

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

Ref.: UA PAK 1/2024  
(Please use this reference in your reply)

17 April 2024

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur in the field of cultural rights; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on freedom of religion or belief and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 51/8, 46/9, 53/4, 52/9, 49/5 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the imposition of the death penalty on Mr. Anwar Kenneth for charges of blasphemy, which do not meet the threshold of "most serious crimes" as required under international law when the death penalty is imposed, as well as his prolonged detention on death row. Mr. Kenneth is a former government official who was sentenced to death in 2002, and his appeal against his death sentence is currently before the Supreme Court, with the next hearing scheduled for 18 April 2024.

According to the information received:

Mr. Anwar Kenneth, at the time an officer in the Fisheries Department, was arrested in September 2001 and charged with blasphemy. The charges relate to a letter he had written to an Islamic scholar, ulama Hajji Mehmood Zafar, in which he divulged his Christian beliefs. On the basis of the content of the letter, in July 2002, he was found guilty of using derogatory remarks in respect of the Prophet Mohammed under article 295-C of the Pakistani Penal Code, which carries a mandatory death sentence, by an Additional Session Court in Lahore. He was sentenced to death and a fine of 500,000 Pakistani Rupees. Mr. Kenneth's case was reviewed by the Lahore High Court in 2014, and his sentence of capital punishment was upheld.

Mr. Kenneth has been on death row for over 21 years. His appeal has reached the Supreme Court. Recently, it is reported that his family members have had difficulty visiting him due to the long travel distances for his immediate family and restrictions imposed on other family members by the prison authorities. His family members have raised concerns about his health given his age and the duration of his incarceration.

On 12 March 2024, the Supreme Court requested the opinions of religious institutions on whether statements attributed to Mr. Kenneth constitute blasphemy under the relevant provision of the Penal Code. The next trial

hearing is scheduled for 18 April 2024.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our serious concerns regarding the arrest, detention, and imposition of the death penalty for blasphemy related charges against Mr. Anwar Kenneth, a mandatory sentence for the offence which does not meet the threshold of “most serious crimes” as required for the imposition of the death penalty under international law. If the above allegations are accurate, they would be in contravention with various articles under the International Covenant on International and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010, including articles 6 (right to life), 7 (right not to be subjected to torture or ill-treatment), 9 (right to liberty and security), 18 (right to freedom of religion or belief), 19 (right to freedom of opinion and expression), 26 (equality before the law) and 27 (rights of minorities to enjoy their own culture, to profess and practice their own religion or to use their own language). We also refer to the obligations enshrined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Pakistan on 23 June 2010. We recall that the right to life constitutes a customary international and *jus cogens* norm from which no derogation is permitted under any circumstances pursuant to article 4(2) of the ICCPR.

We are deeply disturbed by the fact that the charge of blasphemy remains a crime punishable by a mandatory death sentence under section 295-C of the Pakistan Penal Code. This prevents mitigating factors concerning the defendant’s personal circumstances or the circumstances of the offence from being considered. We highlight that under international law, a death sentence may only be imposed in respect of “the most serious crimes,” meaning in cases which involve intentional killing. Charges of blasphemy do not meet this threshold (CCPR/C/PAK/CO/1, para. 17). Executions for blasphemy related charges amount to a violation of international law and constitutes unlawful killings.

In the Joint Allegation Letter PAK 3/2023, Special Procedures mandate holders expressed their concern in relation to the measures intended to harshen the legal punishments for blasphemy, as the provision has consistently targeted persons lawfully exercising their rights as enshrined in articles 18, 19 and 27 of the ICCPR. As highlighted in that communication, blasphemy laws have repeatedly shown to violate numerous rights (A/HRC/25/58). We would like to remind your Excellency’s Government that repeal of these blasphemy laws has been continuously called for by the UN Human Rights Committee (General Comment No. 34), other Treaty Bodies and the UN Special Procedures, and is a recommendation of 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). Previous Special Procedures mandate holders have reiterated that blasphemy laws are “counterproductive and may have adverse consequences for members of religious minorities, dissenting believers, atheists, artists, and academics” (A/62/280, paras. 70-71 and 76-77) and that “blasphemy laws do not contribute to a climate of religious openness, tolerance, non-discrimination and respect” (A/HRC/31/18). Furthermore, in several opinions concerning Pakistan, the Working Group on Arbitrary Detention has found the detention of individuals on blasphemy charges, including on the basis of section 295-C of the Penal Code, arbitrary where it deprived individuals of their right to freedom of religion or belief or freedom of

opinion and expression.<sup>1</sup>

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

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

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 Mr. Kenneth 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 information concerning the current state of health of Mr. Kenneth, and the reported difficulties experienced by his family members in visiting him.
3. Please provide information as to the legal and factual basis for the arrest, detention, and conviction of Mr. Kenneth.
4. Please provide information as to the extent to which the prosecution of Mr. Kenneth is compatible with Pakistan's international human rights obligations, including under the International Covenant on Civil and Political Rights.
5. Please provide information on any efforts envisaged to remove the mandatory death penalty in Pakistan for blasphemy related charges and to bring the current legislation in line with international human rights norms.

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.

Furthermore, 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 this communication and the regular procedure.

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<sup>1</sup> See, e.g., Opinion No. 7/2023, paras 69-70 and Opinion No. 65/2023, para. 59.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release 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.

Ganna Yudkivska  
Vice-Chair on communications of the Working Group on Arbitrary Detention

Alexandra Xanthaki  
Special Rapporteur in the field of cultural rights

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Nazila Ghanea  
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Alice Jill Edwards  
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