

URGENT ACTION

GUARD SHOOTS MENTALLY ILL PRISONER

Blasphemy prisoner Mohammad Asghar has been shot and wounded by a prison guard in Pakistan. He is recovering in hospital, but his lawyers fear he is still in danger of being killed.

A prison guard shot 70-year-old **Mohammad Asghar** in the back on 25 September in an apparent attempt to kill him. He is in a stable condition in a local hospital. The attacker has been arrested and charged with attempted murder by provincial authorities, and eight other prison guards have been suspended.

A British national of Pakistani origin, Mohammad Asghar was diagnosed with paranoid schizophrenia in the UK in 2010, after which he moved to Pakistan. He was convicted of blasphemy in 2014 and sentenced to death. Despite his diagnosis in the UK, the Court ruled that Asghar was sane. He is now on death row at Adiala jail, in the city of Rawalpindi, Punjab province.

Present in the same prison block as Asghar at the time of the shooting was **Zaffar Bhatti**, a Christian pastor who has been on trial for blasphemy since 2012. Both men have denied the charges. Initial media reports wrongly suggested that Bhatti had been shot and killed in the same incident. The two men's relatives and lawyers say they are still at serious risk of being attacked and killed. In the past 15 years, dozens of people from different religious communities, including Muslims, have been attacked and killed after being accused of blasphemy.

Blasphemy carries a potential death sentence under Pakistan law. Amnesty International opposes the death penalty in all circumstances and for all crimes, considering it to be a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. International standards also state that the death penalty must not be imposed against people with mental illness.

Please write immediately in Urdu, English or your own language:

- Calling on the authorities to ensure that the charges against Zaffar Bhatti are dropped, that the conviction of Mohammad Asghar is overturned, and that both men are released, and their safety guaranteed;
- Urging them to ensure that all those responsible for the attack on Mohammad Asghar are brought to justice in fair trials without recourse to the death penalty;
- Urging them to reform or repeal the blasphemy laws, which target Muslims and religious minorities alike, as they violate the rights to freedom of expression and freedom of thought, conscience and religion;
- Calling on them to establish an immediate moratorium on all executions and commute all death sentences with a view to abolishing the death penalty, emphasising that the death penalty is a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

PLEASE SEND APPEALS BEFORE 14 NOVEMBER 2014 TO:

Prime Minister

Nawaz Sharif
Prime Minister House, Pakistan
Secretariat, Constitution Avenue
Islamabad, Pakistan
Fax: +92 51 922 0404
Email: pmmediaoffice@gmail.com
Salutation: **Dear Prime Minister**

Chief Minister, Punjab Province

Mian Mohammad Shahbaz Sharif
Chief Minister's Office
7, Club Road, GOR I Lahore, Pakistan
Fax: +92 42 992 04301
Twitter: <https://twitter.com/CMShehbaz>
Salutation: **Dear Chief Minister**

And copies to:

Minister of Law, Justice and Human Rights
Pervaiz Rashid
Room 305, S Block, Pakistan Secretariat
Islamabad, Pakistan
Fax: +92 51 921 0062
Email: contact@molaw.gov.pk

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 23/14. Further information:

<http://www.amnesty.org/en/library/info/ASA33/004/2014/en>

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ADDITIONAL INFORMATION

Under Pakistan's blasphemy laws, "offences relating to religion" are a criminal offence with a maximum penalty of death. Those accused of blasphemy risk severe harassment and other abuse from private citizens and law enforcement officials.

"Defiling the name of the Prophet Mohammed" is a capital offence under Section 295-C of the Pakistan Penal Code, which reads, "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 duties include reviewing laws to ensure they conform to Islamic doctrine, ruled in 1991 that anyone convicted of blasphemy should face the death penalty, not life imprisonment. It reaffirmed that ruling in a decision handed down in January 2014.

Pakistan's blasphemy laws have fostered a climate of frequent religiously-motivated violence, in which religious minorities and Muslims alike are targeted. These laws, which are formulated vaguely and arbitrarily enforced by the police and judiciary are often used to make unfounded malicious accusations to settle personal scores in land and business disputes. Pakistan has never executed anyone for the crime of blasphemy. However people held in prison on blasphemy charges have been killed by fellow detainees or prison officers. Even outside prison, people accused of blasphemy, especially those belonging to religious minorities, have been killed by vigilante mobs or individuals. High-level public officials who have spoken out against the blasphemy laws have themselves been assassinated.

Articles 18 and 19 of the Universal Declaration of Human Rights state 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. The blasphemy laws do not meet this threshold.

The UN Human Rights Committee, the expert body that oversees the implementation of the International Covenant on Civil and Political Rights (ICCPR), noted in its General Comment No. 34 that "Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the [ICCPR]," except in specific circumstances where individuals are advocating "national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence". Additionally the Committee said, "it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems".

Names: Mohammad Asghar, Zaffar Bhatti

Gender: m

Further information on UA: 23/14 Index: ASA 33/014/2014 Issue Date: 3 October 2014