

Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on minority issues; and the Special Rapporteur on extrajudicial, summary or arbitrary executions

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on freedom of religion or belief; Special Rapporteur on minority issues; Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 22/20, 25/5, and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the death of two Ahmadiyya Muslims in Pakistan**.

According to the information received:

On 22 September 2014, in the evening, Mr. Mubashar Ahmad Khosa Sahib, a 50 year old Ahmadiyya Muslim from Satellite Town, Mirpur Khas, was shot dead by two unknown motorcyclists while working at his clinic situated in the Mali Colony, Mirpur Khas, at the Sanghar Bypass Ring Road. The people who were present on the occasion rushed him to the Civil Hospital but he died on his way.

On 15 October, at around 19.30, Mr. Lateef Alam Butt, a 62 year old Ahmadiyya Muslim from Kamrah, District Attock, was shot dead by unknown assailants when returning home from work. Mr. Alam Butt was retired from Pakistan Air Force and running a stationary shop in the area. Mr. Alam Butt was a well-known Ahmadiyya Muslim and his house was a prayer centre for local members of Ahmadiyya Muslim community (Jamaat). Other Jamaat events also used to take place at his house. During his air force days, his house used to be centre of Jamaat's activities.

Allegedly, the attack against Mr. Alam Butt took place after Sipah-e-Sahaba, a banned extremist organization, announced during a high level internal meeting their plans to carry out target killings of Ahmadiyya Muslims. Sipah-e-Sahaba has

reportedly announced that “no one has been successful in hindering the progress of the Ahmadiyya Muslims. We will now teach them a lesson. We will not care for our lives and will accomplish our mission at any cost”. Reports indicate that the group is planning to target well known Ahmadiyya Muslims and security personnel.

According to sources, members of the Ahmadiyya Muslim, Christian and Shia minority communities face persistent and large scale persecution in Pakistan as a result of sectarian violence, which may be related to their choice and peaceful practice of their religious beliefs. A large number of cases have been reported of what appears to be a systematic persecution, discrimination, hostility and violence against these communities, including by militant extremists, as well as of police failure to fulfil its responsibility to protect these communities. Reportedly 687 members of religious minorities were killed in 200 targeted faith based attacks in 2013 in Pakistan.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern at the attacks and killings of two Ahmadiyya Muslims in Pakistan, Mr. Mubashar Ahmad Khosa Sahib and Mr. Lateef Alam Butt. Further concern is expressed at reports of incitement to religious hatred against members of the Ahmadiyya Muslim community by the banned extremist organization Sipah-e-Sahaba, and at the apparent increase in recent violence against this community in Pakistan. Further concern is expressed at the persistent persecution and attacks against religious minorities in Pakistan, including Ahmadiyya Muslim, Christian and Shia minority communities, and at the Government’s failure to protect them.

These allegations appear to be in contravention of the right to life, security and freedom of religion or belief, as set forth respectively in articles 6, 9, 18 and 27 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 Jun 2010, as well as the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55) and the 1992 Declaration on the Rights of Persons Belonging to national or Ethnic, Religious and Linguistic Minorities.

The allegations may also constitute violations of the obligations of States to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by non- state actors (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

We would like to remind your Excellency’s Government of the duty to investigate, prosecute, and punish all violations of the right to life. Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, recall the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR.

Furthermore, recognizing that Mr. Mubashar Ahmad Khosa Sahib and Mr. Lateef Alam Butt belong to religious minorities in Pakistan, we would like to bring to your Excellency's Government attention the international standards regarding the protection of the rights of persons belonging to religious minorities, in particular to article 27 of the ICCPR, that guarantees minorities, inter alia, the right to profess and practice their own religion, and to the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Declaration on the Rights of Minorities). Article 1 of the Declaration establishes the obligation of States to protect the existence and identity of religious minorities within their territories and to adopt the appropriate measures to achieve this end, and article 2 states that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination. Additionally, article 4.1 notes the obligation of States to ensure that persons belonging to minorities, including religious minorities, may exercise their human rights without discrimination and in full equality before the law.

We would like to make reference to paragraph 7 of the Human Rights Committee's General Comment 22 which provides that In accordance with article 20, no manifestation of religion or belief may amount to propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Paragraph 48 of General Comment 34 of Human Rights Committee also refers to the prohibition of using any law to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers.

Finally, we would like to bring to your Excellency's Government's attention the Rabat Plan of Action, which plays a crucial role as an important part of the global movement towards prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The full realization of the freedom of religion or belief in conjunction with freedom of expression and peaceful assembly, as well as all other human rights plays a pivotal role in prevention of inter-communal violence and in restoring mutual trust between communities.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In light of the above standards we would like to appeal to your Excellency's Government to urgently undertake all necessary measures to ensure the security of the members of all religious minority communities in Pakistan, including the Ahmadiyya Muslims.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.

2. Please provide the full details of any investigations, which have been undertaken into the death of Mr. Mubashar Ahmad Khosa Sahib and Mr. Lateef Alam Butt, as well as the details of any judicial, disciplinary or administrative proceedings ordered against their perpetrators.

3. Please indicate what actions have been taken to ensure the protection of religious communities in Pakistan, including Ahmadiyya Muslim, Christian and Shia communities, and to prevent the recurrence of acts of violence based on religious grounds.

4. Please indicate what actions have been taken to prevent any advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, and to condemn them in accordance with article 20(2) of the ICCPR.

5. Please indicate what measures have been taken to afford compensation to the families of the victims.

6. Please provide detailed information on the measures taken to ensure the right to freedom of religion or belief of all peoples in Pakistan, as part of the full enjoyment of all other rights, in line with the country's international human rights obligations.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Heiner Bielefeldt
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