

PUBLIC

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Further Information on UA 189/04 (ASA 33/016/2004, 3 June 2004) – Fear of torture or ill-treatment/ fear of death sentence New concern: Fear for safety

PAKISTAN **Diwan Hashmat Hayat (m)**
Naheed Hashmat Hayat (f), his wife, UK national
Their five children
Naheed Hashmat Hayat's relatives

Diwan Hashmat Hayat, who is detained in Jhelum District Central Jail, Punjab, is at renewed risk of attack by prison guards or other prisoners, after a recent newspaper article reignited public opinion about the charges of blasphemy which he faces. His wife, Naheed Hashmat Hayat, their five children and Naheed Hashmat Hayat's relatives have also been threatened because of their relationship to Diwan Hashmat Hayat. Amnesty International is concerned for their safety.

Diwan Hashmat Hayat has been detained since June 2004, and is reportedly held in a single cell due to fears for his safety. He was charged with blasphemy after asking a mosque near his home to make less noise late at night. Under section 295-C of the Pakistan Penal Code, the charge of blasphemy carries the death penalty. Despite several witnesses, including the imam or religious leader of the mosque, submitting sworn statements that no blasphemy took place, the charges against Diwan have not been dropped.

In May 2005, an article about his case appeared in a local Urdu newspaper called *Khabrayen*. This article criticised the authorities for treating Diwan Hashmat Hayat too well in prison by classifying him as a "Class B" prisoner, which means that he was permitted a matted bed to sleep on. This article reportedly stated that the person who had filed a complaint against Diwan Hashmat Hayat for blasphemy was killed by Diwan in a mob attack that took place outside Diwan's home on the day he was arrested in 2004. However, Amnesty International has been informed that that the complainant was actually not the person who was killed in the mob attack that day.

The publication of the newspaper article may lead to renewed threats against Diwan Hashmat Hayat, Naheed Hashmat Hayat and their family, and may prejudice the case against Diwan Hashmat Hayat. Since the article was published, authorities at Jhelum District Central Jail have taken away his "Class B" prisoner status. There have been a number of previous incidents in Pakistan in which alleged blasphemers have been killed by inmates and prison guards.

Naheed Hashmat Hayat, a UK national, has travelled to Pakistan frequently with her children to attend her husband's court hearings. Along with Naheed Hashmat Hayat's relatives, they have been subjected to death threats and intimidation as a result of their relationship to Diwan Hashmat Hayat. The home of Diwan Hashmat Hayat and Naheed Hashmat Hayat was burnt down in the mob attack prior to his arrest, which a number of relatives witnessed. Their support for Diwan means that their lives may be at risk.

The original UA issued on behalf of Diwan Hashmat Hayat in 2004 called on the authorities to improve the conditions in which he was detained. Following appeals from members of the UA network, Diwan's cell was inspected, he was given clean bedding and his relatives were permitted to bring him food. In addition, the authorities assured Amnesty International that they would take measures to guarantee his security.

BACKGROUND INFORMATION

The Pakistani Penal Code holds a sentence of death for the criminal offence of defiling the Prophet Mohammed, stating, "Whoever by words, either spoken or written or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet

Mohammed (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to a fine".

However, Pakistan's blasphemy laws are used for reasons which include religious oppression, professional jealousy, economic rivalry, political opposition or personal hostility.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern for the safety of Diwan Hashmat Hayat, who may be at risk of attack by other prisoners and prison guards at Jhelum District Central Jail, Punjab, and calling on the authorities to guarantee his safety in detention;
- urging the authorities to review the charges of blasphemy against Diwan Hashmat Hayat immediately, in the light of witness statements which disprove allegations of blasphemy;
- calling for a prompt and impartial investigation into the alleged false and inflammatory accounts of Diwan Hashmat Hayat's blasphemy case in a local newspaper;
- calling on the authorities to investigate promptly all allegations of threats, harassment and intimidation against Naheed Hashmat Hayat, her children and her relatives;
- calling on the authorities to ensure the safety of Naheed Hashmat Hayat, her children and relatives, and all witnesses in the case of Diwan Hashmat Hayat, in accordance with their wishes;
- urging the authorities to act in accordance with international standards for fair trial and calling for any reports of authorities acting under pressure from external sources to be investigated and addressed.

APPEALS TO: (Please note that email addresses in Pakistan can be unreliable.)

Minister for the Interior

Mr. Aftab Ahmed Khan Sherpao,
Room 404, 4th Floor
Block R, Federal Secretariat, Islamabad, Pakistan

Fax: + 92 51 9202624

E-mail: minister@interior.gov.pk, secretary@interior.gov

Salutation: Dear Minister

Minister of Law, Justice and Human Rights

Mr. Muhammad Wasi Zafar
S Block, Pakistan Secretariat, Islamabad, Pakistan

Fax: + 92 51 9202628

E Mail : minister@molaw.gov.pk

Salutation: Dear Minister

Chief Minister of Punjab

Chaudary Pervez Elahi
Chief Minister of Punjab
7 Club Road, G.O.R.I, Lahore, Pakistan

Email: home@punjab.gov.pk

Salutation: Dear Chief Minister

Punjab Inspector General of Prisons

Khawja Khalid Farooq
Inspectorate of Prisons, Jail Road, Lahore, Pakistan

Fax: + 92 42 920 0570 (ask in English to switch on the fax)

Salutation: Dear Inspector General

COPIES TO:

Pakistan High Commissioner in London

High Commission for Pakistan
35-36 Lowndes Square, London SW1X 9JN, UK

Fax: + 44 207 6649224

and to diplomatic representatives of Pakistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 26 July 2005.