

**PUBLIC**

**AI Index: ASA 33/020/2005**

**20 July 2005**

**Further Information on UA 189/04 (ASA 33/016/2004, 3 June 2004) and follow-up (ASA 33/015/2005, 14 June 2005) - Fear of torture or ill-treatment/ fear of death sentence/ fear of safety**

**PAKISTAN**

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

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Diwan Hashmat Hayat has been attacked by three other prisoners at Jhelum District Central Jail, Punjab in connection with the charges of blasphemy he is facing. There are increased concerns for his safety.

At 10am on 13 July, Diwan Hashmat Hayat was reportedly attacked by three fellow prisoners with a knife or blade, but other detainees stopped the attackers before they injured him. The three assailants reportedly belong to a recognised Islamic organisation called *Sipa-e-Sahaba*. They have allegedly not been punished for the attack and remain in the same jail. There have been a number of previous incidents in Pakistan in which alleged blasphemers have been killed by inmates and prison guards.

Diwan Hashmat Hayat has been detained since June 2004 and has been 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 Hashmat Hayat have not been dropped.

The wife of Diwan Hashmat Hayat, Naheed Hashmat Hayat, their five children and Naheed Hashmat Hayat's relatives have also been threatened because of their relationship to him. As far as Amnesty International is aware, no measures have yet been taken to guarantee their safety.

#### **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, after he was attacked by fellow prisoners at Jhelum District Central Jail, Punjab on 13 July;
- expressing concern that the attackers have allegedly not been punished and remain in the same prison, thus increasing fears of further attacks;
- calling on the authorities to take immediate steps to guarantee the safety of Diwan Hashmat Hayat in detention;

- calling for a prompt and impartial investigation into the attack on Diwan Hashmat Hayat on 13 July, with the results made public and those responsible brought to justice;
- 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 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.

**APPEALS TO:**

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 31 August 2005.