

18 June 2007

**Further Information on UA 28/06 (ASA 33/003/2006, 3 February 2006) – Death threats/ fear for safety/ prisoner of conscience New concern: Death penalty****PAKISTAN      Younis Masih (m)  
                    Parvez Aslam Choudhry (m), his lawyer**

Younis Masih, a Pakistani Christian, was sentenced to death for blasphemy by the Sessions Court in Lahore on 30 May. He is appealing against his sentence. He has been attacked twice by inmates at Kot Lakhpat prison in Lahore where he is detained, and remains at risk of further attack at the hands of prisoners and guards. Amnesty International considers him to be a prisoner of conscience, detained solely for the peaceful exercise of the right to freedom of expression. His lawyer, Parvez Aslam Choudhry, has survived an apparent attempt on his life and has been threatened and harassed as a result of his involvement in the case.

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. The Muslim cleric who had led the service filed a complaint against Younis Masih on 10 September 2005, accusing him of offences under Section 295C of the Pakistan penal code, which deals with blasphemy.

During the trial before the Sessions Court, Younis Masih gave evidence via a video link due to concerns for his safety, making it the first blasphemy case to use video technology. The lawyer for the cleric who filed the complaint against Younis Masih reportedly threatened Parvez Aslam Choudhry during his defence. The lawyer also received a separate death threat at midnight on 9 June, when an anonymous caller telephoned him and told him that he and Younis Masih would be killed. The trial was reportedly unfair, as it is claimed that the prosecution case was based on hearsay, and not direct evidence, and that changes had been made to the original prosecution witness statements. The judge ordered the Punjab police to provide protection to Parvez Aslam Choudhry because of the threats made against him, but the lawyer has stated that this order has not been implemented.

On 11 May 2006, unknown assailants deliberately rammed their car into Parvez Aslam Choudhry's car, which then was pushed off the road and fell forty feet. One passenger, lawyer Rana Javed Rafiq, died instantly. Parvez Aslam Choudhry and his colleague Ijaz Victor were hospitalized for a number of days after the incident. On two occasions in February and July 2006, Parvez Aslam Choudhry was threatened at gun point by Muslim men who warned that his life was in danger if he continued to represent blasphemy cases.

**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 Section 295C of 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 Urdu, Pashtu, English or your own language:**

- calling for the President to use his powers under Article 45 of the Constitution to commute the death sentence handed down to Younis Masih on 30 May 2007;
- calling for his immediate and unconditional release as a prisoner of conscience, as he is a prisoner of conscience, detained solely

for the peaceful exercise of his right to freedom of expression;

- calling on the authorities to take immediate and effective measures to guarantee the safety of Younis Masih, Parvez Aslam Choudhry and their families;

- calling on the authorities to order prompt, thorough and impartial investigations into threats, harassment and attacks against Parvez Aslam Choudhry, and bring those responsible to justice;

- expressing concern that the blasphemy laws are used to discriminate against religious minorities, and urging the government to abolish laws, including 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 the worldwide trends to abolish the death penalty with a view to an eventual abolition of the death penalty.

**APPEALS TO:**

President Pervez Musharaf

Pakistan Secretariat, Islamabad, Pakistan

**Fax:** +92 51 9221422

**E-mail:** via website: <http://www.presidentofpakistan.gov.pk/WTPresidentMessage.aspx>

**Salutation:** Dear President Musharaf

Mr Aftab Ahmed Khan Sherpao

Minister for the Interior, Ministry for the Interior

Room 404, 4th Floor, Block R, Federal Secretariat, Islamabad, Pakistan

**Fax:** +92-51 9202624

**E-mail:** [minister@interior.gov.pk](mailto:minister@interior.gov.pk) OR [secretary@interior.gov](mailto:secretary@interior.gov)

**Salutation:** Dear Minister

Mr. Justice Rhana Bhagwandas

Chief Justice, Supreme Court of Pakistan, Constitution Avenue, Islamabad, Pakistan

**Fax:** +92 51 9213452

**E-mail:** [scp2000@isb.paknet.com.pk](mailto:scp2000@isb.paknet.com.pk)

**Salutation:** Dear Chief Justice

Mr Muhammad Wasi Zafar

Minister of Law, Justice and Human Rights, Room 305, S-Block, Pakistan Secretariat, Islamabad, Pakistan

**Fax:** +92 51 9202628

**E-Mail:** [minister@molaw.gov.pk](mailto:minister@molaw.gov.pk)

**Salutation:** Dear 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 30 July 2007.\*\*\*\*\*