

PUBLIC

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Fear of torture/ill-treatment / Fear of death sentence

3 June 2004

PAKISTAN

Diwan Hashmat Hayat (m)

Diwan Hashmat Hayat is being held in solitary confinement in Jhelum District Central Jail, Punjab, on charges which carry the death penalty. He has reportedly been beaten while in detention, and is being held in insanitary conditions, without sufficient food or appropriate medical treatment for his injuries.

He is charged with blasphemy under section 295-C of the Pakistan Penal Code, because he asked a neighbouring mosque to make less noise. The 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*".

On 3 April, Diwan Hashmat Hayat was attacked by a mob outside his house. Even though he sustained serious injuries he was arrested and taken to Jhelum District Central Jail where he was beaten, reportedly on the orders of the jail authorities. He was reportedly only given painkillers after his family agreed to pay a bribe of 3,000 rupees (USD \$52), and is allegedly being denied sufficient food and clean bedding because his family could not pay a second bribe. He is still being denied medical treatment.

BACKGROUND INFORMATION

Pakistan's blasphemy laws are used for reasons which include religious oppression, professional jealousy, economic rivalry, political opposition or personal hostility. Many of those detained under the blasphemy laws have been assaulted or subjected to other forms of ill-treatment; some have been killed by fellow detainees or prison wardens.

Amnesty International opposes the death penalty in all cases. It is the ultimate form of cruel, inhuman and degrading treatment and a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments.

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

- expressing concern that Diwan Hashmat Hayat has reportedly been beaten and otherwise ill-treated while held in Jhelum District Central Jail, Punjab;
- condemning the harsh prison conditions in which he is being held, and urging that he is immediately provided with adequate food and clean bedding, and given appropriate medical treatment.
- urging the authorities to hold a thorough and impartial investigation into the allegations of beatings, ill-treatment and bribery, and bring those responsible to justice;
- stating your opposition to the use of the death penalty and your concern that Diwan Hashmat Hayat has been charged under section 295-C of the Pakistan Penal Code, which stipulates a sentence of death for the criminal offence of defiling the Prophet Mohammad.

APPEALS TO:

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

Punjab Minister for Prisons

Saeed Akbar Khan
Punjab Minister for Prisons
202 Abbubakar Block
New Garden Town
Lahore
Pakistan

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)

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 15 July 2004.