

PUBLIC

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Death threats/fear for safety/possible death penalty/prisoner of conscience

PAKISTAN

**Younis Masih (m)
Parvez Aslam Choudhry (m), lawyer**

Younis Masih, who is a Christian, has been charged with blasphemy, and is at risk of being sentenced to death. He is also in danger of being killed by other detainees, or prison staff, at the jail where he is held. Amnesty International considers him a prisoner of conscience held solely for the exercise of his right to freedom of expression. His lawyer, Parvez Aslam Choudhry, has received death threats. Amnesty International believes that both men are in grave danger.

Younis Masih is alleged to have made derogatory remarks about the Prophet Mohammed at a religious service held at a house near his own on 9 September 2005, in the Chunngi Amar Sadu area of Lahore. He denies this, and a local newspaper quoted his wife as saying that he was attacked after he went to the house at around midnight and asked the people inside not to sing so loudly, as he was in mourning for his nephew, who had recently died. According to the local press, the next day local Muslims looted a number of Christian homes, and witnesses said that the police did not intervene.

The Muslim cleric who had led the service filed a complaint against Younis Masih on 10 September, accusing him of offences under Section 295C of the Pakistan penal code, which deals with blasphemy. According to his lawyer he is not facing any other charges. He was arrested on 11 September and taken to Kot Lakhpat jail, in Lahore, where he is still held. A first bail petition was rejected by the sessions court in Lahore in November and a second petition is now pending in the Lahore High Court.

The lawyer representing him, Parvez Aslam Choudhry, is the chairman of the NGO Legal Aid for Destitute and Settlement (LADS), which provides legal assistance to impoverished detainees and works against discriminatory laws in Pakistan, especially the blasphemy laws. Since the trial of Younis Masih began, he has been threatened outside the court and has also received anonymous telephone death threats, warning him that his life will be in danger if he continues to represent Younis Masih. On 26 January on his way to the jail where he hoped to visit Younis Masih, a van drove into his car causing him minor injuries. Some of the men in the van got out and began to attack him as he sat in the car, but got back in the van and drove off when friends of Parvez Choudhry approached. He has been in danger before because of his work against the blasphemy laws. In 2003 he was assaulted while defending a blasphemy case. He filed a complaint with the police, but says they took no action. Members of his family have also received threats during the trial of Younis Masih.

BACKGROUND INFORMATION

The blasphemy laws of Pakistan, while purporting to protect Islam and the religious sensitivities of the Muslim majority, are vaguely formulated and arbitrarily enforced by the police and judiciary in a way which amounts to harassment and persecution of religious minorities. Many of those accused or suspected of blasphemy have been assaulted or tortured. People detained on blasphemy charges in prisons including Kot Lakhpat, where Younis Masih is held, have been killed by fellow detainees or prison wardens. Others suspected of blasphemy, but not under arrest, have been unlawfully killed without police taking any action to protect them.

"Defiling the name of the Prophet Mohammed" is a capital offence under the Pakistan Penal Code, which states, "Whoever by words, either spoken or written or by visible representation, or by any imputation,

innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammed (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to a fine". The Federal Shariat Court, whose tasks include reviewing laws to ensure they conform with Islamic doctrine, ruled in 1991 that anyone convicted of blasphemy should face the death penalty, not life imprisonment.

Articles 18 and 19 of the Universal Declaration of Human Rights set out that everyone has the right to freedom of thought, conscience, religion, opinion and expression. International human rights law provides that any limitations placed on these freedoms should be only such as are prescribed by law as well as being necessary and proportionate for, among other things, the protection of the rights and freedoms of others. Amnesty International considers people imprisoned under blasphemy laws for exercising their right to freedom of opinion and expression to be prisoners of conscience.

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

- expressing concern for Younis Masih, who was charged with blasphemy on 11 September 2005, Parvez Aslam Choudhry and their families;
- calling on the authorities to take immediate steps to guarantee their safety;
- calling for the immediate and unconditional release of Younis Masih;
- expressing concern that the law defines "blasphemy" so broadly that it is used to discriminate against religious minorities;
- urging the government to abolish laws, including the blasphemy laws, which provide for people to be punished for exercising their rights to freedom of opinion and expression;
- calling for an immediate moratorium on all executions in the country, in line with worldwide trends to abolish the death penalty with a view to an eventual abolition of the death penalty.

APPEALS TO:

Minister for the Interior

Mr Aftab Ahmed Khan Sherpao

Ministry for the Interior, 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

Ministry of Law, Justice and Human Rights, 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

7 Club Road, G.O.R.I, Lahore, Pakistan

E-mail: home@punjab.gov.pk

Salutation: Dear Chief Minister

COPIES 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 16 March 2006.