

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

Ref.: AL PAK 3/2024
(Please use this reference in your reply)

30 September 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on minority issues and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 53/4, 52/5 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 killing of Mr. Nazir Masih in the context of vigilante violence following accusations of blasphemy, and particularly against religious minorities and minority sects in Pakistan. This case is among numerous incidents reported by the media and civil society organizations over the past years.

Concerns about the increasing pattern of vigilante violence following accusations of blasphemy has been the subject of previous communications from the Special Procedures, including PAK 2/2017, concerning the killing of a journalism student by a mob after being accused of blasphemy; PAK 2/2022, concerning the prosecution and threats against individuals on blasphemy charges; and PAK 3/2023, concerning the criminalization of blasphemy as well as the increasing pattern of vigilante violence following accusations of blasphemy. These communications refer to incidents in 2015, 2017, 2019, 2021 and 2023. We regret that, to date, no reply has been received to any of these letters.

According to the information received:

Context:

Mob violence following blasphemy allegations is a recurring phenomenon in Pakistan. These events appear to involve incitement to hatred and violence via loudspeakers of mosques.

Since 1990, at least 65 people have reportedly been killed over claims of blasphemy. Incidents have continued in recent years.

Pakistan's blasphemy law has been previously used by the authorities to prosecute members of religious minorities, while those responsible for attacks on people accused of blasphemy are frequently not held to account despite initial arrests in high profile cases.

It appears that blasphemy law is often manipulated to settle personal disputes. In 2014, the Pakistan Supreme Court said: "The majority of blasphemy cases are based on false accusations stemming from property issues or other personal or family vendettas rather than genuine instances of blasphemy and

they inevitably lead to mob violence against the entire community.”

There do not appear to be any instances of prosecution of persons responsible for broadcasting messages inciting others to violence.

Violence in Jaranwala tehsil in 2023

On 16 August 2023, a mob attack that gained worldwide attention was carried out against the Christian community in Jaranwala tehsil of Faisalabad district in Punjab province. Rumors surfaced of allegations of blasphemy against a Christian man, after which calls for action were broadcast from mosque loudspeakers. In response, thousands of men gathered in the town and attacked Christian churches and houses in multiple locations; around 24 churches, several dozen smaller chapels and scores of houses in 11 different localities of the town were torched and looted. The police failed or were unwilling to control the crowd. At least 380 arrests were made by the police, with around 4,833 individuals still at large after the incident, however of those arrested, 228 are now out on bail granted by the Anti-Terrorism Court in Faisalabad and 77 had the charges against them dropped. The violence and the inadequate response by the authorities has left Christians in Jaranwala living in fear as they face continued threats and marginalization. Many have lost their jobs due to heightened tensions that have also affected businesses and public life in the city. Christian families continue to face threats from perpetrators of the violence who were released over the last year. Some Christian families have migrated to neighboring cities. Religious leaders who incited the mob continue to exercise influence in the area.

In February 2024, the Supreme Court of Pakistan rejected the police report on the incident, saying that no relevant information was provided about the First Information Reports registered against perpetrators such as the identity of the attackers, their affiliations or associations, and the stage of their cases.

While the government repaired destroyed churches, some are reportedly not structurally safe to enter. While some Christian residents of Jaranwala have received compensation, others are still awaiting compensation.

Killing of Mr. Nazir Masih in Sargodha in 2024

On 25 May 2024, a large mob gathered in Mujahid Colony in Sargodha and attacked the house of Mr. Nazir Masih, following a First Information Report, which was lodged against him on 25 May 2024 under S. 295A¹ and 295B² of the Pakistan Penal Code along with S. 9³ of the Anti-Terrorism Act 1997 on grounds of ‘sectarian hatred’. This report was registered at 8.30 a.m. and is based on the verbal statement of a resident of Mujahid Colony and a councilor

¹ “295A. Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs. Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of [the citizens of Pakistan], by words, either spoken or written, or by visible representations insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to [ten years], or with fine, or with both.”

² “295B. Defiling, etc., of copy of Holy Quran: Whoever willfully defiles, damages or desecrates a copy of the Holy Quran or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.”

³ “Whoever contravenes any provision of section 8 (Prohibition of acts intended or likely to stir up sectarian hatred) shall be punished with imprisonment for a term which may extend to [five] years [and with fine]”.

of the local municipal corporation. The resident of the Colony claimed that, at about 7 a.m., he exited his residence on hearing a noise in the street and witnessed Mr. Nazir Masih ‘defiling the Quran’ by setting pages alight.

An announcement to this effect was reportedly made from a local mosque, inciting a mob of about 2,000 people to gather outside the adjoining home of Mr. Nazir Masih, demanding that he be put to death for ‘committing blasphemy’. Residents were also reportedly sent WhatsApp messages to this effect.

As the mob tried to break into the house, the police were called and arrived within about an hour. They initially tried to reason with the crowd but then chose to evacuate the family when this proved unsuccessful. Consequently, under the cover of tear gas, they evacuated nine members of the Masih family, including women and children. However, Mr. Nazir Masih was caught by the mob and severely beaten with rocks and sticks, sustaining serious head injuries.

After the rest of the family had been rescued, the police returned to find Mr. Nazir Masih in critical condition. He was then taken to an ambulance parked on the main road. There, the police found that the driver had also fled while the ambulance itself was being pelted with stones. A police officer then drove Mr. Nazir Masih to the hospital. He was subsequently transferred to the Combined Military Hospital in Rawalpindi where he received specialist treatment and underwent surgery. He succumbed to his injuries one week later on the night between 2 and 3 June 2024.

During the attack, many Christians fled their homes in fear of their lives; many of these homes were then looted.

According to a statement released by the police, the composition of the mob was primarily local—from Mujahid Colony itself and adjoining areas. It was also noted that among the mob were several women, including elderly women, who appeared to be as charged as the rest of the mob and had threatened to ‘burn them [the Masih family] alive’.

A First Information Report was lodged against the unidentified members of the mob several hours after the lynching incident, on charges of attempted murder (S. 324 of the Pakistan Penal Code) and other offences committed by the mob, including charges under S. 186, 353, 436, 440 and 149 of the Pakistan Penal Code and S. 7 and 11 of the Anti-Terrorism Act 1957. Since Mr. Nazir Masih’s death on the night between 2 and 3 June, the charge of murder has also been added to the report. It was noted, however, that the original report made no mention of the announcement issued from the mosque loudspeaker under the relevant provisions of the Punjab Loudspeakers Act 2015, despite this having played a direct role in rallying the mob.

The police have conducted multiple arrests, but it is not clear that any of them have been prosecuted or that anyone affiliated with the mosque were included among those arrested. According to reports, a religious political party has been pressuring the Government to release the arrested individuals, as has been the case in similar situations in the past years.

The family of Nazir Masih has moved to another city due to safety concerns, as the situation became increasingly unsafe after the accused individuals involved in the incident were granted bail and returned to the colony. These cases, as others in the past, raise concerns that impunity may continue to prevail.

The family's shoe factory burned down during the incident and has not resumed operations since and it is uncertain if it will reopen. Although the family retain ownership and occupancy rights to both the house and factory, the social and religious environment in the concerned colony makes it difficult for them to return at this time.

Without prejudice to the accuracy of these allegations, we wish to reiterate our serious concern at the killing of Mr. Nazir Masih in the context of vigilante violence following accusations of blasphemy against religious minorities in Pakistan, which on the basis of information received would constitute violations of articles 6 (right to life) and 18 (freedom of thought, conscience and religion) of the International Covenant on Civil and Political Rights, which was ratified by Pakistan on 23 June 2010; and articles 2 and 4 of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Moreover, we would like to recall Human Rights Council resolution 6/37, in which the Council urges States 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, in accordance with international standards. Additionally, we would like to recall that General Assembly resolution 64/164 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”.

The Human Rights Committee has previously expressed its concerns regarding the blasphemy laws, including sections 295 and 298 of the Pakistan Penal Code, that carry severe penalties, including the mandatory death penalty (sect. 295(C)), and reportedly have a discriminatory effect; and by the very high number of blasphemy cases based on false accusations and by violence against those accused of blasphemy (CCPR/C/PAK/CO/1). We would like to highlight that the Committee recommended to repeal all blasphemy laws or amend them in compliance with the strict requirements of the Covenant; and ensure that all those who incite or engage in violence against others based on allegations of blasphemy, as well as those who falsely accuse others of blasphemy, are brought to justice and duly punished.

In connection to this, in its Universal Periodic Review A/HRC/53/13, Pakistan supported the recommendation made by Norway to implement legal and practical measures to protect all religious minorities or those with differing beliefs from discrimination and persecution and ensure that religiously motivated violence or incitement to it is subject to investigation and prosecution.

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.

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 status of investigations into the violence in Jaranwala tehsil and steps take to prevent similar incidents in the future, particularly in light of the Supreme Court's rejection in February 2024 of the report made by the authorities. Additionally, please provide information about the prosecutions of those involved, including of those who were responsible for inciting violence by mobs.
3. Please provide information on any steps that have been taken to ensure accountability and effective remedy for the killing of Mr. Nazir Masih. If so, how do such steps fall in line with international standards.
4. Please provide detailed information on the compliance of any investigations into the killing of Mr. Nazir Masih with international standards, in particular the Minnesota Protocol for the Investigation of Potentially Wrongful Deaths.
5. Please provide information on the steps taken to prevent, investigate and prosecute acts of vigilante violence perpetrated against persons belonging to religious and belief minorities in Pakistan, especially in the context of allegations of "blasphemy", including the number of persons prosecuted and, if convicted, their sentences.
6. Please provide information on specific measures taken to prevent violence including against religious and belief minorities especially in the context of blasphemy.
7. Please indicate if your Excellency's Government has taken any broader measures to implement recommendations by international human rights mechanisms for the reform of blasphemy laws.

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.

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Special Rapporteur on extrajudicial, summary or arbitrary executions

Nicolas Levrat
Special Rapporteur on minority issues

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Annex

Reference to international human rights law

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

The right to life is guaranteed under article 6 the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010. Article 6(1) states that "every human being has the inherent right to life [which] shall be protected by law. No one shall be arbitrarily deprived of his life." Article 9 of the Constitution of Pakistan provides that "No person shall be deprived of life or liberty, save in accordance with law" echoing the right guaranteed in article 6(1) of the ICCPR.

Further, the State also has a responsibility to take "all appropriate measures to deter, prevent and punish the perpetrators as well as to address any attitudes or conditions within society which encourage or facilitate such crimes violence or killings committed by non-State actors" (E/CN.4/2005/7, para. 71).

In addition, we would like to recall the importance of investigating all potentially unlawful killings in line with international standards. The Minnesota Protocol on the investigation of potentially unlawful deaths (para 10) states that persons whose rights have been violated have the right to a full and effective remedy. Family members of victims of unlawful death have the right to equal and effective access to justice; to adequate, effective and prompt reparation; to recognition of their status before the law; and to have access to relevant information concerning the violations and relevant accountability mechanisms. International law requires that investigations be prompt, effective and thorough; independent and impartial; and transparent.

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, the 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 wish to recall that blasphemy laws have repeatedly shown to violate numerous rights (A/HRC/25/58). We would also like to remind your Excellency's Government that repeal of these blasphemy laws has been continuously called for by the 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).

We also refer to General Assembly regulation 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 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.