

HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

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.

REFERENCE:
UA PAK 8/2014:

30 May 2014

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; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 22/20, 25/5, and 17/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning **Messrs. Khalil Ahmad, Ghulam Ahmad, Israr Ahmad, Mubashir Ahmad and Mehdi Ali Qamar**. In light of the allegations below, we respectfully recommend your Excellency's Government to ensure the personal security of members of Ahmadiyya Muslim community, who are threatened by the militant extremists, as well as to guarantee and protect their right to freedom of religion or belief and accordingly, to cease what appears to be a systematic persecution, discrimination, hostility and violence against Ahmadiyya Muslims, which are further fueled by existing blasphemy legislation particularly targeting minorities and by police failure to fulfil its responsibility to protect.

According to the information received:

On 13 May 2014, four members of the Ahmadiyya Muslim Community, Messrs. Khalil Ahmad, Ghulam Ahmad, Israr Ahmad and Mubashir Ahmad, were arrested by police on blasphemy charges, which were apparently based on the report of a shopkeeper with whom they had had an argument the same day. Reportedly the argument was about an Islamic calendar, which was displayed on the wall in a shop and contained remarks deemed derogatory about the Ahmadiyya Muslims. The four men arrested had raised concern about the calendar, which resulted in a verbal argument.

Three of the four men were granted bail whilst Mr. Khalil Ahmad remained in custody, at the Sharaqpur police station. On 16 May 2014, Mr. Khalil Ahmad was shot dead inside the police detention facility where he was held, reportedly by a teenager, who

had concealed a gun in his lunch box. It is unclear why the teenager was allowed by police to meet Mr. Khalil Ahmad.

The teenager was arrested by police, although the charges against him might be dropped due to the fact that he is 15 years old. There are allegations that pressure is being exerted by the Ahle Sunnat Wal Jammāt (ASWJ), a religious movement, which runs an Islamic madrassa, where this teenager is a student. Allegedly, ASWJ was also involved in the recent association of Mr. Rashid Rehman, prominent lawyer and human rights defender in Punjab, who was the subject of a joint letter of allegation dated 22 May 2014, response to which is yet to be received.

The three other Ahmadiyya Muslims, who were charged with blasphemy along with Mr. Khalil Ahmad, reportedly went into hiding after they received death threats. Reportedly, the Ahmadiyya Muslim community in Sharaqpur has been threatened by militant extremists from the ASWJ who demand that they vacate their houses and stop praying in the same manner as the other Muslims do. Allegedly, the police have failed to provide protection to the Ahmadiyya Muslims.

On 26 May 2014, Mr. Mehdi Ali Qamar, a US citizen and a member of the Ahmadiyya Muslim community, who worked as a doctor on a humanitarian visit to Pakistan, was murdered in Rabwah. He was killed by two unknown men on motorbikes, while he was visiting along with his wife and two-year-old son the graves of his relatives at a local cemetery. Allegedly the murder was committed by militant extremists on religious grounds.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern at the killings of Mr. Khalil Ahmad and Mr. Mehdi Ali Qamar, as well as persecution on blasphemy charges of Messrs. Ghulam Ahmad, Israr Ahmad and Mubashir Ahmad, which may be related to their choice and peaceful practice of their religious beliefs. We are further concerned about the personal security of the members of the Ahmadiyya Muslim community, in the face of the threats proffered against them by militant extremists. Reportedly, seven Ahmadiyya Muslims were killed because of their religious beliefs in 2013 in Pakistan.

These allegations appear to be in contravention of the right to life, personal security, freedom of religion or belief, as set forth respectfully in articles 6, 9, 18 and 27 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010, as well as other international human rights norms and standards laid out in the attached annex. the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55). We would also like to remind your Excellency's Government that States have the responsibility to

protect persons from human rights violations committed by non-state actors; it is explained by the Human Rights Committee in paragraph 8 of its General Comment No. 31.

In this context, we would also like to bring to your Excellency's attention international standards for the protection of the rights of minorities. The International Covenant on Civil and Political Rights establishes in Article 27 that persons belonging to minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language. The 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires States (Article 1) to "protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories" and "adopt appropriate legislative and other measures to achieve those ends." Furthermore, the Declaration establishes the right to of persons belonging to religious minorities to profess and practise their own religion without interference or discrimination (article 2.1), and to exercise all their human rights and fundamental freedoms without any discrimination and in full equality before the law (art.4.1). We also draw your Excellency's Governments attention to the recommendations of the sixth session of the Forum on Minority Issues on "Guaranteeing the rights of religious minorities" (2013).

When the State detains an individual, it is held to a heightened level of diligence in protecting that individual's rights and when such an individual dies while in State custody, there is a presumption of State responsibility (*Dermit Barbato v. Uruguay*, communication no. 84/1981 (21/10/1982), paragraph 9.2). Furthermore, there is an obligation upon states to provide, through judicial or other means, effective protection of individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats and to take measures to appropriately investigate and punish both suspicious deaths and threats of extrajudicial, summary or arbitrary executions in accordance with Principles 4 and 9 of the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65.

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 view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

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 killings of Mr. Khalil Ahmad and Mr. Mehdi Ali Qamar, as well as of any judicial, disciplinary or administrative proceedings against the perpetrators of these crimes;

3. Please provide the full details of any investigations which have been undertaken into the threats made against Mr. Ghulam Ahmad, Mr. Israr Ahmad and Mr. Mubashir Ahmad and other members of Ahmadiyya Muslim community; and of any measure, judicial or otherwise, taken to ensure the protection of these persons and of their religious community

4. Please indicate what action has been taken to ensure the protection of the families of the victims, as well as of any compensation afforded to them;

5. Please provide detailed information on the measures taken to ensure the right to freedom of religion or belief, in particular, the freedom to have or adopt a religion or belief of one's choice and the freedom to manifest one's religion or belief, in line with Pakistan'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 recurrence 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.

We are intending to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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
Special Rapporteur on freedom of religion or belief

IZSÁK Rita
Special Rapporteur on minority issues

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions