

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on minority issues and the Special Rapporteur on freedom of religion or belief**

Ref.: AL PAK 2/2022  
(Please use this reference in your reply)

3 June 2022

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on minority issues and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 42/22, 43/4, 43/8 and 49/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged persecution against Pastor **Roshan Pervaiz** and his son Mr. **Faraz Pervaiz**, and the prosecution on blasphemy charges, continuous threats, including death threats, and deliberate incitement to violence and to kill him against Mr. Faraz Pervaiz, which appear to be related to the peaceful practice of his religious conviction.

According to the information received:

Pastor Roshan Pervaiz was the chief executive of the "Hallelujah Evangelistic Association" in Lahore, in which his son Faraz Pervaiz was actively involved. In October 2006, Pastor Pervaiz, organised a "Gospel Music and Peace Award Show" in Lahore and was subject to pressure to cancel the event as well as to verbal threats from the Governor of Punjab, who requested the Pastor to stop preaching Christianity in any form.

On 21 November 2009, Faraz Pervaiz met at the Karachi airport an individual ( ) during a trip to Malaysia, who tried to convince him to convert to Islam. Mr. Pervaiz refused. During the discussion, the individual threatened him with filing a case for blasphemy before the Federal Investigation Agency (FIA) of Pakistan, taking advantage of his personal connections with FIA officers.

In June 2011, the pastor organized another cultural event, the "Benazir Peace Award", in collaboration with a national NGO (Save Humanity Organization). Pastor Pervaiz and Faraz Pervaiz were subject to death threats by the director of the NGO after having refused to attribute the Peace Award to ( ) chief of Jamaat ud Dawah and founder of Lashkar-e-Taiba (LeT), a Pakistan-based Islamist group included by the United Nations Security Council in 2005 in the Isil and Al-Quaida Sanctions List.

A few days later a mob broke into the pastor's house, and beat and ill-treated him, his son and their family for having refused to award ( ). The mob forcibly took the pastor and his son out of their house and brought them to the police station of Lahore, where a pre-dated and false First

Information Report (FIR) was produced. Both men were arrested and detained on criminal charges of “Dishonestly issuing a cheque”, which was emitted as a guarantee (art. 489-F of Pakistan Criminal Code). On 27 August 2011, a Court in Lahore established that the First Information Report (FIR) had been lodged on 31 January 2008 whereas the cheque had been dishonoured on 21 November 2009, making the case doubtful. Both men were released.

In February 2013, the pastor fled Pakistan in the context of continuous threats in relation to his work as leader of the Halleluiah Evangelist Association; part of the family followed him in February 2014.

On 9 March 2013, the pastor’s son went to Joseph Colony, a Christian neighbourhood in Lahore, to support the residents after an enraged crowd attacked the neighbourhood and set fire to dozens of houses, accusing a Christian sanitation worker of blasphemy. A District Council Officer urged Faraz Pervaiz to stop assisting the residents and threatened him to leave immediately the neighbourhood “or I will burn you in this fire”.

In May 2013, the Hallelujah Evangelist Association financially supported 20 poor women in Kushab, with funds provided by a private international company ( ) and individuals. After the report and the photographs of the cash distribution were posted on social media, Faraz Pervaiz received threats by phone from unknown individuals, who asked to be given the money coming from the donations.

On 20 June 2013, dozens of people, including Muslim extremists and vigilantes, started to gather before Faraz Pervaiz’s house. The latter called the police to ask for protection. The police arrived at the scene but took no action. The group of individuals broke into the house, beat Faraz Pervaiz and members of his family and dragged them by force out of the house to the Nishtar Police station (Lahore). At the Police station, Faraz Pervaiz and his family were ill-treated and threatened by individuals and police officers. Mr. Pervaiz was sent to FIA and investigated about the origin of the money distributed in Khushab. Apparently, one of the FIA inspectors happened to be a relative of the individual met by Mr. Pervaiz in November 2009 at Karachi airport. That man was reached out by the FIA investigator by phone, who confirmed that Mr. Pervaiz, “who blasphemed against the Prophet, had been captured”. The FIA officer threatened Mr. Pervaiz of lodging a FIR for blasphemy. Mr. Pervaiz was released after six months of detention on 20 December 2013. He left Pakistan in April 2014, fearing possible judicial persecution for blasphemy.

In March 2017, a complaint (AD/FIA/GRT/17) was submitted by individuals to the FIA against unknown persons running and posting on a Facebook page called “Molvi Burqa”. The page contained a post that included a video published by Faraz Pervaiz, where he expressed criticism towards Pakistan, Islamic extremism, and the role of Islam in the Pakistani Government. Moreover, on 8 March 2017, a FIR was lodged by the Station House Officer at Ramna Police Station in Islamabad, against unknown individuals running and posting on three social media pages (under the names of Bhensa, Roshni, Mouchi) on the directions of the Islamabad High Court to initiate legal actions against

blasphemers on social media. Mr. Pervaiz video was shared on the aforementioned pages. The individuals were accused under 295-A (Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs), 295-B (Defiling ... of the Holy Qur'an) and 295-C (Use of derogatory remarks ... in respect of the Holy Prophet) of the Pakistani Penal Code. According to art. 295-C “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 Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine”

On 19 March, a similar FIR - nr. 07/2017 - ordered by the Islamabad High Court, was registered by FIA for different crimes under Chapter XV of the Pakistani Penal Code (“of offences relating to religion”), the Prevention of Electronic Crimes Act of 2016 and the Anti-terrorism ACT – ATA [namely U/S 295-A, 295-B, 295-C, 298-A, 298-B, 109 PPC R/W Section II of PECA 2016 and section 6(F), 7(B), 8 and 9-ATA of FIA NR3C]. Charges under ATA include violating the prohibition of acts intended or likely to stir up sectarian hatred, which encompasses, the use of insulting words (section 8 of ATA) as well as inciting hatred and contempt on religious, sectarian or ethnic basis to stir up violence or cause internal disturbance (section 9 of ATA).

On 14 November 2017, a proclamation order was published in major newspapers and media against proclaimed offenders in case FIR nr. 07/2017, who included Faraz Pervaiz. Accused were proclaimed offenders as absconding after the issuance of an arrest warrant.

On 29 August 2018, demonstrations in Islamabad were organised before the Netherlands Embassy by the Tehreek-e-Labbaik party to protest against an initiative undertaken by a Member of Parliament of the Netherlands, where contestants were called to draw depictions of the Prophet Mohammed. Some protesters in the rallies carried photos of Faraz Pervaiz, his family and the logo of his church. The signs carried in the rally included threats against “blasphemer” Mr. Faraz Pervaiz and his family. Allegedly, in 2018 supporters of Jama’at-ud-Da’wah affixed posters with the picture of Mr. Faraz Pervaiz in different streets and cities of Pakistan, offering a bounty of 10 million PKR (around 50,000 USD) “for a Muslim who will kill Mr. Pervaiz”. The posters qualified Faraz Pervaiz as a “new emerging blasphemer appeared on social media, whose anti-Islam and anti-Pakistan activities were spreading rapidly”; posters affixed also clearly stated that “there is only one punishment for insulting the Prophet. Sever the head from the body! Sever the head from the body”. Other messages went viral in February 2019 and January 2020, where individuals publicly requested to kill Mr. Pervaiz abroad due to his blasphemous activity on internet, announcing bounties of 50,000 USD to 100,000 USD. Similarly, during a rally from Rawalpindi to Islamabad on 11 September 2020 against Charlie Hebdo, purportedly dozens of demonstrators publicly asked with slogans, banners, and photos to behead Mr. Pervaiz.

On 12 July 2019, a prominent Pakistani youth leader and media activist, with thousands of followers on Twitter, posted a video in which he called for loyal

Muslims to find Mr. Faraz Pervaiz and bring him to the authorities of the State in which he used to live. He accused him of blasphemy and terrorism. In the same video, he posted the address where Mr. Faraz Pervaiz and his family members were living abroad. In 2019, videos were also disseminated on social media by the President of the State Youth Parliament of Pakistan and President of Pakistan Nazriati Party, which indicated the address of Mr. Faraz Pervaiz and requested Pakistanis leaving abroad to kill him. Similarly, in July 2019 a Muslim neighbour of Mr. Faraz Pervaiz disseminated through Facebook and WhatsApp a message where the whereabouts of Mr. Pervaiz were disclosed, calling Muslims to capture him and “deliver him to hell”. Mr. Faraz Pervaiz began to receive an increased number of threats by phone and was attacked physically by unknown people.

On 8 January 2021, an Anti-Terrorism Court in Islamabad issued a perpetual non-bailable arrest warrant against Faraz Pervaiz as an absconder. In compliance with Art. 295-C of the Penal Code and Section 7G of ATA, the Court also condemned to death three individuals involved in the same case (FIR nr. 07/2017), for disseminating blasphemous material on social media and internet websites (according to Art. 295 C of the Pakistani Penal Code and Section 7g of ATA).

While we do not wish to prejudge the accuracy of these allegations, they appear to depict over time a pattern of religious persecution of Christian believers that is in contravention to Pakistan’s international obligation to protect all religious communities and individuals under the ICCPR, ratified by the State of Pakistan in 2010, in particular articles 18, (freedom of conscience, thought and religion), 19 (freedom of expression), 21 (freedom of assembly) and 22 (freedom of association). Should they be confirmed they would also contravene articles 1 (self-determination in terms of cultural development), 6 (right to life), 7 (prohibition of torture and ill-treatment), 9 (right to liberty and security of person), and 14 (fair trial). They also appear to be in contravention of the obligation of States to prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The lack of protection afforded by the State to these individuals, in the face of documented death threats and several instances of physical assaults against them and their families, has forced Mr. Roshan Pervaiz and his son Mr. Faraz Pervaiz and members of their family to leave Pakistan to seek international protection abroad.

We are seriously concerned that if Mr. Faraz Pervaiz, and before him his father, are being prosecuted on the ground of allegations that they expressed views deemed to be critical or derogatory towards Islam, this would amount to the judicial persecution of individuals on religious grounds. Our concerns in this regard would be heightened by what appears to be a growing trend to misuse legal provisions relating to blasphemy for personal or political reasons, as well as a disproportionate use of such provisions against members of religious minorities.

More generally, we bring to the attention of the Government of Pakistan our concern about the criminalization of blasphemy under Pakistan’s Penal Code that carries severe penalties, including life imprisonment and capital punishment, contrary to international human rights law and standards. We are concerned that the death penalty could be imposed against Mr. Faraz Pervaiz for alleged blasphemy, in

contravention of international human rights law, which provides that capital punishment may be considered for the “most serious crimes” only.

It is a matter of serious concern that the legal and judicial criminalization of blasphemy may legitimise negative social attitudes towards members of minority religions, and encourage and lead to acts of violence against them by individuals holding extreme religious and political views, as demonstrated by the alleged bounties announced by religious and political leaders calling for the killing of Mr. Faraz Pervaiz.

We reiterate our appeal to your Excellency’s Government to redouble efforts to protect all religious minority communities in Pakistan as impunity for violence based on religious motives may continue to foster violations against them. We would also like to appeal to your Excellency’s Government to ensure the right to freedom of religion or belief of Pastor Roshan Pervaiz and Faraz Pervaiz in accordance with article 18, and other related protections under the ICCPR.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

We are issuing this appeal in order to safeguard the rights of the aforementioned individuals from irreparable harm and without prejudicing any eventual legal determination.

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 information and comment you may have on the above-mentioned allegations.
2. Please provide detailed information on the actions undertaken by the authorities in Lahore to investigate the threats, including the deaths threats, as well as the physical attacks by organised mobs, including inside their own houses, of Mr. Roshan and Faraz Pervaiz and their families, so as to punish those responsibly and deter any further attack
3. Please provide precise information about other measures taken by your Excellency’s Government to ensure that the right of Mr. Roshan and Faraz Pervaiz, and their religious community, to freedom of religion or belief is respected and protected in accordance with Pakistan’s international human rights obligations under ICCPR
4. Please provide information on the steps taken to prevent, investigate and stop religious or political leaders who call for violence and use their position of authority or moral leadership to encourage a climate of intolerance, hatred and violence against religious minorities.
4. Please provide information on the steps taken to prevent, investigate and prosecute acts of vigilante violence perpetrated against persons

belonging to religious minorities in Pakistan, especially in the context of allegations of “blasphemy”, including the number of persons prosecuted and convicted.

5. As a lead State behind Resolution 16/18 and the Istanbul Process, could you please elaborate on the steps taken by Pakistan to promote tolerance and combat incitement to violence, and violence against persons based on religion or belief? Could you also please elaborate on the steps taken to repeal the blasphemy law and to impose, as a first step, a moratorium on the use of death sentences in such cases?

Further, we would like to inform your Excellency’s Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

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

Mumba Malila  
Vice-Chair of the Working Group on Arbitrary Detention

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Fernand de Varennes  
Special Rapporteur on minority issues

Ahmed Shaheed  
Special Rapporteur on freedom of religion or belief

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We refer to the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010, and, in particular, its article 9 enshrining the right to liberty and security of person and establishing in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law as well as the right to legal assistance from the moment of detention. Article 9 (4) also entitles everyone detained to challenge the legality of such detention before a judicial authority. United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court state that the right to challenge the lawfulness of detention before a court is a self-standing human right, the absence of which constitutes a human rights violation. Furthermore, in its General Comment No 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of peaceful assembly (art. 21), freedom of association (art. 22) and freedom of religion (art. 18). This has also been established in consistent jurisprudence of the Working Group on Arbitrary Detention. It has also stated that arrest or detention on discriminatory grounds in violation of article 2, paragraph 1, article 3 or article 26 is also in principle arbitrary. Furthermore, article 14 upholds the right to a fair trial and equality of all persons before the courts and tribunals, the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, as well as the right to legal assistance.

Furthermore, its article 18 of the ICCPR stresses that "Everyone shall have the right to freedom of thought, conscience and religion. This rights shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." General Comment No. 22 of the Human Rights Committee has clearly stressed that article 18 "does not permit any limitations whatsoever on the freedom of thought and conscience [...]." Peaceful expression of one's thought and conscience cannot be restricted unless it has fulfilled stringent tests of legality, proportionality and necessity.

Additionally, article 27 of the ICCPR provides that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such 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 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55) states in its Article 2 (1): "[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief." In Article 4 (1), the General Assembly further states that: "All States shall take effective measures to

prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]" Furthermore, we would like to refer your Government to Article 4(2) according to which: "All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

Moreover, the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 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 (article 1), recognizes that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination (article 2) and requires 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 (article 4.1).

The Human Rights Committee (the United Nations highest authoritative body with regard to interpretation of international human rights law) in its General Comment 22, Para. 2, raised concern of any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.

Furthermore, we wish to refer to Human Rights Council Resolution 49/31 on Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, which calls on States to adopt measures to criminalize incitement to imminent violence on the basis of religion or belief (Art. 7f) and to foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society (Art. 8b).

Moreover, the repeal of blasphemy laws has been called for by the Special Rapporteurs on freedom of religion or belief and freedom of opinion and expression, and is a recommendation of the Rabat Plan of Action and Human Rights Committee General Comment No. 34. Such repeal is particularly urgent in situations where the laws carry death sentences, such as in Pakistan. Blasphemy laws have been shown to violate freedom of religion and belief. Individuals belonging to religious minority groups are disproportionately charged with "blasphemy", for practicing their faith.

In addition, in relation to the Pakistani blasphemy law, particularly the controversial sections A, B and C of Section 295 and sub sections A and B of Section 298 of the Pakistan Penal Code, with the maximum penalty of life imprisonment, or even the death penalty, we would like to recall that although the death penalty is not prohibited under international law, it has long been regarded as an extreme exception to the fundamental right to life. Article 6(2) ICCPR provides that countries which have not abolished it may only impose it for the "most serious crimes". It appears that, as the offences listed under the blasphemy law do not qualify as most serious crimes, the imposition of the death penalty on the basis of this law will violate international law.



Finally, the State also carries a responsibility to address “attitudes or conditions within society which encourage or facilitate” violence or killings committed by non-State actors (see E/CN.4/2005/7, para. 71). This is so because criminalization of acts leads to the social stigmatization of those accused and to the perception that the killings of the accused are legitimate. This responsibility is particularly heightened if the criminalization of the act in question violates international human rights principles, just as the criminalization of blasphemy does.