "because of the nature of his crime" in the words of the Deputy Superintendent of the jail. When a delegation of the non-governmental Human Rights Commission of Pakistan met Gul Masih in jail, he was in bar fetters and had been placed in solitary confinement. Since being placed on death row, Gul Masih has reportedly not been permitted visits from family and friends.

Tahir Iqbal, a convert to Christianity, who died in jail while under trial

Tahir Iqbal, aged about 35, died on 19 July 1992 in suspicious circumstances in Kot Lakhpat Jail in Lahore, Punjab province, after 19 months in detention as a prisoner under trial on charges of blasphemy.

Tahir Iqbal lived as a teacher in Lahore; earlier he had been an air force engineer but after an illness in 1982 had become paralysed and was confined to a wheelchair. He took up watch repair and gave private tuition free of charge to children in his locality. Iqbal converted from Islam to Christianity in 1988 after studying religious texts.

A complaint was filed by the imam of the local mosque, Mohammad Ali, who alleged that Iqbal was an apostate and had defiled a copy of the holy Koran by underlining verses and writing on the margin. Iqbal's defence lawyer contends that the copy found in Iqbal's possession was an English translation of the Koran and that according to legal precedent only the Arabic version can be considered as the holy Koran. Local observers hold that the imam's income from private tuition had reduced sharply due to Iqbal's popularity as a teacher. According to some reports, local clerics issued a fatwa against Iqbal declaring him an infidel whom pious Muslims have a duty to kill.

Tahir Iqbal was arrested on 7 December on charges under sections 295-B and 295-C of the Pakistan Penal Code (PPC) and later transferred to Kot Lakhpat Jail in Lahore. From December 1990 to May 1991, no lawyer was willing to defend Iqbal; subsequently the non-governmental Human Rights Commission of Pakistan provided legal assistance. An application for bail was turned down in July 1992 with the sessions Court judge stating that "since conversion from Islam into Christianity is itself a cognizable offence involving serious implications, hence I do not consider the petitioner entitled to the concession of bail". Conversion is not an offence under the Pakistan Penal Code (PPC). Nevertheless a further bail application to the Lahore High Court, which referred to Tahir Iqbal's physical handicap and to the fact that apostasy is not listed as a criminal offence in the PPC, was turned down with the same arguments. The court said that several people had supported the allegations against Tahir Iqbal - but did not clarify whether these allegations related to blasphemy or conversion. Tahir Iqbal's state of health, which a prison medical officer had certified as "suffering from paraparesis with loss of sensation on the left side and no control over micturition or defecation", did not in the opinion of the High Court merit release on bail.

During hearings, Muslim clerics shouted slogans and threatened the defence lawyer; the presiding judge reprimanded them for interfering in the court proceedings but was then himself threatened and finally transferred to another court. The imam of the Badshahi mosque in Lahore publicly declared that apostates like Tahir Iqbal should be killed.

During his trial, Tahir Iqbal was for some time held in solitary confinement in Kot Lakhpat Jail in a cell without water, electricity or toilet facilities. After protests by his lawyer

and the Christian community, he was transferred back to a regular cell, but during the hot months of April and May 1992, he was again without water or electricity.

Following threats by his jail warden, Tahir Iqbal feared that he would be murdered in jail. He expressed this apprehension to his lawyer during his last court hearing on 13 July and also wrote to the Prime Minister and other authorities about his fears but apparently no measures were taken to ensure his safety. Tahir Iqbal apparently died late on 19 July; his body was found on 20 July by jail wardens. After his death members of the Christian minority voiced concern that Tahir Iqbal may have been poisoned. At the last court hearing, Tahir Iqbal had been in good health.

The causes of the death of Tahir Iqbal have not been ascertained and it is not clear to Amnesty International if a post-mortem examination and a judicial investigation were intentionally delayed or if a chain of unfortunate circumstances led to their not taking place. Tahir Iqbal's lawyers speak of "deliberate circumvention" of judicial efforts to ascertain the causes of his death and to bring those responsible to justice.

On 20 July 1992, the magistrate who received the notification of Tahir Iqbal's death in jail ordered a post-mortem examination and held a preliminary inquiry in Kot Lakhpat Jail. Wardens were questioned, as was the jail medical officer, who said that Tahir Iqbal had been brought before him with a high temperature and vomiting blood. Four fellow prisoners also reportedly confirmed to Tahir Iqbal's lawyer that he had started vomiting blood. The magistrate reportedly ordered a police inspector to take the body for post-mortem examination. The police inspector then made out the application for the examination to the district magistrate as required. Iqbal's stepmother and a member of the provincial assembly from Faisalabad accompanied the police inspector to the district magistrate and sought to have the body released without autopsy. However, the district magistrate insisted that police can undertake a post mortem through the competent authorities if "it deems fit" to do so; he ordered the examination.

Tahir Iqbal's stepmother, his sister and one of his former colleagues stated before the police that Tahir Iqbal had been mentally disturbed and had not really been a Christian, therefore the body should be forthwith buried according to Islamic rites. The body was then handed over to the stepmother on 20 July; it was buried immediately in accordance with Islamic rites in Faisalabad.

Meanwhile, Tahir Iqbal's lawyer attended the hearing on 21 July at the sessions court; when Tahir Iqbal was not brought to court, a police inspector told the attorney he did not know why Tahir Iqbal was absent. At the hearing on 22 July the jail authorities stated in writing that Tahir Iqbal had suddenly fallen ill and expired in the jail hospital. Tahir Iqbal's lawyer immediately applied for a thorough inquiry as Tahir Iqbal had at the time of his death

been in the custody of the court. The court, however, decided to drop the case as the accused was dead; it did not respond to the request for an inquiry into his death.

On 26 July the lawyer filed a petition in the Lahore High Court requesting a post-mortem and an inquiry. On 27 July the Chief Justice of the Lahore High Court entrusted the District and Sessions Court in Lahore with the inquiry into Tahir Iqbal's death, and said it should consider the application for a post-mortem examination at the earliest opportunity. This order reached the sessions court three days later; when the judge was on 15 days' leave. In mid-August, the judge requested Iqbal's lawyer to suggest which witnesses should be heard and which documents should be consulted. The compilation of the material took about one month, at the end of which the judge was promoted and transferred to the Lahore High Court, before he had finished this case. His successor took two weeks to take up the matter; he then saw no reason to pursue it further as Tahir Iqbal's death had been certified as due to natural causes. The lawyer then referred to the High Court order to pursue the inquiry and two further hearings of witnesses took place after this. During the third hearing the judge said he had made a report and submitted it to the Chief Justice. The contents of the report were not made available to the lawyer. The Chief Justice had not appeared to have responded to the report by mid-1994. Tahir Iqbal's lawyer feared that a post-mortem examination would no longer be useful.

Sawar Masih Bhatti, a Christian prisoner

Sawar Masih Bhatti, a 21-year old evangelist of the Philadelphia Pentecostal Church, was arrested on early July 1992 in Sanghar, Sindh province after four Muslim men had filed a complaint that he had desecrated and burned a copy of the Holy Koran. The offence had allegedly taken place on 19 June in Bhatti's home; none of the complainants claimed to have witnessed the act. Bhatti and his family reported that they were on that day visiting their family in the Punjab; apparently in their absence, Bhatti's nephews and nieces accidentally burned some books, among them a New Testament, a copy of the Psalms and a commentary on the Koran which may have contained some quotations from the Koran. Neighbours apparently discovered ashes near the Bhatti's house and thought these contained charred parts of the Koran. Amnesty International does not know who the four complainants were.

Bhatti was remanded to the custody of New District Jail in Sanghar, Sindh province. At least four lawyers approached by the family declined to defend him, reportedly after being threatened by the four complainants. Bhatti's relatives in Sanghar have reportedly also received threats from the complainants. After nearly eight months in jail as an under trial prisoner, Bhatti was able to find a lawyer willing to defend him. The case was apparently still pending in mid-1994.

Dr Akhtar Hameed Khan, Muslim social activist

Dr Akhtar Hameed Khan, a distinguished social activist and liberal Muslim in his eighties, was charged with blasphemy on two counts.

First, a former employer of Dr Khan's Orangi Pilot Project in Karachi who had been dismissed and sued for misappropriation, alleged in 1989 that Dr Khan had given an interview the previous year in which he had defiled the name of the prophet. Following a preliminary inquiry, police dropped the case, while Dr Khan denied having given the interview but publicly apologized to avoid a controversy. However, posters continued to appear in Karachi, denouncing Dr Khan as "Pakistan's Salman Rushdie", till they were stopped by court order. A leader of the Jamaat-e Islami, Malik Wazir Ghazi, in March 1990 filed a complaint against Dr Khan in Multan, Punjab province, alleging that Dr Khan had created enmity between religious groups, insulted the religious feelings of Muslims and defiled the Koran. The sole evidence for the allegation was an almost inaudible tape recording of the interview which police had in 1989 declared not authentic. Later in 1990, Ghazi changed the charges to sections 198-A and 295-B, later still to 298-A, 295-B and 295-C of the PPC.

In June 1991, the Lahore High Court dismissed Dr Khan's application to quash criminal proceedings; in April 1992, the case was transferred to the Sessions Court in Sahiwal on orders of the Chief Justice on the ground that in Multan a fair trial had become difficult due to pressure from a "certain group".

The second charge relates to a children's story written by Dr Khan which supposedly contains slurs against Ali, the son-in-law of prophet Mohammad. On 25 December 1991, an Islamic cleric, Maulana Ehteramul Haq Thanvi, filed a complaint against Dr Khan, charging him under section 295-C of the PPC on the basis of his poem "Sher aur Ahmaq" [the lion and Ahmaq] published in 1981. In simple rhymes, it relates the story of Ahmaq, who raised a lion. The lion gets so spoilt that he refuses to go out to the jungle to fend for himself: instead he kills and eats Ahmaq. Thanvi argued that the verses maliciously refer to the Holy Prophet and Ali, his son-in-law and the fourth caliph, who is called by Muslims the "sher-e-khoda" [Lion of God]. Dr Khan said in an interview published in "The Frontier Post" (Lahore) of 2 April 1993: "I wrote this poem ... in 1981. [Former Prime Minister Zulfikar Ali] Bhutto had recently been hanged, and the poem was a straight reference to the army, to [former General] Zia's role with regard to Bhutto. ... The most famous trait of Hazrat Ali (RA) was his loyalty. How could the lion be a reference to him? And the Prophet (PBUH) was the most percipient person when it came to judging characters. How could I be referring to him, in any way, in this poem?"

In November 1992, the federal government reportedly issued directives to withdraw both cases against Dr Khan, possibly in response to national and international protests. The Sindh provincial government directed that the case pending in Karachi be withdrawn and the Sindh High Court concurred. However, the decision to withdraw was subsequently challenged in the Karachi High Court by the complainant, Maulavi Ehteramul Haq Thanvi, who argued that in cases where the death penalty may be imposed the government is not empowered to withdraw the case. This point had apparently not been clarified by mid-1994.

In Punjab, the provincial government placed the issue before two Muslim scholars who reportedly said that they found no material evidence in the allegation of blasphemy; the Punjab government then issued a directive to the District Attorney of Sahiwal to withdraw the case pending there. Accordingly the District Attorney applied to the District and Sessions Court in Sahiwal for permission to withdraw the case against Dr Khan in the "public interest" without giving any further reason. At this stage the complainant, Malik Wazir Ghazi, filed an application in the Sessions Court that the case be decided on merit and the Punjab government's decision be declared illegal. On 28 February 1993, the District and Sessions Court in Sahiwal decided against the withdrawal. It argued that the grounds for withdrawal provided by the Punjab government were "insufficient reasons for doing so". The judge said: "In the present case, in seeking withdrawal from prosecution, the Public Prosecutor and the Government are clearly preempting the functioning of the court itself, and it is likely to interfere with the ordinary course of justice." It said that the court in its supervisory capacity had to ensure that the powers of the public prosecutor to withdraw cases under Section 494 of the Code of Criminal Procedure were not abused and that the facts of the alleged offence could only be ascertained by a competent court in a proper trial and not by a government department. It also issued a non-bailable warrant of arrest, but to Amnesty International's knowledge Dr Khan had not been arrested by mid-1994.

Nineteen ulema (religious scholars), including the Imam of the Badshahi mosque of Lahore, in 1989 conducted an inquiry into the allegations against Dr Khan, in which they questioned witnesses and heard the disputed audio-cassette of the interview. They concluded that Dr Khan was innocent of the charge. The ulema in a press conference in October 1992 reiterated that the cases against Dr Khan were mala fide and absolved him of any crime against Islam. They stressed that neither his supposed interview nor the poem or other writings were blasphemous.

Dr Khan's supporters argue that many people - businessmen, contractors and engineers - oppose the Orangi Pilot Project as it has limited their possibilities to exploit the urban poor who in Orangi have been encouraged to help themselves through Dr Khan's project. "No one can help the poor without evoking the ire of one vested interest or the other," said I.A. Rahman, director of the non-governmental Human Rights Commission of Pakistan, which has taken up the case of Dr Khan.

Chand Barkat, a Christian acquitted of blasphemy, but continuously harassed

In January 1993, Chand Barkat, a Christian about 30 years old, was "acquitted with honour" of the charge of blasphemy filed against him by a business rival, but since his release on 24 January, after 15 months in jail without bail, he and his family have been continuously exposed to harassment and intimidation by Muslim neighbours. Chand Barkat, who has not been able to resume a normal life, said, "I still have to seek help from my brothers, because I cannot find work to support my wife and [6] children." Among many threatening letters, one warned him: "We will follow you and we will not spare you because you defamed the name of the prophet. According to our religion, we will receive the reward of Paradise [for killing you]." Local clerics have reportedly also threatened his family and announced that, "even though the court has released him, we will not give up, we will kill him". Reports indicate that Mohammad Arif, the complainant in the case against Chand Barkat, who is also a member of the Anjuman Sipah-e Sabaha, has formed a group which has vowed to kill Barkat for his alleged blasphemy, in spite of his acquittal. To Amnesty International's knowledge the authorities had not taken any steps to protect Chand Barkat against these threats by mid-1994.

Chand Barkat, a small businessman in Karachi, was arrested on 8 October 1991 on charges of blasphemy under several sections of the penal code, including section 295-C, brought by a Muslim business rival after an argument about business matters. He was denied bail and defence witnesses received threats; six Muslim witnesses for the prosecution admitted in court that they had not actually heard Barkat blaspheme.

Hafiz Farooq Sajjad, a Muslim, stoned to death by an angry mob

On 21 April 1994, a Muslim practitioner of indigenous medicine, Hafiz Farooq Sajjad, was stoned to death by an angry mob in Gujranwala, Punjab province. Sajjad, whose father is a member of the Jamaat-e Islami party, was a devout Muslim; he was a hafiz-e Qur'an, someone who had memorized the entire Koran.

Reports about the beginnings of the incident differ: Apparently some pages of the Koran were burned in a scuffle in Sajjad's house. The news spread quickly and shortly afterwards, an announcement was made over the loudspeakers of the local mosque that a Christian had burned the holy Koran and that people should come out to stone him to death. Sajjad was beaten by the mob and shut in his room; police officers shortly afterwards took him to the local police station. The mob meanwhile swelled to several thousand and stormed the police station when police did not immediately hand over Sajjad. While the police, by that time reinforced by the Deputy Superintendent of Police and the Assistant Commissioner of Police, fled to safety, Sajjad was pelted with stones, doused in kerosene

and set on fire while probably still alive. Later his dead body was tied to a motorbike and dragged through the streets of the town.

Police registered a case against five people for stoning Sajjad to death. It was not known if anyone has been arrested by mid-1994.

Salamat Masih, Mansoor Masih and Rehmat Masih, three Christians

On 11 May 1993, a complaint was lodged by a prayer leader of the mosque at police station Kot Ladha near Gujranwala, Punjab province, alleging that three Christians, Salamat Masih, aged about 12 or 13, Mansoor Masih and Rehmat Masih (not related), had thrown paper slips bearing insulting words about the Prophet into the mosque of village Ratta Dhotran and had, three days earlier, scribbled words on the wall of the mosque which were derogatory to the Prophet Muhammad. There were no witnesses to anyone throwing paper into the mosque, but the First Information Report stated that the three named people had been seen writing on a wall near the mosque. The accused were charged under section 295-A and 295-C of the PPC. This was despite the fact that both Mansoor Masih and Salamat Masih are totally illiterate. They were arrested on 11 May and held in Gujranwala District Jail.

Inflammatory posters calling for the death of the three accused appeared soon after their arrest and processions began demanding that they be hanged. When the trial started, angry Muslims, led by clerics carrying banners condemning the accused and demanding the death penalty, shouted slogans and interfered with proceedings. The defendants' families and lawyers have been threatened.

Reports suggest that Salamat Masih had argued with a neighbourhood boy over pet pigeons. The boy then told the village elders that he had seen Salamat Masih write on the mosque wall. Salamat Masih told the non-governmental Human Rights Commission of Pakistan that the complainant and other Muslim neighbours had beaten him severely to make him implicate Mansoor and Rehmat Masih. The imam of the mosque stated that he had immediately erased the writing on the mosque wall, so there was no material evidence of such an offence having been committed. Reports also indicate a history of petty clashes and general hostility between Mansoor Masih and Rehmat Masih on one side and their Muslim neighbours on the other.

In November 1993, Salamat Masih was released on bail when the court held that, as a minor, he was entitled to a lenient assessment. On 12 January 1994, the two other men were freed on bail. On application by the defendants' lawyer, the case was shifted to the District and Sessions Court in Lahore and police protection was extended to the defendants between the court and their lawyer's office.

On 5 April 1994, on leaving their lawyer's office in Lahore after a court hearing, the three defendants were shot at by people riding by on a motor bike. Mansoor Masih died on the spot, while the others were seriously injured. John Joseph, a Christian human rights activist escorting them, was also seriously injured. Three people were reportedly arrested in connection with the shooting, including the complainant in the blasphemy case. As of mid-1994, the police investigation appeared to be continuing.

The Foreign Minister of Pakistan issued a public statement that Mansoor Masih had been shot by Indian agents. Amnesty International does not know of the basis of this allegation. Human rights lawyers in Pakistan have pointed out that this statement may encourage further attacks on members of the religious minorities as they may now be branded as foreign agents whenever they protest against persecution.

Meanwhile, intimidation of the defendants had not ceased; the families of all of them continued to receive threats and there was an arson attempt on John Joseph's house.