

**Mandates of the Special Rapporteur on freedom of religion or belief; 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 the independence of judges and lawyers and the Special Rapporteur on minority issues**

Ref.: AL PAK 4/2023  
(Please use this reference in your reply)

11 August 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 49/5, 51/8, 52/9, 44/8 and 52/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of systemic and serious acts of discrimination, hate speech and incitement to violence against the Ahmadiyya religious minority in Pakistan, which appear to be related to the legitimate exercise of their rights to freedom of religion or belief, and freedom of expression.**

Concerns about the escalation in discrimination and incidents of hate speech and incitement to violence against the Ahmadiyya religious minority in Pakistan has been the subject of previous communications from the Special Procedures mandate holders, including PAK 2/2023, PAK 6/2020, PAK 10/2020 and PAK 5/2018. While taking note of the Government's response in relation to PAK 5/2018, we remain concerned in light of recent developments.

According to the information received:

***Discrimination, violence and hate speech against members of Ahmadiyya religious minority***

Throughout the year 2023, there has been an increase in cases of the targeting and persecution of members of the Ahmadiyya religious minority. Several of these cases have already been addressed by the Human Rights Council Special Procedures in the communication referenced PAK 2/2023. The following cases of Mr. Syed Ali Ahmed Tariq, Mr. Aamir Munir, Mr. Masood Bhatti and Mr. Mubarak Ahmed Sani are representative of a broader pattern of discrimination against Ahmadi professionals including lawyers who are involved in defending the rights of the Ahmadiyya religious minority.

***Case of Mr. Syed Ali Ahmed Tariq***

Mr. Syed Ali Ahmed Tariq is a prominent Ahmadi lawyer attached to the Karachi High Court Bar Association. On 27 April 2023, while he was appearing in a case, he was physically assaulted by other lawyers within the court premises and later taken to the City Court police station. At the police

station, instead of being treated, a First Information Report (FIR) was registered against him and he was arrested under section 298B of the Pakistan Penal Code. The attack was prompted by allegations that he was an Ahmadi, and therefore he cannot use 'Syed' and 'Ahmad' in his name. There is a general practice among the majority to prohibit the Ahmadiyya community from representing themselves as Muslims or from using Muslim symbols, which has even extended to the use of Muslim names or prefixes. Mr. Tariq is a Syed by caste.

Sections 298B and 298C of the Penal Code of Pakistan prohibit Ahmadis from posing as Muslims directly or indirectly, or declaring or propagating their faith and these provisions also punish Ahmadis who in "any manner whatsoever outrage the religious feelings of Muslims".

#### *Case of Mr. Aamir Munir*

Mr. Aamir Munir is an Ahmadi lawyer practicing in Tehsil Lalian, Chiniot District, Punjab. He routinely defends members of the Ahmadiyya community accused of blasphemy. On 13 April 2023, he was attacked with a cleaver to his head and right leg while in his chamber located in the judicial complex in Lalian. The attacker who had shouted his intention of wanting to kill Mr. Munir, is a close associate of Madrassa Khatm-e-Nabuwat, which is well known for its anti-Ahmadi activities. The attacker also is known to have previously assaulted another Ahmadi man and is known to be violent towards the Ahmadiyya community. Mr. Munir sustained severe injuries due to the attack and was admitted to the hospital for treatment. A FIR was registered against the attacker.

In addition to the above cases against practicing Ahmadi lawyers, several regional bar associations have taken measures to require an express declaration by prospective members of the bar to denounce any affiliation with the Ahmadiyya religious minority. For instance, the Bar Council Executive Committee of Khyber Pakhtunkhwa Bar Council in Peshawar endorsed a new rule on 3 May 2023 according to which all new entrants to the bar must submit a declaration for admission in the Bar Council to declare that they "do not have any affiliation with either the Qadiani or Lahori groups (who associate themselves with the name of Ahmadiyya or any other name)." This development is similar to the decision taken by the District Bar Council of Gujranwala in Punjab, which issued a notice on 7 March 2023 stating that with immediate effect Ahmadi lawyers will not be admitted to the Bar Council unless they sign an affidavit condemning the founder of the Ahmadiyya Muslim Community as a liar and a fraudulent claimant of prophethood.

#### *Case of Mr. Masood Bhatti*

In May 2023, the Imam of a Rawalpindi based mosque released a video threatening to break the legs of Mr. Masood Bhatti, the newly appointed headmaster of the Rahmatabad High School, if the latter arrives to take up his position. Mr. Bhatti is from the Ahmadiyya community and was appointed as headmaster of the high school which educates around 2000 children. His appointment was based on his qualifications and experience. In the video, the Imam states that, "...a Mirzai/Qadiani, Masood Bhatti has been appointed as

headmaster. I strongly condemn this decision. And appeal to the officials of the school, Commissioner and Management that this cursed person should be sacked immediately. Under no condition, will we accept Masood Bhatti as headmaster. We will not allow him to come to school whatsoever. If he tries to come, he will not go back on his legs. If there is bloodshed or damage, the education officials and management will be responsible.”

*Case of Mr. Mubarak Ahmed Sani*

In January 2023, Punjab police registered FIRs against five members of the Ahmadiyya community under blasphemy charges, i.e., for publishing and selling an ‘altered’ version of the Holy Quran. The case was filed by [REDACTED].

The latter is a prominent figure known for his anti-Ahmadi activities. It is reported that complaints have also been lodged against the printer, publisher, proof-reader, author and composer of this Ahmadiyyah Holy Book, along with all the staff members who might have assisted with the publication process at any stage.

On 7 January 2023, Mr. Mubarak Ahmed Sani, the principal of Madrassatul Hifz Rabwah, and one of the individuals in the abovementioned FIR was detained by a group who arrived in private cars. The group included [REDACTED]. Mr. Sani was at his residence in Chenab Nagar at the time. Thereafter, the group handed him to the Chenab Nagar Police Station. Afterwards, the police authorities raided Mr. Sani’s house. Mr. Sani has been accused of violating sections 298B and 298C of the Pakistan Penal Code.

In addition to the above case, Pakistan’s law enforcement authorities have also taken steps to arrest members of the Ahmadiyya religious minority who disseminate translations of their Holy Book via WhatsApp. For instance, in June 2019, Muhammad Mahmood Iqbal Hashmi and Shiraz Ahmad, had a FIR registered against them based on allegation of sharing a translation of their Holy Book in a WhatsApp group. They remain imprisoned since their arrest in 2019.

The persecution of the Ahmadiyya religious minority has reportedly intensified in Pakistan. Arrests of Ahmadis have been prompted due to accusations of engaging in acts or rituals which are considered Islamic acts or rituals by the majority. For instance, on 1 July 2023, six Ahmadis were arrested for celebrating Eid-al-Adha in Punjab. The arrests were made on the basis that these individuals engaged in the religious rituals of Eid prayers and sacrificing animals. These acts were considered an offence by the majority as the Ahmadiyya religious minority is not allowed to celebrate Islamic Eid traditions. It is reported that five FIRs against the Ahmadis were registered under section 298C of the Pakistan Penal Code. Earlier, on 11 November 2022, a group filed a complaint with the police in Wazirabad District, Gujranwala, that the Ahmadi community in the area had built a mosque-style place of worship and used Islamic rites openly. In response, the police registered a case against five Ahmadis under sections 298B and 298C of the Penal Code.

***Incitement to violence against the Ahmadi community: Destruction of places of religious worship and acts of intolerance***

Between 2022 and 2023, a considerable number of incidents relating to vandalization of Ahmadiyya religious buildings and acts of intolerance took place.

*Vandalization of Ahmadiyya religious buildings*

- On 16 April 2023, an Ahmadiyya Mosque in Goghlat, District Sargodha, Punjab was raided by a group of unidentified individuals. The group had smashed its dome and minarets.
- On 4 May 2023, a mob of nearly 150 individuals vandalized the Ahmadiyya Mosque in Halqa Rehman district of Mirpur Khas. The attackers destroyed the four minarets and attempted to damage the mihrab as well.

*Acts of intolerance: desecration of Ahmadi graves*

- On 22 November 2022, a group of unidentified individuals damaged the tombstones of four Ahmadi graves, which bore the names “Muhammed” and “Ali”, located at Ahmadiyya graves in Prem Kot, Hafizabad. Four other Ahmadi tombstones were also vandalised with anti-Ahmadi slurs.
- On 10 February 2023, an unidentified group desecrated five graves of the Ahmadi at Graveyard Makhan Shah in Talwandi Khajoorwali, Gujranwala at night and took the damaged tombstones with them.
- On 5 July 2023, an unidentified group vandalized and desecrated three tombstones of graves of the Ahmadi in the shared cemetery at Qaziyan Chowk, Kotli.

More recently, on 24 July 2023, several public threats were issued by anti-Ahmadi activists to destroy minarets and prayer niches in Ahmadiyya mosques in Jhelum on 28 July 2023 which coincides with the Islamic day of the 10<sup>th</sup> of Muharram.

There are no reports which indicate that the perpetrators who are responsible for the above incidents of vandalization, acts of intolerance and threats were brought to justice.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our serious concerns over what appears to be a widespread pattern of violent attacks against members of the Ahmadiyya religious minority, especially the attacks against Syed Ali Ahmed Tariq and Aamir Munir, their rituals, and places of worship. These attacks have also taken the form of hate speech, including on social media, and incitement to violence from anti-Ahmadi activists, exemplified by the cases of Masood Bhatti and Mubarak Ahmed Sani.

We are similarly concerned about the discriminatory measures introduced by bar associations, such as the Khyber Pakhtunkhwa Bar Council, Peshawar and Bar Council in Gujranwala, Punjab. These measures appear to be a violation of the fundamental principle of non-discrimination, of the right to equality before the law, of

the right to work, and the freedom of religion or belief of those Ahmadi legal professionals who seek to obtain bar membership as their ability to practice their profession is restricted due to their religious affiliation. These discriminatory requirements should be viewed in the context of physical attacks against lawyers for carrying out their professional duties. Taken together, acts of discrimination and violence against Ahmadi lawyers who offer services to members of their community also raise due process concerns for those Ahmadi individuals charged with crimes related to their religious practice.

We further express concern over vandalization of Ahmadiyya religious buildings and desecration of Ahmadiyya cemeteries which bear a material significance for the Ahmadiyya religious community. We wish to express our grave concern about the lack of accountability related to these attacks against this religious minority. We are gravely concerned about the possibility that the prevailing environment of impunity may promote further attacks in the name of religion.

Should they be confirmed, these allegations would contravene articles 3 (non-discrimination), 6 (right to life), 7 (prohibition of torture and ill-treatment), 9 (liberty and security of person), 14 (equality before the courts and tribunals and right to a fair trial), 26 (equality before the law) and 27 (rights of minorities) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan in 2010.

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 abovementioned 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 additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the factual and legal grounds for the arrest and information on the trial of Mr. Syed Ali Ahmed Tariq.
3. Please provide information regarding the status of the investigations and trial in relation to the attack of Mr. Aamir Munir.
4. Please provide information on the factual and legal grounds for the arrest of Mr. Mubarak Ahmed Sani.
5. Please provide information on the factual and legal grounds for the arrest and detention of Mr. Muhammad Mahmood Iqbal Hashmi and Mr. Shiraz Ahmad.

6. Please provide information on the steps taken to prevent, investigate and prosecute planned acts of violence targeting Ahmadiyya mosques in Jhelum.
7. Please provide detailed information on measures taken by your Excellency's Government, and where available the results, of any investigation or inquiries carried out in order to ensure that perpetrators of above-mentioned allegations (relating to destruction of places of religious worship and desecration of cemeteries) are identified, investigated, and held accountable. If no inquiries have taken place, or if they have been inconclusive, please explain why.
8. Please provide information about steps taken by your Excellency's Government to ensure that Ahmadi lawyers or from other minority religions or beliefs are able to join the bar without discrimination based on religion or belief.
9. Please provide information on steps taken by your Excellency's Government, in accordance with international standards, towards combatting incitement to discrimination or violence, and acts of violence and intimidation against the Ahmadi community and individuals, including other religious or belief minorities, by non-State actors in Pakistan.
10. Please provide information on constitutional, legislative and policy safeguards put in place by your Excellency's Government to protect the Ahmadiyya community against any form of discrimination.
11. Please provide information on measures taken to bring the Penal Code in line with Pakistan's obligations under international human rights law, in particular with articles 18,19, 26 and 27 of ICCPR.

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.

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 may publicly express our concerns in the near future as, as our repeated recommendations, based on the human rights obligations of Pakistan, by virtue of its ratification of relevant international conventions (ICCPR). The allegations received are credible enough and consistent with earlier information submitted to the Government of Pakistan, to indicate a matter warranting the most serious attention. We also believe that the wider public should be alerted to the human rights

implications of the acts alleged. Any public expression of concern on our part in this respect will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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.

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

Nazila Ghanea  
Special Rapporteur on freedom of religion or belief

Matthew Gillett  
Vice-Chair on Communications 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

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

Fernand de Varennes  
Special Rapporteur on minority issues

## **Annex**

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

In connection with above alleged facts and concerns, we would like to refer to your Excellency's Government to its legal obligations under the international treaties it has ratified and to broader international human rights standards.

We refer to the ICCPR ratified by Pakistan on 23 June 2010. Article 19 of the ICCPR guarantee the right to freedom of opinion. It protects the right to hold opinions of any kind, including religious opinions. The Human Rights Committee has affirmed that "no person may be subject to the impairment of any rights under the Covenant on the basis of his or her actual, perceived or supposed opinions. All forms of opinion are protected, including opinions of a ...religious nature. It is incompatible with paragraph 1 to criminalize the holding of an opinion" (General Comment no. 34 para. 9). Furthermore, this obligation also requires the State "to ensure that persons are protected from any acts by private persons or entities that would impair the enjoyment of the freedoms of opinion and expression to the extent that these Covenant rights are amenable to application between private persons or entities" (Human Rights Committee General Comment No. 34, para. 7).

In this respect, we wish to remind your Excellency's Government that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the ICCPR is arbitrary, including the rights guaranteed in articles 17, 18, 19, 21 and 22 (CCPR/C/GC/35, para. 17).

We further recall that in General Comment No. 34 (on freedom of opinion and expression) has stated that "prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26 of the ICCPR. Thus, for instance, it would be impermissible for any such laws 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. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith."

We also wish to bring to the attention of your Excellency's Government article 14 of the ICCPR, which enshrines the right to a fair trial and due process. In particular, article 14 (1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent, and impartial tribunal established by law. As emphasised by the Human Rights Committee in General Comment No. 32 (CCPR/C/GC/32), all trials in criminal matters must in principle be conducted orally and publicly (paragraph 28). (Id.). Article 14 (3) of the ICCPR also guarantees the right of any individual charged with a criminal offence to have adequate time and facilities for the preparation of their defence, to communicate with counsel of their own choosing, to be tried without undue delay, to defend themselves through legal assistance of their own choosing, and not to be compelled to testify against themselves or to confess guilt.

We also refer to article 20 of the ICCPR, which states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 18 of the ICCPR states that that “Everyone shall have the right to freedom of thought, conscience and religion. These rights shall include freedom [...] either individual or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

The Human Rights Committee has noted in General Comment No. 22 paragraph 3 that article 18 of the ICCPR “Does not permit any limitations whatsoever on the freedom of thought and conscience [...]”. Thus, peaceful expression of one’s thought and conscience cannot be restricted unless it has fulfilled stringent tests of legality, proportionality and necessity.

We also recall Human Rights Council resolution 6/37, in which the Council urges States “to take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to religious minorities”. Further we recall the that General Assembly, in its resolution 64/164, has urged States “to ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one’s religion, including the right to change one’s religion or belief, is violated”. In this resolution, the General Assembly urges States “to ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief [...] and to bring to justice all perpetrators of violations of these rights.”

We also refer to General Assembly resolution 76/157 and 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, urging States to foster a domestic environment of religious tolerance, peace and respect.

We also recall article 2 (1) of 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) which states that “[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.

We also recall that the “Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination,

hostility or violence” (A/HRC/22/17/Add.4) contain a call upon States that still have anti-blasphemy or anti-apostasy laws in force to repeal them, stressing that such laws stifle the freedom of thought, conscience, and religion or belief, as well as a healthy dialogue and debate about religious issues.

Article 26 of the ICCPR stresses that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as [...] religion or other status [...].

We would further 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. Moreover, article 1 of 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, while article 2 recognizes that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination and article 4 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.

Finally, we would also like to refer your Excellency’s Government to the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana (Cuba), 27 August-7 September 1990).

Principle 2 provides that “Governments shall ensure that efficient procedures and responsive mechanisms for effective and equal access to lawyers are provided for all persons within their territory and subject to their jurisdiction, without distinction of any kind, such as discrimination based on race, colour, ethnic origin, sex, language, religion, political or other opinion, national or social origin, property, birth, economic or other status”.

Principle 10 states that “Governments, professional associations of lawyers and educational institutions shall ensure that there is no discrimination against a person with respect to entry into or continued practice within the legal profession on the grounds of race, colour, sex, ethnic origin, religion, political or other opinion, national or social origin, property, birth, economic or other status, except that a requirement, that a lawyer must be a national of the country concerned, shall not be considered discriminatory.” While Principle 11 notes that “In countries where there exist groups, communities or regions whose needs for legal services are not met, particularly where such groups have distinct cultures, traditions or languages or have been the victims of past discrimination, Governments, professional associations of lawyers and educational institutions should take special measures to provide opportunities for candidates from these groups to enter the legal profession and should ensure that they receive training appropriate to the needs of their groups.”