



# Blasphemy Trials in Pakistan: Legal Process as Punishment

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**TrialWatch** is an initiative of the **Clooney Foundation for Justice**. Its mission is to expose injustice, help to free those unjustly detained and promote the rule of law around the world. TrialWatch monitors criminal trials globally against those who are most vulnerable — including journalists, protesters, women, LGBTQ+ persons and minorities — and advocates for the rights of the unfairly convicted. Over time, TrialWatch will use the data it gathers to publish a Global Justice Index evaluating countries' justice systems.

## SYNOPSIS



Pakistan's infamous blasphemy laws have long been criticized for being a source of significant human rights abuses and for perpetuating violence, intolerance and prejudice. The relevant legal provisions and their implementation are also often used to discriminate against religious minorities, including Hindus, Christians and Ahmadis.

This report tracks the range of relevant criminal offences, whether they are bailable, and their respective criminal sanctions (which include the death penalty) to illustrate the key features and fair trial violations that mar the proceedings. The police can arrest an individual without a warrant in relation to almost all provisions. Although there are some offenses criminalizing blasphemy against all religions (including Islam), they provide less severe sentences than those criminalizing blasphemy against Islam.

International and even domestic criticism of the laws is often interpreted as a colonial construct or an attack on Pakistan's Islamic identity. In fact, the issue of blasphemy is so sensitive that even raising the idea of amending the law or curbing its misuse can be sufficient to cause mob violence or being accused of blasphemy.

Whilst placing Pakistan's blasphemy laws within their proper historical, religious, legislative and political context, this report is the culmination of dedicated and forensic trial monitoring of 24 blasphemy cases in Pakistan, over a period of six months. The cases monitored offer a cross-section of blasphemy prosecutions under various blasphemy provisions and include defendants who belong to different religions or have mental health disabilities. The result reflects a process fraught with significant delays and unfairness. Out of the 252 hearings monitored across all cases, only 33 hearings were not adjourned. One significant reason for delays in the trial proceedings observed was the absence of prosecution witnesses and complainants.

The observational work and analysis sheds light on the trial process and how the blasphemy laws are implemented generally. It explores common themes and trends while examining the fairness of the legal process, the treatment of individuals with mental health disabilities and the reasons for the prolonged periods of detention for those accused.

The report concludes, inter alia, that once an individual is formally accused of blasphemy, it is almost impossible to avoid years stuck within the legal process. Meanwhile threats of violence often overshadow the accused and others involved in such cases. False allegations of blasphemy are common and yet there are no *real* social or legal repercussions for making such allegations.

It remains unlikely that Pakistan will repeal its blasphemy laws. Based on empirical evidence shown by the monitoring, this report makes a number of key recommendations regarding the amendment and implementation of the current laws. The blasphemy laws in their current form and the climate around them have seemingly crossed a Rubicon in Pakistan. A widespread climate of misuse, discrimination and intimidation has developed. The blasphemy provisions are in urgent need of reform, alongside professional training for the police and judges, as well as a wider policy of civil education and re-education.

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## EXECUTIVE SUMMARY



Pakistan has draconian blasphemy laws, “which are often used to settle personal scores or persecute minorities.”<sup>1</sup>

Defendants in blasphemy cases face lengthy prison sentences, or the death penalty—in fact, Pakistan is one of only seven countries in the world that has the death penalty for blasphemy.<sup>2</sup> In some cases, an accused person does not even get a trial, instead becoming a victim of mob violence.<sup>3</sup> For instance, in May 2024, a mob of over 400 people set a 70-year-old Christian man’s house ablaze and attacked him based on allegations that some pages of the Qur’an were found burnt near his house. While the police arrested those suspected of being the attackers, they also registered a blasphemy case against the victim, who later passed away from his injuries.<sup>4</sup> Further, minority communities as a whole often become targets once blasphemy allegations are levelled, such as when in August 2021, after the authorities charged an eight-year-old Hindu boy with blasphemy for allegedly urinating in a library storing Islamic religious texts, community members attacked and destroyed a local Hindu temple.<sup>5</sup>

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<sup>1</sup> Salman Masood, Pakistan Strengthens Already Harsh Laws Against Blasphemy, N.Y. Times, Jan. 21, 2023, *available at* <https://www.nytimes.com/2023/01/21/world/asia/pakistan-blasphemy-laws.html>.

<sup>2</sup> Killing in The Name of God: State Sanctioned Violations of Religious Freedom, Monash University, Oct. 2021, 34 (Afghanistan, Brunei, Iran, Mauritania, Nigeria, Pakistan, and Saudi Arabia), *available at* [https://bridges.monash.edu/articles/report/Killing\\_in\\_the\\_Name\\_of\\_God\\_State-sanctioned\\_Violations\\_of\\_Religious\\_Freedom/16748866](https://bridges.monash.edu/articles/report/Killing_in_the_Name_of_God_State-sanctioned_Violations_of_Religious_Freedom/16748866).

<sup>3</sup> David Bhatti, Pakistan’s Blasphemy Laws Are Targeting, and Killing, Religious Minorities, National Review, July 18, 2023 (“[A]t least 88 people accused of blasphemy have been murdered.”), *available at* <https://www.nationalreview.com/2023/07/pakistans-blasphemy-laws-are-targeting-and-killing-religious-minorities/>.

<sup>4</sup> Imran Gabol, 26 Arrested, Over 400 Booked for Mob Violence in Sargodha, DAWN News, May 27, 2024, *available at* <https://www.dawn.com/news/1835867/26-arrested-over-400-booked-for-mob-violence-in-sargodha>; Mohammad Asghar, Man Attacked Over Blasphemy Allegations Dies, DAWN News, June 4, 2024, *available at*

<https://www.dawn.com/news/1837667#:~:text=RAWALPINDI%3A%20A%20Christian%20man%2C%20who,a%20hospital%20for%20eight%20days>.

<sup>5</sup> Amnesty International – Pakistan Report, 2021-2022, *available at* <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/pakistan/report-pakistan/>.

Finally, critics of these laws have themselves even become targets, including the Governor of Punjab, Salman Taseer,<sup>6</sup> Minorities Minister Shahbaz Bhatti,<sup>7</sup> and student Marshal Khan,<sup>8</sup> all of whom were killed for what they said about blasphemy cases or were otherwise accused of blasphemy.

Pakistan is designated a ‘country of particular concern,’ by the U.S. Department of State due to its violations of religious freedom.<sup>9</sup> Most recently, its government appears to have weaponized allegations of blasphemy against its political opponents.<sup>10</sup> And yet despite long-standing criticism of these laws, and their implementation, in 2023, the government attempted to further strengthen the country’s blasphemy laws,<sup>11</sup> and also “committed to expedite blasphemy trials, crack down on blasphemous content on social-media websites, and create a counter-blasphemy government department.”<sup>12</sup> And indeed, its Federal Investigative Agency (FIA) has increasingly started charging people for ‘social media blasphemy’ by alleging violation of Pakistan’s cybercrime law, the Prevention of Electronic Crimes Act, 2016 (PECA), alongside existing blasphemy laws.<sup>13</sup> In March

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<sup>6</sup> In 2010 Mr. Taseer filed a mercy petition requesting executive pardon for Asia Bibi, who had been sentenced to death by a session court for alleged blasphemy. This was met with outrage, public demands for his assassination and fatwas declaring it mandatory for him to be killed. In December 2010, he was assassinated by his own bodyguard, Malik Mumtaz Hussain Qadri. Punjab Governor Salman Taseer Assassinated in Islamabad, BBC, Jan. 4, 2011, *available at* <http://www.bbc.co.uk/news/world-south-asia-12111831>.

<sup>7</sup> Declan Walsh, Pakistan Minister Shahbaz Bhatti Shot Dead in Islamabad, Mar. 2, 2011, *available at* <https://www.theguardian.com/world/2011/mar/02/pakistan-minister-shot-dead-islamabad>.

<sup>8</sup> Mashal Khan case: Death Sentence for Pakistan 'Blasphemy' Murder, BBC, Feb. 7, 2018, *available at* <https://www.bbc.co.uk/news/world-asia-42970587>.

<sup>9</sup> Cf. U.S. Commission on International Religious Freedom, Annual Report at 34 (2023) (recommending re-designation), *available at* [https://www.uscirf.gov/sites/default/files/2023-05/2023%20Annual%20Report\\_1.pdf](https://www.uscirf.gov/sites/default/files/2023-05/2023%20Annual%20Report_1.pdf).

<sup>10</sup> Ayaz Gul, Pakistan’s Former PM Khan Faces Disputed Blasphemy Charges, VOA, May 1, 2022, *available at* <https://www.voanews.com/a/pakistan-former-pm-khan-faces-disputed-blasphemy-charges/6552901.html>.

<sup>11</sup> The Senate and National Assembly passed amendments to increase the punishments for disrespecting the family and companions of the Holy Prophet under Section 298-A from 3 to 10 years; however, the bill was later returned unsigned by the President and did not become law. See Human Rights Commission of Pakistan, State of Human Rights in 2023, pg. 167 (2024), *available at* <https://hrcp-web.org/hrpweb/wp-content/uploads/2020/09/2024-State-of-human-rights-in-2023-EN.pdf>; Centre for Social Justice, Human Rights Observer 2023, pg. 9 (2024), *available at* [https://csjpak.org/pdf/report\\_hro\\_final.pdf](https://csjpak.org/pdf/report_hro_final.pdf).

<sup>12</sup> David Bhatti, Pakistan’s Blasphemy Laws Are Targeting, and Killing, Religious Minorities, National Review, July 18, 2023, *available at* <https://www.nationalreview.com/2023/07/pakistans-blasphemy-laws-are-targeting-and-killing-religious-minorities/>.

<sup>13</sup> Zofeen T. Ebrahim, Pakistan’s WhatsApp Death Sentence Case Spotlights Blasphemy Law, Context, Reuters, Mar. 18, 2024, *available at* <https://www.context.news/digital-rights/pakistans-whatsapp-death-sentence-case-spotlights-blasphemy-law>; see also Human Rights Council Working Group on Arbitrary Detention, Opinion No. 7/2023 concerning Malik Zaheer Ahmad (Pakistan), A/HRC/WGAD/2023/7, May



2024, for instance, a 22-year-old and a 17-year-old were reportedly sentenced to death and life imprisonment respectively for sharing blasphemous videos over WhatsApp in “the latest in a string of online blasphemy cases,”<sup>14</sup> which led Human Rights Watch to remark that such an extension of the scope of existing blasphemy laws “is an invitation for witch hunts.”<sup>15</sup>

Where blasphemy cases go to trial, they are often replete with violations of the defendants’ rights. A recent study of blasphemy laws and practices around the world found that “in a number of jurisdictions where prosecution of blasphemy charges is common, trials tend to take undue amounts of time.”<sup>16</sup> This is undoubtedly true in Pakistan.<sup>17</sup> Further, Pakistan’s Supreme Court has itself acknowledged that “[i]t is an unfortunate fact which cannot be disputed that in many cases registered in respect of the offence of blasphemy false allegations are leveled for extraneous purposes and in the absence of adequate safeguards against misapplication or misuse.”<sup>18</sup>

Too often, though, the debate surrounding Pakistan’s blasphemy laws finds form in a dichotomy between damning coverage in the global media and academia, on the one hand, and assertions that blasphemy laws are necessary to protect Islam, on the other. Some Pakistani scholars have found that the asserted Islamic basis for blasphemy laws in their current form, invoked during parliamentary debates at the time of their adoption and in subsequent judgments by the Federal Shariat Court, relied on an erroneous

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3, 2023, para. 8 (“A new set of blasphemy laws – the 2016 Prevention of Electronic Crimes Act and its November 2020 amendment – allows the Government to press charges against Ahmadis over social media activity.”).

<sup>14</sup> Zofeen T. Ebrahim, Pakistan’s WhatsApp Death Sentence Case Spotlights Blasphemy Law, Context Reuters, Mar. 18, 2024, *available at* <https://www.context.news/digital-rights/pakistans-whatsapp-death-sentence-case-spotlights-blasphemy-law>.

<sup>15</sup> Patricia Goldman, Pakistan’s Blasphemy Law Targets Youth on Social Media, Human Rights Watch, Mar. 11, 2024, *available at* <https://www.hrw.org/news/2024/03/12/pakistans-blasphemy-law-targets-youth-social-media>.

<sup>16</sup> High Level Panel of Legal Experts on Media Freedom, On Religious Freedom and Discontent: Report on International Standards and Blasphemy Laws at 34 (2023), *available at* <https://mediafreedomcoalition.org/wp-content/uploads/2023/05/HLP-Blasphemy-Laws-report-2023.pdf>.

<sup>17</sup> *See infra*.

<sup>18</sup> Malik Muhammad Mumtaz Qadri v. The State, Supreme Court of Pakistan, Criminal Appeals Nos. 210 and 211 of 2015, para. 17; *see also* Amnesty International, Pakistan: How the Blasphemy Laws Enable Abuse (2016), *available at* <https://www.amnesty.org/en/latest/press-release/2016/12/pakistan-how-the-blasphemy-laws-enable-abuse/#:~:text=Pakistan's%20blasphemy%20laws%20are%20often,Amnesty%20International%20report%20says%20today>.

interpretation of the Hanafi position on blasphemy, the Islamic school of thought to which most Pakistanis subscribe.<sup>19</sup>

This report does not take a view on what Islam states and such an approach would be outside the ambit of this report. However, differences in view are described in order to underscore that there are differing opinions within Islamic jurisprudence and the suggestion that the law as currently formulated is based on consensus is problematic.

Instead, this report focuses on understanding how blasphemy laws are implemented—or misused—in Pakistan, through trial monitoring of blasphemy cases in the courts of Lahore, Punjab over 6 months, entailing a total of more than 250 hearings.<sup>20</sup> The cases monitored offer a cross-section of blasphemy prosecutions: of the 24 cases, at least seven defendants had state-funded lawyers; 17 cases involved Sunni Muslim defendants, and seven involved members of religious minorities (including Christians and Ahmadis).

Through a data-driven analysis of what transpired during trial in the 24 monitored blasphemy cases, this report builds on prior reports on the conduct of blasphemy cases in Pakistan, such as a 2015 report from the International Commission of Jurists.<sup>21</sup> In particular, this report shows how slowly blasphemy cases can move, with judges often unwilling to advance them, and prosecution witnesses and the complainant(s) mostly not appearing for hearings, while accused persons languish in detention for years; how cases are often brought against individuals with mental health disabilities; and how religious discrimination infects many of the proceedings. Due to the heightened sensitivities involved

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<sup>19</sup> Arafat Mazhar & Syed Zainuddin Moulvi, *Plurality, Dissent and Hegemony: The Story Behind Pakistan's Blasphemy Law*, in Muhammad Khalid Masud et al., eds., *Freedom of Expression in Islam, Challenging Apostasy and Blasphemy Laws* (2021). See also *infra* for discussion of the genesis of Pakistan's blasphemy laws.

<sup>20</sup> This is a representative sample because according to civil society reports, 81% of blasphemy cases registered in 2021 were in Punjab. U.S. Department of State, Office of International Religious Freedom, *2021 Report on International Religious Freedom: Pakistan*, June 2, 2022, available at <https://www.state.gov/reports/2021-report-on-international-religious-freedom/pakistan/>. As of April 4, 2024, according to the records of Punjab Prisons, there were a total of 523 prisoners behind bars for blasphemy offenses under Sections 295-A, B and C of the Pakistan Penal Code alone—of which 451 were either being detained pre- or during trial. Government of Punjab, *Crime Wise Population, Punjab Prisoners*, Apr. 4, 2024 (This includes 505 male prisoners, 17 female prisoners and 1 juvenile prisoner), available at [https://prisons.punjab.gov.pk/crime\\_wise\\_population](https://prisons.punjab.gov.pk/crime_wise_population).

<sup>21</sup> International Commission of Jurists, *On Trial: The Implementation of Pakistan's Blasphemy Laws* (2015) (describing sources as including “over one hundred reported judicial decisions as well as a dozen unreported cases from sessions courts and high courts on blasphemy-related offences under the Pakistan Penal Code from 1982 to 2015”), available at <https://www.refworld.org/pdfid/565da4824.pdf>.

in blasphemy cases, the identities of all defendants and particulars of cases have been anonymized in the report and in Annex I, and data is presented in the aggregate.

In more than half of the cases monitored, the accused were detained during the trial (15 out of 24) and, startlingly, in 17 out of the 24 cases, or 71 per cent of all observed cases, there was no progress at all during the 6-month monitoring period. In fact, out of a total of 252 hearings across all 24 cases, 217 resulted in adjournments with the biggest reason for adjournment being the absence of prosecution witnesses or the complainant(s) (60 out of the 217 adjournments or 28 per cent).

In the 15 cases in which the defendants were detained, as of June 1, 2023, the average length of time they had spent in detention was 59 months (more than four and a half years), and the median length of time was 47 months (nearly four years). In one case, in fact, the defendant thanked the judge for convicting him, because it meant he would finally be released after spending more than a decade in pretrial detention.

Nearly one quarter (five out of 24) of the defendants in the cases observed had mental health concerns. In one case, for instance, the defendant was charged with blasphemy for tearing pages of the Qur'an. One of the defendant's relatives argued that the defendant was of "unsound mind" and therefore unfit to stand trial, giving examples of prior mental health concerns, but the question of the defendant's fitness to stand trial was still pending as of June 1, 2023. As of April 2024, the defendant was still awaiting his medical report.

Of the 24 cases monitored, six ended during the monitoring period: with two convictions, one acquittal, one case indefinitely stayed due to the fact that the defendant was deemed unfit to stand trial, and two cases stayed as the defendants had absconded and were declared proclaimed offenders. In the two cases that ended in convictions (life sentence in one case, death penalty in another), the convicting judgments show indications of religious discrimination, with both courts suggesting that 'Muslims would not lie' in crediting prosecution witness testimony. One of these cases, where the accused was given the death sentence, remains pending before the Lahore High Court on appeal. The other was the case in which the defendant was effectively sentenced to time served after spending more than a decade in prison before and during trial, and who has since been released.

The data gathered for this report shows how the system for handling blasphemy complaints traps accused persons. There are few barriers to prevent essentially anyone from registering a case and accused persons are often swiftly arrested (sometimes to protect them from mob violence). But then defendants can become mired in proceedings that stretch on nearly indefinitely, with repeated adjournments, often due to the failure of the complainant(s) and prosecution to pursue the case. As it's been implemented, this

system creates a set of perverse incentives with dire consequences for accused individuals from which neither lawyers nor judges seem able to, or are willing to, extricate them. For instance, in many cases, the only evidence against accused individuals is witness testimony. Prosecution witnesses, however, often delay proceedings by not showing up at trial with no real personal consequence, while the accused then spends months or years in pretrial detention after having their bail denied.

Taken together, this data reinforces the longstanding calls from domestic and international organizations for urgent action to address the human rights violations arising from Pakistan's blasphemy laws.

# POLITICAL & LEGAL CONTEXT



## A. RELIGIOUS DISCRIMINATION IN PAKISTAN

Pakistan is a Muslim-majority country, with approximately 96 per cent of the country's population identifying as Muslim.<sup>22</sup> Although the Pakistani Constitution guarantees the right to religious freedom,<sup>23</sup> human rights groups have reported widespread and systemic violations of this guarantee. Freedom House's 2023 worldwide report on political and civil liberties, for instance, rated Pakistan as only "partly free," and expressed serious concerns about the protection of the right to freedom of religion in Pakistan.<sup>24</sup> In particular, Freedom House reported that "constitutional religious freedom guarantees have not provided effective safeguards against discriminatory legislation, social prejudice, and sectarian violence."<sup>25</sup>

One prominent example is that Pakistani law prohibits the Ahmadi community<sup>26</sup> from "declaring their faith publicly, propagating their faith, printing, or obtaining material related to their faith...[or] building mosques" and Ahmadis "must sign a declaration stating that they are non-Muslims, contrary to their beliefs" in order to join the civil or armed services or obtain official documents such as passports, birth certifications and national identification cards, which are necessary to vote.<sup>27</sup>

Just last year, at least one Bar Council and a District Bar Association in Pakistan announced that in order to practice law, all Ahmadi lawyers must denounce the teachings

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<sup>22</sup> U.S. Department of State, Office of International Religious Freedom, 2021 Report on International Religious Freedom 4 (2021), *available at* <https://www.state.gov/wp-content/uploads/2022/05/PAKISTAN-2021-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

<sup>23</sup> The Constitution of Pakistan, Article 20.

<sup>24</sup> Freedom House, Freedom in the World Report on Pakistan (2023), *available at* <https://freedomhouse.org/country/pakistan/freedom-world/2023>.

<sup>25</sup> *Id.*

<sup>26</sup> Ahmadis are a religious minority who identify as Muslim. However, an amendment to the Pakistani Constitution in 1974 declared Ahmadis to be non-Muslims. *See infra*. Ahmadis have also been the targets of attacks. *See* Human Rights Watch, Pakistan: Surge in Targeted Killings of Ahmadis, Nov. 26, 2020, *available at* <https://www.hrw.org/news/2020/11/26/pakistan-surge-targeted-killings-ahmadis>.

<sup>27</sup> Patrick Greenwalt et al., Fact Sheet Ahmadiyya Muslims, United States Commission on International Religious Freedom, Oct. 2021, *available at* <https://www.uscirf.gov/sites/default/files/2021-10/2021%20Ahmadiyya%20Persecution%20Factsheet.pdf>. *See also* UN Office of the High Commissioner for Human Rights, Pakistan Must Repeal Discriminatory Measures Leading to Persecution of Ahmadis, Say UN Experts, July 25, 2018, *available at* <https://www.ohchr.org/en/press-releases/2018/07/pakistan-must-repeal-discriminatory-measures-leading-persecution-ahmadis-say?LangID=E&NewsID=23401>.

of the Ahmadiyya Muslim Community and “positively assert that they are Muslim.”<sup>28</sup> In 2017, the government blocked access to websites of the Ahmadiyya Community on the grounds of promoting religious hatred. In 2020, a parliamentarian called for the boycott of Ahmadiyya businesses.<sup>29</sup>

But the Ahmadis are not the only minority to face discrimination. The Hazara Community has experienced violence and killings on a significant scale.<sup>30</sup> Furthermore, despite a history of forced conversions of Christian and Hindu girls who are abducted, forced to ‘convert’ to Islam and married to Muslim men,<sup>31</sup> in October 2021, a bill criminalizing forced conversions of Hindu and Christian girls to Islam was withdrawn due to pressure from Islamic groups.<sup>32</sup>

Social prejudice also manifests itself in lack of political representation. Christians, Hindus and Ahmadis have reportedly been undercounted in the national census, which has implications for their “access to education and employment quotas and leads to fewer reserved seats in the legislatures.” In 2022, reportedly almost “half the seats reserved for religious minorities in government jobs remained vacant, while 80 per cent of non-Muslims were employed in positions for which they were paid less than their Muslim peers.”<sup>33</sup> Most recently, Pakistan conducted a digital population census in 2023; yet civil

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<sup>28</sup> IBAHRI Concerned About the Discrimination of Ahmadiyya Lawyers in Pakistan, International Bar Association, Aug. 10, 2023, *available at* <https://www.ibanet.org/IBAHRI-concerned-about-the-discrimination-of-Ahmadiyya-lawyers-in-Pakistan#:~:text=In%20March%202023%2C%20the%20District,Bar%20Council%20in%20May%202023.>

<sup>29</sup> Centre for Social Justice (CSJ), Alternative Report, Submitted to the UN Committee on the Elimination of Racial Discrimination (CERD) at CERD 113th session, Aug. 2024.

<sup>30</sup> Around 11 coal miners from the Hazara Community were killed in 2021 by militants. *See At Least 11 Coal Miners Shot dead in Balochistan’s Mach Area After Being Kidnapped*, DAWN News, Jan. 3, 2021, *available at* <https://www.dawn.com/news/1599441>.

<sup>31</sup> *See* United Nations High Commissioner for Refugees (UNHCR), Eligibility Guidelines For Assessing the International Protection Needs of Members of Religious Minorities from Pakistan, HCR/EG/PAK/12/02, May 14, 2012; Samuel, Forced Conversions and Forced Marriages in Pakistan, Bar Human Rights Committee of England & Wales, Mar. 2013, *available at* [https://barhumanrights.org.uk/wp-content/uploads/2013/03/forced\\_conversions\\_and\\_forced\\_marriages\\_in\\_pakistan-1.pdf](https://barhumanrights.org.uk/wp-content/uploads/2013/03/forced_conversions_and_forced_marriages_in_pakistan-1.pdf).

<sup>32</sup> Ayaz Gul, UN to Pakistan: Curb Forced Conversions, Marriages of Religious Minority Girls, Voice of America, Jan. 16, 2023, *available at* <https://www.voanews.com/a/un-to-pakistan-curb-forced-conversions-marriages-of-religious-minority-girls/6920855.html>. In February 2022 however, the Islamabad High Court declared that the marriage of children under the age of 18 is unlawful, even if contracted of their own free will, which ensures a roundabout way of penalizing perpetrators marrying minors who had been forcibly converted earlier. IHC Declares Marriages Under 18 ‘Unlawful’, Express Tribune, Mar. 1, 2022, *available at* <https://tribune.com.pk/story/2345865/ihc-declares-marriages-under-18-unlawful>.

<sup>33</sup> Human Rights Commission of Pakistan, A Breach of Faith: Freedom of Religion or Belief in 2021-22, pgs. 14-15 (2023), *available at* <https://hrqp-web.org/hrqpweb/wp-content/uploads/2020/09/2023-A-breach-of-faith-freedom-of-religion-or-belief-in-2021-22.pdf>.

society organizations have to continue to call for the release of disaggregated data on the population of religious minorities.<sup>34</sup>

Furthermore, discrimination is built into elements of the education system in Pakistan; the curriculum in many schools includes texts and illustrations reflecting discrimination against minorities,<sup>35</sup> and in 2020, the Governor of Punjab made the study of the Qu’ran compulsory for higher education, without providing any alternative for non-Muslim students.<sup>36</sup> Both the then-UN High Commissioner for Human Rights, Navi Pillay, and the UN Committee on the Elimination of Racial Discrimination (CERD) have urged Pakistan to reform its curricula to better promote tolerance with regards to religious minorities.<sup>37</sup>

## **B. HISTORY AND CURRENT SCOPE OF BLASPHEMY LAWS**

One of the key manifestations of this religious discrimination, according to Freedom House, is through oppressive blasphemy laws.<sup>38</sup> Amnesty International echoed this concern in its 2021/2022 report on Pakistan and again in August 2023, noting that Pakistan’s blasphemy laws are “broad, vague, and coercive,” and violate the rights to freedom of religion, belief, opinion, and expression.<sup>39</sup>

Amnesty International has also highlighted that blasphemy laws have been used to target some of the most marginalized individuals in Pakistani society, including those with mental health disabilities and religious minorities.<sup>40</sup> The U.S. Department of State has likewise summarized that “[c]ivil society groups stated courts often failed to protect the rights of religious minorities against Muslim accusers.”<sup>41</sup> And Human Rights Watch

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<sup>34</sup> Centre for Social Justice (CSJ), Alternative Report, Submitted to the UN Committee on the Elimination of Racial Discrimination (CERD) at CERD 113th session, Aug. 2024.

<sup>35</sup> Samuel, Forced Conversions and Forced Marriages in Pakistan, *supra*.

<sup>36</sup> Govt Makes The Quran Teaching Compulsory for Universities, DAWN News, June 15, 2020, *available at* <https://www.dawn.com/news/1563606>.

<sup>37</sup> See United Nations News Centre, June 7, 2012; Combined Twenty-Fourth to Twenty-Sixth Periodic Reports Submitted by Pakistan Under Article 9 of the Convention, Feb. 10, 2022, para. 18.

<sup>38</sup> Freedom House, Freedom in the World Report on Pakistan (2021), *available at* <https://freedomhouse.org/country/pakistan/freedom-world/2022>.

<sup>39</sup> Amnesty International – Pakistan Report, 2021-2022; Amnesty International, Pakistan: Authorities Must Ensure Protection of Minority Christian Community, Aug. 16, 2023, *available at* <https://www.amnesty.org/en/latest/news/2023/08/pakistan-authorities-must-ensure-protection-of-minority-christian-community/#:~:text=The%20broad%2C%20vague%20and%20coercive,most%20marginalized%20people%20in%20society.>

<sup>40</sup> *Id.*

<sup>41</sup> U.S. Department of State, 2022 Country Reports on Human Rights Practices: Pakistan, *available at* <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/pakistan/>.

reported that “[m]embers of the Ahmadiyya religious community continue to be a major target for prosecutions under blasphemy laws as well as specific anti-Ahmadi laws.”<sup>42</sup>

Blasphemy laws were adopted during the colonial era, ostensibly as a way to maintain peace in a multi-religious society; in its original form, the law “did not discriminate between religions” and “made it a crime to deliberately and maliciously offend religious sentiments of any religious group.”<sup>43</sup> In the years after independence in 1947, there were few reported blasphemy cases: during the period spanning from 1947-1977, there are only ten reported judgments that relate to offences against religion.<sup>44</sup>

During the years General Zia-ul-Haq governed Pakistan (1977-1988), however, new sections were added to the Pakistan Penal Code (PPC), including the notorious section 295-C, which criminalizes derogatory remarks in respect of the Holy Prophet (and is discussed in further detail below), and carries the death penalty.

This law was adopted through the ‘Criminal Law (Amendment) Act,’ Act No. III of 1986, s. 2. There was no consultation with religious experts and near unanimous support for applying the death penalty for violation of this provision, with the legislative record reflecting the view that this was a consensus within the Islamic tradition.<sup>45</sup> Indeed, countless references were made to portray an absolute agreement and consensus (*ijmā’*) within the *umma* (entire Muslim community) regarding the issue. The bill was hurried through with Parliamentarian Turab-ul-Haq Qadri, for instance arguing that “if we reject this bill, let’s keep in mind that 250,000 people can surround the parliament.”<sup>46</sup> Scholars who subsequently studied primary Islamic texts have found however that most texts cited by the parliamentarians were misquoted or otherwise misrepresented.<sup>47</sup>

Since the introduction of Section 295-C in 1986, prosecutions under blasphemy laws have dramatically increased. According to the Centre for Social Justice, for instance, at least 1,855 people were charged under Pakistan’s blasphemy laws between 1987 and

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<sup>42</sup> Human Rights Watch, World Report 2022 – Pakistan, *available at* <https://www.hrw.org/world-report/2022/country-chapters/pakistan>.

<sup>43</sup> Adnan Ahmed and Chinmoy Gulrajani, Pakistan’s Blasphemy Laws and Role of Forensic Psychiatrists, 48 (1) J. Am. Acad. Psychiatry Law, (2020), 105, *available at* <https://jaapl.org/content/jaapl/48/1/105.full.pdf>.

<sup>44</sup> Amnesty International, As Good As Dead: The Impact of the Blasphemy Laws in Pakistan 9 (2016).

<sup>45</sup> National Assembly of Pakistan, *Debates*, July 9, 1986.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*; Plurality, Dissent and Hegemony, *supra*.



February 2021.<sup>48</sup> The latest figures collected by the Human Rights Commission of Pakistan show that as of December 2023, there are at least 634 prisoners on blasphemy charges in the provinces of Sindh and Punjab alone.<sup>49</sup> And the number of arrests under blasphemy laws were also significant in 2023: the Centre for Social Justice reports that in that year, “at least 329 persons were accused under blasphemy laws...in 180 cases reported.”<sup>50</sup>

## Current Legal Scheme of Blasphemy Laws

Following the post-independence amendments, the Pakistan Penal Code (PPC) now includes a range of sweeping and draconian provisions criminalizing blasphemy—many of them focused solely on blasphemy against Islam. Though the Penal Code still includes some offenses criminalizing blasphemy against all religions (including Islam), a feature of these provisions is that they provide less severe sentences than those criminalizing blasphemy against Islam and have no mandatory minimum sentence. For example, Section 295-A of the PPC makes it a criminal offense to perform any “deliberate and malicious acts intended to outrage *religious feelings of any class* by insulting its religion or religious beliefs” and carries a maximum sentence of up to ten years of imprisonment. Similarly, Section 298 of the PPC criminalizes the utterance of words “with the deliberate intention of wounding the *religious feelings of any person*” and can lead to a sentence of up to one year. These are also the only two ‘non-cognizable’ blasphemy offenses, which means that the police must obtain an order from a magistrate to investigate the accused and obtain a warrant before arresting them.<sup>51</sup> Section 295-A of the PPC also includes an additional procedural safeguard, stipulating that a court cannot take cognizance of a case under this provision without sanction from the government.<sup>52</sup>

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<sup>48</sup> Joint Motion for a Resolution on the Blasphemy Laws in Pakistan, in Particular the Case of Shagufta Kausar and Shafqat Emmanuel, European Parliament, Apr. 28, 2021, *available at* [https://www.europarl.europa.eu/doceo/document/RC-9-2021-0254\\_EN.html](https://www.europarl.europa.eu/doceo/document/RC-9-2021-0254_EN.html).

<sup>49</sup> Human Rights Commission of Pakistan, *State of Human Rights in 2023*, pg. 16, 90 (2024) (552 prisoners in jail for blasphemy in Punjab, 82 in Sindh), *available at* <https://hrqp-web.org/hrqpweb/wp-content/uploads/2020/09/2024-State-of-human-rights-in-2023-EN.pdf>.

<sup>50</sup> Centre for Social Justice, *Human Rights Observer 2023*, p. 6, (2024) (247 were Muslims, 65 were Ahmadis, 11 were Christians, 1 was Hindu and religious affiliation of five accused was not known. The highest number of cases was noted in Punjab with 179 accused, then Sindh with 79 accused.), *available at* [https://csjpak.org/pdf/report\\_hro\\_final.pdf](https://csjpak.org/pdf/report_hro_final.pdf).

<sup>51</sup> Section 4 (n) of the Code of the Criminal Procedure (“Non-cognizable offence means an offence for, and ‘non-cognizable case’ means a case in, which a police officer, may not arrest without warrant); Section 155 (2) (“No police-officer shall investigate a non-cognizable case without the order of a Magistrate of first or second class having power to try such case [or send the same for trial to the Court of Session].”).

<sup>52</sup> Section 196 of the Code of Criminal Procedure.

On the other hand, the provisions that specifically criminalize blasphemy against Islam (and only Islam) are considerably more draconian. Section 295-B of the PPC prohibits wilfully “defil[ing], damage[ing] or desecrat[ing] a copy of the Holy Qur'an or of an extract therefrom or us[ing] it in any derogatory manner” and carries a mandatory sentence of life imprisonment.

Similarly, Section 295-C of the PPC criminalizes any “words, either spoken or written,” “visible representation,” “imputation, innuendo, or insinuation” that “directly or indirectly, defiles the sacred name of the Holy Prophet Mohammed (peace be upon him).” In 1990, the Federal Shariat Court ruled that the death penalty was mandatory under 295-C of the PPC and since the government withdrew its appeal against this judgment, it became binding throughout the country, although the text of the legislation is yet to be amended.<sup>53</sup> Section 295-C, unlike Sections 295-A and -B, also contains no reference to intentionality and the Federal Shariat Court also ruled out any allowance for repentance, apology, or renewal of faith in such cases. Its verdict rests on the premise that only the Prophet possessed the right to pardon those who insulted him.<sup>54</sup> The Court also made no distinction between Muslims and non-Muslims, men and women, or any other categories of legally distinct persons thus prescribing a fixed and unpardonable death penalty for the crime without distinction.

Another Islam-specific blasphemy provision, Section 298-A, prohibits the use of derogatory remarks against “holy personages” in Islam and, while it provides a punishment of up to three years’ imprisonment, there were attempts made in 2023 to increase this to a minimum of 10 years and a maximum of life imprisonment.<sup>55</sup>

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<sup>53</sup> See *Ilyas Masih Monem v. Federation of Pakistan*, PLD 2014 Federal Shariat Court 18 (stating that the earlier judgment of the Federal Shariat Court had attained finality and directing the Ministry of Law, Justice and Human Rights that necessary steps be taken to remove “imprisonment for life” under Section 295-C). The Federal Shariat Court enjoys a unique status in the structure of Pakistan’s judiciary. It is constitutionally empowered by Article 203 D of the Constitution of Pakistan to declare laws—or provisions of laws—“repugnant to the Injunctions of Islam.”

<sup>54</sup> *Muhammad Ismail Qureshi v. Pakistan*, PLD 1991 Federal Shariat Court. In paragraph 26 of the judgment, the Court observes: “Holy Prophet (p.b.u.h.) had pardoned some of his contemners but the Jurists concur that Prophet himself (p.b.u.h.) had the right to pardon his contemners but the Ummah has no right to pardon his contemners.” In paragraph 32 of the judgment the Court states: “We have also noted that no one after the Holy Prophet (p.b.u.h.) exercised or was authorized the right of reprieve or pardon.”

<sup>55</sup> Criminal Laws (Amendment) Act 2023. See also Human Rights Commission of Pakistan, *Amendments to Blasphemy Laws Create Further Room for Persecution*, available at <https://hrcp-web.org/hrctpweb/amendments-to-blasphemy-laws-create-further-room-for-persecution/>; Human Rights Commission of Pakistan, *State of Human Rights in 2023*, pg. 167 (2024) (The bill was later returned unsigned by the President and did not become law), available at <https://hrcp-web.org/hrctpweb/wp-content/uploads/2020/09/2024-State-of-human-rights-in-2023-EN.pdf>. Interestingly, Section 298, which

Finally, Section 298-C of the PPC prohibits persons of the Ahmadi minority from calling themselves Muslim, or preaching or propagating their faith—an offense that is punishable with up to three years' imprisonment.

As discussed above, almost all of these provisions are 'cognizable' under Pakistani law, meaning that the police can arrest without a warrant. While Section 156-A of the Pakistan's Code of Criminal Procedure states that in cases involving Section 295-C "no officer below the rank of a Superintendent of Police is authorized to investigate into the matter,"<sup>56</sup> this is not necessarily observed in practice and is in any event not applicable to other provisions criminalizing blasphemy against Islam, including Section 295-B.<sup>57</sup>

All of these offenses, with the exception of Sections 298 (wounding religious feelings) and 298-A (derogatory remarks against Holy personages in Islam), are also 'non-bailable,' which means that the court has discretion regarding whether to grant bail (as opposed to it being available as of right).<sup>58</sup> Under Pakistan's Code of Criminal Procedure, when a non-bailable offense carries a potential penalty of ten or more years' imprisonment—as both Sections 295-B and 295-C do—the accused cannot be released if there are reasonable grounds to believe they committed the offense.<sup>59</sup>

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prohibits the use of derogatory words against any religion—and not just Islam—provides imprisonment of up to one year but is also a compoundable offense, which means that if the complainant enters into a compromise with the accused, the charges can be dropped. See Schedule II of Code of Criminal Procedure; Section 345 of the Code specifies that the offence can be compounded by "the person whose religious feelings are intended to be wounded."

<sup>56</sup> Section 156A of the Code of Criminal Procedure: "Investigation of offence under section 295 C, Pakistan Penal Code. Notwithstanding anything contained in this Code, no police officer below the rank of a Superintendent of Police shall investigate the offence against any person alleged to have been committed by him under section 295 C of the Pakistan Penal Code, 1860 (Act XLV of 1860)."

<sup>57</sup> International Commission of Jurists, *On Trial: The Implementation of Pakistan's Blasphemy Laws* (2015) pg. 14, available at <https://www.refworld.org/pdfid/565da4824.pdf>. Amnesty International has also reported that "acceptance of trial courts of this procedural breach makes it easier for the police to disregard it." Amnesty International, *As Good As Dead: The Impact of the Blasphemy Laws in Pakistan* 38 (2016).

<sup>58</sup> Compare Section 4b of the Code of Criminal Procedure, 1898 ("Bailable offence means an offence shown as bailable in the second schedule, or which is made bailable by any other law for the time being in force; and non-bailable offence means any other offence."), with Section 497 of the Code of Criminal Procedure, 1898 ("When bail may be taken in case of non-bailable offence: (1) When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought-before a Court, he may be released on bail but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life or imprisonment for ten years."). See generally Amnesty International, *As Good As Dead: The Impact of the Blasphemy Laws in Pakistan* 11 (2016).

<sup>59</sup> *Id.*

The two tables below provide a summary of the provisions in the PPC that concern blasphemy: provisions specific to Islam and general blasphemy provisions that are applicable to all religions, including Islam.

### Islam Specific Blasphemy Provisions

PPC Section	Offence	Sentence	Can the Police Arrest without Warrant	Is the Offence Bailable or Not	Additional Procedural Requirement
295-B	Defiling the Holy Qur'an	<b>Mandatory</b> Imprisonment for Life	Yes	Not Bailable	N/A
295-C	Use of derogatory remarks in respect of the Holy Prophet	<b>Mandatory</b> Death Sentence	Yes	Not Bailable	No officer below the rank of a Superintendent of Police is authorized to investigate.  Only a Muslim presiding Judge during trial.
298-A	Use of derogatory remarks in respect of holy personages	Imprisonment of up to 3 years	Yes	Bailable	N/A
298-B	Misuse of epithets, descriptions, and titles, reserved for certain holy personages or places	Imprisonment of up to 3 years	Yes	Not Bailable	N/A
298-C	Person of Qadiani group, etc., calling themselves a Muslim or preaching or propagating their faith	Imprisonment of up to 3 years	Yes	Not Bailable	N/A

## General Blasphemy Provisions

PPC Section	Offence	Sentence	Can the Police Arrest without Warrant	Is the Offence Bailable or Not	Additional Procedural Requirement
295-A	Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs	Imprisonment of up to 10 years	No	Not Bailable	The police must obtain an order from a magistrate to investigate the accused.  Need sanction from Federal or Provincial Government before the Court takes cognizance.
298	Uttering words, with deliberate intent to wound religious feelings	Imprisonment of up to 1 year	No	Bailable	The person whose religious feelings are wounded <i>may</i> compound the offense/drop the charges.

### Differing Stances on Islamic Basis for Mandatory Death Penalty for Blasphemy

As discussed above, both at the time of adoption of Section 295-C, and in the Federal Shariat Court, the view was taken that there was a consensus that the death penalty was appropriate for the offense of blasphemy. This view of the Islamic position on blasphemy has not only repeatedly shaped the current law, but also subsequent incitement to violence under its name.

Other Islamic scholars, however, have since challenged this position, asserting that the primary texts relied upon were misquoted or otherwise misrepresented, including on the basis that there was no mention of the position that non-Muslims should *not* be killed for insulting the Prophet and should be pardoned even if found to have committed blasphemy.<sup>60</sup>

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<sup>60</sup> See *Kitāb Tanbīh al- Wulāt wa al-H. ukkām ‘alā Ah. kām Shātim Khayr al-Anām aw Ah. ad As. h. ābihi al-Kirām* or Ibn ‘Abidin (d. 1863), *Tanbīh al-Wulāt wa al-H. ukkām ‘alā Ah. kām Shātim Khayr al-Anām aw Ah. ad As. h. ābihi al-Kirām* (Lahore: Suhayl Academy, 1976).

In fact, one of those who worked on the adoption of Section 295-C of the PPC in the National Assembly subsequently acknowledged that he had used a secondary source and cited the primary one in his book without actually referring to it. He said that there might be some problems with the law, but held to the opinion that it was in the public good for the law to continue as framed.<sup>61</sup>

## **Implementation of Blasphemy Laws: Misuse and Common Trends**

UN bodies and mandate holders have consistently expressed concern at Pakistan's blasphemy laws and their implementation. For instance, the UN Human Rights Committee in its periodic review of Pakistan's compliance with the International Covenant on Civil and Political Rights stated that it was "concerned by 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, particularly on Ahmadi persons (section 298 (B) and (C)); by the very high number of blasphemy cases based on false accusations and by violence against those accused of blasphemy. . . ; and by repeated reports that judges who hear blasphemy cases are frequently harassed and subjected to intimidation and threats."<sup>62</sup>

The Committee on the Elimination of Racial Discrimination (CERD Committee) has recommended that Pakistan consider repealing its blasphemy laws and that Pakistan take all measures necessary to prosecute and punish those who have made false accusations and to provide effective remedies to the victims of false accusations. The CERD Committee has also urged Pakistan to take all measures necessary to protect judges who hear blasphemy cases and those accused of blasphemy from retaliation.<sup>63</sup>

Several UN special rapporteurs have likewise said "[w]e are seriously concerned that blasphemy charges are still being brought against people legitimately exercising their rights to freedom of thought, conscience, religion and expression."<sup>64</sup> Another recent letter from UN mandate holders described "what appears to be a growing trend to misuse legal provisions relating to blasphemy for personal or political reasons, as well as a

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<sup>61</sup> Plurality, Dissent and Hegemony, *supra*.

<sup>62</sup> UN Human Rights Committee, Concluding Observations on the Initial Report of Pakistan, CCPR/C/PAK/CO/1, Aug. 23, 2017, para. 33.

<sup>63</sup> Combined Twenty-Fourth to Twenty-Sixth Periodic Reports Submitted by Pakistan Under Article 9 of the Convention, CERD/C/PAK/24-26, Feb. 10, 2022, para. 22.

<sup>64</sup> UN Office of the High Commissioner for Human Rights, Pakistan Blasphemy Death Sentence for Junaid Hafeez is 'Travesty of Justice'- UN Experts, Dec. 27, 2019, *available at* <https://www.ohchr.org/en/press-releases/2019/12/pakistan-blasphemy-death-sentence-junaid-hafeez-travesty-justice-un-experts>.

disproportionate use of such provisions against members of religious minorities.”<sup>65</sup> In May 2023, the UN Working Group for Arbitrary Detention (UNWGAD) found that an Ahmadi businessman was “deprived of his liberty on discriminatory grounds, based on religious faith and opinions” where he was charged for mere possession of an Ahmadi translation of the Qur’an in his phone. He was granted bail by the High Court, only for the FIA to add additional charges alleging that he had asked others to share that version of the Qur’an on WhatsApp, resulting in two years of detention without the trial even starting.<sup>66</sup> The UNWGAD reiterated its previous stance that “Ahmadi Muslims in Pakistan are persecuted and deprived of their freedom merely for exercising their legitimate right to freedom of religion and conscience.”<sup>67</sup>

One particular feature of blasphemy cases that exacerbates the difficulties faced by the accused is the threat of violence that shadows individuals involved in such cases.<sup>68</sup>

A widespread climate of intimidation has developed, such that those accused of blasphemy and the legal professionals who defend and preside over their cases, are forced to either flee the country or to live in Pakistan in a permanent state of fear for their own lives and the lives of their families.<sup>69</sup>

Courts who adjudicate on cases of blasphemy often come under immense public pressure in the form of courtrooms packed with crowds chanting slogans.<sup>70</sup> According to Amnesty International, lawyers are also often reluctant to defend blasphemy cases for this reason—an issue in at least one of the cases monitored for this report.<sup>71</sup>

For persons accused of blasphemy, “they become ensnared in a system that . . . fails to safeguard them against people willing to use violence.”<sup>72</sup> In February 2022, for instance, a man was executed by a mob in Khanewal for allegedly burning pages of the Qur’an.<sup>73</sup> Police officials reported that villagers used “batons, axes, and iron rods” to carry out the

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<sup>65</sup> Letter from the UN Working Group on Arbitrary Detention et al. to the Government of Pakistan, June 3, 2022, *available at*

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27305>.

<sup>66</sup> Human Rights Council Working Group on Arbitrary Detention, Opinion No. 7/2023 concerning Malik Zaheer Ahmad (Pakistan), A/HRC/WGAD/2023/7, May 3, 2023.

<sup>67</sup> *Id.*

<sup>68</sup> Amnesty International, *Pakistan: How the Blasphemy Laws Enable Abuse* (2021).

<sup>69</sup> Samuel, *Forced Conversions and Forced Marriages in Pakistan*, *supra*.

<sup>70</sup> Working Group on Communities Vulnerable because of their Beliefs, Report of HRCP, Apr. 2011.

<sup>71</sup> Amnesty International, *Pakistan: How the Blasphemy Laws Enable Abuse* (2021).

<sup>72</sup> *Id.*

<sup>73</sup> BBC, *Pakistan: Man Accused of Blasphemy Killed by Mob in Khanewal*, Feb. 13, 2022, *available at* <https://www.bbc.co.uk/news/world-asia-60368498>.

execution, before hanging the victim's body from a tree.<sup>74</sup> According to the chief of the local police station, the victim had been "mentally unstable for the last 15 years."<sup>75</sup>

According to the U.S. State Department, those accused of blasphemy are often placed in solitary confinement because, according to the Pakistani government, "prisoners accused of blasphemy would face threats from the general prison population."<sup>76</sup> Police are so concerned at the prospect of mob violence that "in some instances local police are compelled to make an immediate arrest for the accused's own protection."<sup>77</sup>

Yet even these 'protective efforts' are not always successful. In May 2021, for instance, a mob violently attacked a police station in Islamabad in an apparent attempt to lynch a man who had been accused of blasphemy and who was being held in police custody.<sup>78</sup> In February 2023, at least 50 men in Punjab stormed a police station, removed a man who had been in custody on blasphemy charges and lynched him, with the police spokesman later lamenting that "police could not resist them [the mob] because [only] a handful of officials were present in the police station."<sup>79</sup> Most recently, in June 2024, a mob beat and burned a man accused of alleged desecration of the Qu'ran inside a police station in Swat.<sup>80</sup>

Another feature of blasphemy cases is that "most convictions are thrown out on appeal by higher courts."<sup>81</sup> The International Commission of Jurists (ICJ) reported in 2015 that in "more than 80 per cent of reported cases, those accused of blasphemy are eventually acquitted on appeal."<sup>82</sup> This appears higher than the rate of acquittal across other criminal cases in Punjab, which was recently reported to be 69 per cent.<sup>83</sup>

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<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> U.S. Department of State, 2022 Country Reports on Human Rights Practices: Pakistan.

<sup>77</sup> Tariq Ahmad, Why Is It So Easy To Arrest A Person For Blasphemy In Pakistan, Foreign Policy, July. 1, 2014, *available at* <https://foreignpolicy.com/2014/07/01/why-is-it-so-easy-to-arrest-a-person-for-blasphemy-in-pakistan/>.

<sup>78</sup> Amnesty International – Pakistan Report, 2021-2022.

<sup>79</sup> Mubasher Bukhari, Mob Storms Pakistani Police Station, Lynches Man Accused of Blasphemy, Reuters, Feb. 11, 2023, *available at* <https://www.reuters.com/world/asia-pacific/mob-storms-pakistani-police-station-lynches-man-accused-blasphemy-2023-02-11/>.

<sup>80</sup> Swat Police Station Torched, Man Lynched for Blasphemy, DAWN, June 21, 2024, *available at* <https://www.dawn.com/news/1840942/swat-police-station-torched-man-lynched-for-blasphemy>.

<sup>81</sup> Pakistan's Blasphemy Law: All You Need to Know, Al Jazeera, Aug. 18, 2023, *available at* <https://www.aljazeera.com/news/2023/8/18/all-you-need-to-know-about-pakistans-blasphemy-law>.

<sup>82</sup> Arafat Mazhar, The Untold Truth of Pakistan's Blasphemy Law, Engage Pakistan (2018), *available at* [https://engagepakistan.com/assets/resources/Pak\\_blasphemy\\_report2018.pdf](https://engagepakistan.com/assets/resources/Pak_blasphemy_report2018.pdf).

<sup>83</sup> CJP Concerned Over High Acquittal Rate in Criminal Cases, Express Tribune, Sept. 23, 2019, *available at* <https://tribune.com.pk/story/2063560/cjp-concerned-high-acquittal-rate-criminal-cases>.



One reason this may be so is that hardline religious groups routinely exploit anti-blasphemy laws, and their high prosecution and conviction rates (at trial), to advance their own interests and personal vendettas, as also described by the UN mandate holders. The most recent Freedom House report, for instance, observed that religious minorities are often subject to blasphemy allegations following “trivial disputes” with other community members, often precipitating criminal prosecutions.<sup>84</sup> Notably, the ICJ observed that, although perjury is a criminal offense in Pakistan, the ICJ was unaware of any charges being filed against any complainants or witnesses who had been expressly found by appellate courts to have given false evidence.<sup>85</sup> The significant number of blasphemy cases predicated on false allegations, combined with the failure of the government or courts to take steps to deter such cases, reflects an indifference to the abuse of anti-blasphemy laws.

Furthermore even where an accused person is eventually acquitted, they may still be “vulnerable to extrajudicial killing.”<sup>86</sup> For instance in 2021, a policeman murdered an man accused of blaspheming after he had been acquitted of the charge by a court.<sup>87</sup> Some must flee the country to seek asylum, at great personal cost.<sup>88</sup> Asia Bibi, who was acquitted by the Supreme Court after being on death row for eight years under charges of violating Section 295-C PPC, had to seek asylum in Canada because threats to her life persisted. In an interview years later, she stated that the move tore her away from three of her children in Pakistan, and after the Canadian government discontinued its modest financial support a year after her arrival, she had to work 14 hours a day to cover expenses due to limited employment options since she was illiterate and unable to read or write in English or French.<sup>89</sup>

Notwithstanding the broad scope of the existing laws, and the often-overzealous enforcement of them by the authorities, Pakistan has attempted to further tighten its anti-blasphemy laws. In January 2023, the Pakistan National Assembly unanimously passed the Criminal Laws (Amendment) Act 2023, which increased the punishment for using

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<sup>84</sup> Freedom House, *Freedom in the World Report on Pakistan* (2021).

<sup>85</sup> *Id.*

<sup>86</sup> Muhammad Nafees, *Blasphemy Cases in Pakistan: 1947-2021*, Center for Research and Security Studies, *available at* <https://crss.pk/blasphemy-cases-in-pakistan-1947-2021/>.

<sup>87</sup> *Id.*

<sup>88</sup> *The Impact of Blasphemy Laws on Human Rights*, Freedom House, *available at* [https://freedomhouse.org/sites/default/files/PolicingBelief\\_Pakistan.pdf](https://freedomhouse.org/sites/default/files/PolicingBelief_Pakistan.pdf).

<sup>89</sup> Ailia Zehra, *Condemned to Death For Blasphemy in Pakistan, She Lives a Life of Poverty in Exile*, *New Lines Magazine*, Mar. 21, 2023, *available at* <https://newlinesmag.com/spotlight/condemned-to-death-for-blasphemy-in-pakistan-she-lives-a-life-of-poverty-in-exile/>.

derogatory remarks, or making “visual representation,” “imputation, innuendo or insinuation, directly or indirectly” against holy persons, from three years and a fine to imprisonment for life.<sup>90</sup> ‘Holy persons’ under the proposed provision includes any family members and companions of the Holy Prophet as well as any Caliphs. The new law also made the offense (one of the few that had previously allowed bail as of right) non-bailable.<sup>91</sup> The Human Rights Commission of Pakistan stated that “these amendments are likely to be weaponized disproportionately against religious minorities and sects, resulting in false FIRs, harassment, and persecution,” and that the increased penalty “will aggravate the misuse of the law to settle personal vendettas, as is often the case with blasphemy allegations.”<sup>92</sup> Only at the very last stage, the President returned the bill unsigned, preventing it from becoming a law.<sup>93</sup>

## **C. TREATMENT OF INDIVIDUALS WITH MENTAL HEALTH DISABILITIES**

Individuals with mental health disabilities are particularly susceptible to blasphemy prosecutions. Under Pakistani law, individuals with mental health disabilities can theoretically take the defense of possessing an “unsound mind” both at the time of commission of the alleged offense or at the time of standing trial. The PPC provides that any individual who “by reason of unsoundness of mind is incapable of knowing the nature of the act, or that what he is doing is either wrong or contrary to law” shall not be deemed to have committed an offense.<sup>94</sup> Additionally, the Code of Criminal Procedure provides that in cases where the court has reason to believe that the accused is of “unsound mind” and is “consequently incapable of making his defense,” it shall inquire into the matter, has the discretion to release the accused on bail pending that enquiry and if there is a finding of unsoundness, then the proceedings are to be postponed.<sup>95</sup> In 2015, the province of

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<sup>90</sup> Criminal Laws (Amendment) Act 2023. *See also* Human Rights Commission of Pakistan, Amendments to Blasphemy Laws Create Further Room for Persecution, *available at* <https://hrcp-web.org/hrcpweb/amendments-to-blasphemy-laws-create-further-room-for-persecution/>.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> Human Rights Commission of Pakistan, State of Human Rights in 2023, pg. 167 (2024), *available at* <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2024-State-of-human-rights-in-2023-EN.pdf>; Centre for Social Justice, Human Rights Observer 2023, pg. 9, (2024), *available at* [https://csjpak.org/pdf/report\\_hro\\_final.pdf](https://csjpak.org/pdf/report_hro_final.pdf).

<sup>94</sup> Section 84 of the Pakistan Penal Code.

<sup>95</sup> Under Sections 464 and 465 of the Code of Criminal Procedure, in cases of trial before Magistrates or the Sessions Courts and High Courts, respectively, the proceedings are to be postponed in the event the court finds the defendant not to be of sound mind. Sections 469 and 470, in turn, provide that trials may proceed when the defendant is of sound mind at the time of trial, but permit acquittals on the grounds of ‘unsoundness of mind’ at the time of the act in question.

Sindh passed additional legislation that makes it mandatory for those accused of blasphemy to be assessed by a psychiatrist and treated if found to suffering from a mental health disability.<sup>96</sup>

In reality, police frequently proceed with investigations and prosecutions of cases against persons with mental health disabilities. In one high profile case from 2012, a 14-year old Christian girl with a learning disability was arrested by police and charged with violating Section 295-B PPC, after a Muslim cleric accused her of burning pages of the Qur'an.<sup>97</sup> It took over three months for her legal representatives to persuade the Islamabad High Court to quash the charges, after which the girl and her family were forced to flee Pakistan as a result of threats.<sup>98</sup>

Where cases against defendants with mental health disabilities proceed to trial, and even though the court is expected to take action where it has "reason to believe" or it "appears to the court" that the defendant 'is of unsound mind,' in practice the burden of proof generally falls on the accused. Accordingly, where defendants are unrepresented by legal counsel, or poorly represented, there is a significant risk that the court will not consider a defendant's history of mental illness and will convict them for actions for which they should not be held responsible, or take them to trial when they are not fit to stand trial (at least without further supports).

Where the defendant is represented, their lawyer can request the court to order a mental health assessment, and to refer their client to a government-appointed medical board.<sup>99</sup> However, in some cases, physicians have demonstrated reluctance to confirm a mental health diagnosis due to intimidation and the threat of violence by protestors and religious vigilantes. In one case reported on by Amnesty International, Ahmed Khan, an individual with a history of paranoid schizophrenia, was charged under Section 295-C of the PPC for allegedly writing letters containing blasphemous statements.<sup>100</sup> Although the court granted the defendant's petition to convene a medical board to assess his mental health, the physicians who prepared the final reports were reportedly intimidated by protestors outside the hospital and concluded that Khan suffered 'only' from depression, not

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<sup>96</sup> The Sindh Mental Health Amendment Act, May 18, 2015, *available at* <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XIX%20of%202015.pdf>.

<sup>97</sup> Amnesty International, Pakistan: How the Blasphemy Laws Enable Abuse (2021). *See also* Rimsha Masih, Pakistani Girl Accused of Blasphemy, Finds Refuge in Canada, *The Guardian*, June 30, 2013, *available at* <https://www.theguardian.com/world/2013/jul/01/pakistan-girl-accused-blasphemy-canada>.

<sup>98</sup> *Id.*

<sup>99</sup> Amnesty International, *As Good As Dead: The Impact of the Blasphemy Laws in Pakistan* 23 (2016).

<sup>100</sup> *Id.*

schizophrenia.<sup>101</sup> In convicting Khan of violating Section 295-C, the trial court disregarded Khan's prior diagnosis, as well as other evidence presented by his lawyers concerning his mental health disability, and sentenced him to death.<sup>102</sup> In another case, a Sessions court reportedly rejected the bail petition of an accused even though the Medical Board confirmed that the accused charged under 295-C PPC was 'unfit to plead.'<sup>103</sup>

Other practical hurdles are also present during a psychiatric assessment; there does not appear to be as of 2020, "any compilation of best practices or guidelines regarding the role of mental health professionals in blasphemy cases."<sup>104</sup> In 2021, the Supreme Court ruled that those found to have a mental health disability are exempt from being subjected to the death penalty (which would include those sentenced under 295-C of the PPC) but provided the caveat that "not every mental illness shall automatically qualify for an exemption from carrying out the death sentence" and that "the exemption will be applicable only in that case where a Medical Board" certifies such exemption "after a thorough examination and evaluation."<sup>105</sup> This has led to an additional hurdle since lower courts often do not grant relief (such as bail) to the defendant in blasphemy cases because the reports written by medical boards are not thorough, in line with the standard set by the Supreme Court, since "doctors are not used to writing detailed and structured reports."<sup>106</sup>

Separate from the question of fitness to stand trial, and as discussed in greater detail above, the higher courts in Pakistan have stressed the importance of *mens rea* in blasphemy cases, which is not always sufficiently considered by the lower courts—and is an especially critical issue in cases involving potential mental health disabilities. For instance, in *Shabaz Masih alias Kaba v. The State*,<sup>107</sup> the Lahore High Court reversed a

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<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> Romesa Qaiser Khan and Abdul Moiz Khan, Crime and Punishment: Pakistan's Legal Failure to Account for Mental Illness, 18(4) *BJPsych Int Nov.* 2021, *available at* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8554968/>.

<sup>104</sup> Adnan Ahmed and Chinmoy Gulrajani, Pakistan's Blasphemy Laws and the Role of Forensic Psychiatrists, *The Journal of the American Academy of Psychiatry and the Law*, 2020, *available at* <https://jaapl.org/content/early/2020/01/24/JAAPL.003916-20#ref-47>.

<sup>105</sup> Asad Hashim, Pakistan's Top Court Bans Execution of People with Mental Illness, *Al Jazeera*, Feb. 11, 2021, *available at* <https://www.aljazeera.com/news/2021/2/11/pakistani-apex-court-bans-execution-of-mentally-ill->

[patients#:~:text=Imdad%20Ali%2C%2057%2C%20spent%2018,been%20diagnosed%20with%20paranoid%20schizophrenia.](https://www.aljazeera.com/news/2021/2/11/pakistani-apex-court-bans-execution-of-mentally-ill-patients#:~:text=Imdad%20Ali%2C%2057%2C%20spent%2018,been%20diagnosed%20with%20paranoid%20schizophrenia.)

<sup>106</sup> Anonymized comment from Lawyer in a blasphemy case, Pakistan.

<sup>107</sup> *Shabaz Masih alias Kaba v. The State*, 2007 MLD 1040.

trial court's decision to convict the accused of trampling on pages of the Qur'an, as he lacked the *mens rea* for the crime due to a mental health disability.<sup>108</sup>

## D. DUE PROCESS AND FAIR TRIAL RIGHTS

According to several human rights organizations, violations of the right to a fair trial are prevalent in blasphemy cases in Pakistan. For instance, Amnesty International has observed that “trial hearings of blasphemy cases ... routinely fall short of Pakistan’s obligations to comply with international law and standards on fair trial.”<sup>109</sup> The U.S. State Department has also summarized that “[c]ivil society organizations reported judges were reluctant to exonerate individuals accused of blasphemy, fearing vigilante violence.”<sup>110</sup>

In particular, according to reports, accused individuals may be “presumed guilty” or convicted on the basis of a standard of proof “below that of ‘beyond reasonable doubt.’”<sup>111</sup> Indeed, Amnesty International found multiple instances of judges disregarding important evidence in support of defendants, and favoring evidence presented by the prosecution without justification.<sup>112</sup>

For instance, in one case decided in 1992, the prosecution suggested that because the complainant was a religious figure, his testimony should be believed even in the absence of corroboration, because he ‘would not lie.’<sup>113</sup> (While the defendant was initially convicted, the High Court disagreed, explaining that corroboration was required.)

Over the years, this failure to require the prosecution to bear the burden of proof has been one of the violations of defendants’ rights most frequently identified by higher courts—in particular a failure to prove the defendant’s *mens rea*.<sup>114</sup>

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<sup>108</sup> *Id.* at para. 14. See also *infra* for additional discussion of *mens rea*.

<sup>109</sup> Amnesty International, *As Good As Dead: The Impact of the Blasphemy Laws in Pakistan* 12 (2016).

<sup>110</sup> U.S. Department of State, *2022 Country Reports on Human Rights Practices: Pakistan*.

<sup>111</sup> Amnesty International, *As Good As Dead: The Impact of the Blasphemy Laws in Pakistan* 12 (2016).

<sup>112</sup> *Id.*

<sup>113</sup> *Islam Khan v. The State*, 1992 P.Cr.L.J. 452, para. 7 (The state counsel “supported the impugned judgment and submitted that the complainant being Pesh Imam of the mosque is not expected to tell a lie in the Court, hence his uncorroborated testimony should be believed”).

<sup>114</sup> While Section 295-C does not on its face require an intent to blaspheme, unlike 295-A and 295-B, the higher courts in Pakistan have repeatedly overturned convictions for failure to prove *mens rea* under all three of the key Sections. See, e.g., *Muhammad Sharif v. the State*, 2008 Y L R Lahore 1386, para. 9 (“Essentials ingredients of an offense under section 295-A, B and C are that the accused must act with the intention to insult the religion of any class of persons with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as insult to their religion.”); *but cf.* *Haji Bashir Ahmad v. The State*, 2005 YLR 985.

The Lahore High Court in *Nasrullah Khan v. Station House Officer*, for instance, stressed that for a prosecution under Section 295-A, ‘malicious intent’ was required.<sup>115</sup> In that case, the court found that “the Assistant Advocate General could not point out any circumstances that might indicate malice on his [the defendant’s] part.”<sup>116</sup> Likewise, in *Ubaidullah v. The State*<sup>117</sup> the Supreme Court held that a man who said he had been smoking marijuana before someone slipped a holy book into his pocket, which he then stomped on, should be acquitted under Section 295-B due to a lack of *mens rea*. (The defense also argued that he was illiterate and, therefore, it made no sense that he would have intentionally been carrying the book.). And in *Abdul Ahad v. The State*, another case under Section 295-B, the Peshawar High Court quashed the case against an illiterate Christian girl, who was allegedly found disposing of an envelope containing burned fragments of the Qur’an, since she did not know what she had in her hands.<sup>118</sup>

The higher courts have also thrown out convictions because trial courts credited unreliable evidence. Thus, for instance, in one case the Supreme Court cited “the material contradictions and inconsistent statements of the witnesses” in overturning a conviction. The other evidence in the case was an extrajudicial confession before the same witnesses, which the Supreme Court explained was “a fragile piece of evidence” that is “always looked at with doubt and suspicion due to the ease with which it may be concocted.”<sup>119</sup> In finding for the accused, the Supreme Court lamented that “in the circumstances of the present case she appears to be a person, in the words of Shakespeare’s King Lear, ‘more sinned against than sinning.’”<sup>120</sup>

In another case, the Court while overturning a blasphemy conviction stated that the prosecution witnesses had “bitterly failed to prove” the allegations and that the evidence should be “unambiguous and inspiring confidence in such a manner that a prudent man comes to an irresistible conclusion about the guilt of the accused.”<sup>121</sup> In a third case where

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<sup>115</sup> *Nasrullah Khan v. Station House Officer*, Police Station Saddar, Mianwali, etc., Writ Petition No. 60241/2021.

<sup>116</sup> *Id.* para. 11; *see also* Muhammad Khalil v. The State, PLD 1962 Lahore 850 (“[I]ntention to outrage the religious feelings of a class of people and that intention should not only be deliberate but also malicious. An intention itself contains the element of deliberation, but since a person may normally be assumed to intend the consequence of his acts, the word ‘deliberate’ was used to make it a very purposeful intention, and it was further strengthened by the use of a malicious adjective.”).

<sup>117</sup> *Ubaidullah v. The State*, 1991 SCLR 1734.

<sup>118</sup> *See also* Abdul Ahad v. the State and another, PLD 2007 Peshawar 83, para. 13 (“The ‘term’ wilful in law means an intentional and deliberate act.”).

<sup>119</sup> *Asia Bibi v. The State*, PLD 2019 SC 64; *see also* Salamat Masih v. the State, 1995 PCr.LJ 811.

<sup>120</sup> *Asia Bibi v. The State*, PLD 2019 SC 64.

<sup>121</sup> *Salamat Masih v. The State*, 1995 PCr.LJ 811.

the complainant waited 21 days to register a First Information Report (FIR) to the police, and the prosecution did not produce their key witness in court, the appeal court held that the defendant had to be acquitted.<sup>122</sup>

On yet other occasions, procedural deficiencies during the police investigation have also been highlighted as reasons for acquittal. While acquitting one defendant under Section 295-C, the Supreme Court held that the initial investigation had violated Section 156-A of the Code of Criminal Procedure since it was conducted by a Sub-Inspector of Police whereas it had to “be conducted by an officer not below the rank of Superintendent of the Police.”<sup>123</sup> In another case the Supreme Court held that “[i]t is prohibited for an investigating officer to discriminate or give preference on religious grounds” and where no evidence apart from non-corroborating witness testimonies were presented, “the investigating SP appears to have accepted the word of the four friends against that of the two accused and no reason, let alone a valid one, is given for the preference.”<sup>124</sup>

In rendering judgments of acquittal, some High Courts and the Supreme Court have highlighted the absurdity of the facts narrated against the accused, absent evidence. In one such case, in which the prosecution witnesses alleged that the defendant had blasphemed and had urged the complainant and others to read Salman Rushdie’s book, the court noted that everyone involved was a laborer and that “asking ordinary laborers to read Salman Rushdi's book sounds ridiculous and preposterous. The prosecution story thus does not ring true intrinsically and is too odd to stand to reason.”<sup>125</sup> The court ordered the defendant’s acquittal. In yet another case where the accused was on death row for more than 18 years for allegedly writing blasphemous letters anonymously only to later allegedly identify himself, the Supreme Court in acquitting the accused stated that the prosecution’s case “is preposterous to say the least” and “even with the most lax standard of appreciation of evidence on the touchstone of probability, the prosecution is bound to fail” because the story against the accused could only be believed if “it is assumed that he was on a suicidal course.”<sup>126</sup>

Finally, as described above, in some of the cases, the higher courts have specifically found that charges appear to have been levied maliciously, for instance due to a rivalry

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<sup>122</sup> See *Mujeeb-ur-Rehman v. the State*, 2018 YLR Baluchistan 389 (acquitting where the prosecution did not produce their star witness).

<sup>123</sup> *Asia Bibi v. The State*, PLD 2019 SC 64.

<sup>124</sup> *Salamat Mansha Masih v. The State*, PLD 2022 SC 751.

<sup>125</sup> In another case, the High Court questioned a story about a shoe vendor finding enough money to offer large sums to an amulet maker who, the shoe vendor claimed, blasphemed regarding his powers. *Mehmood Ali v. the State*, 2015 MLD Lahore 1560.

<sup>126</sup> *Wajeeh-UI-Hassan v. The State*, 2019 SCMR 1994.

between the complainant and the defendant. In one case, the court concluded that an FIR had been registered due to a religious and political rivalry and threw out a conviction on this ground.<sup>127</sup>

## **E. BLASPHEMY CASE PROCESS**

A blasphemy case starts with the submission of an application to the police by a complainant who alleges that an offence has occurred, which in turn leads to the registration of a First Information Report (FIR). The complainant can be an eyewitness or someone who otherwise has knowledge that an alleged offense has been committed. The FIR contains the factual account of the complainant and can specifically name the accused or detail the facts of the case in case the accused is unknown. Thus, anyone can be a complainant.

The Supreme Court has held that an FIR is meant to be filed without “unexplained inordinate delay,” and that failure to act speedily can “tarnish the authenticity of the FIR, cast a cloud of doubt on the entire prosecution case and is to be taken into consideration while evaluating the prosecution evidence.”<sup>128</sup> The Supreme Court has further held in blasphemy cases that a delay of 5 days and in one case even more than 12 hours without a plausible explanation gave rise to an inference that the complainant(s) were not being truthful.<sup>129</sup>

Following the registration of the FIR, an Investigation Officer (IO) investigates the case, including taking statements of witnesses. As discussed above, for blasphemy offenses under Section 295-C of the PPC, no officer below the rank of Superintendent of Police is allowed to conduct the investigation. Police officers are ranked according to “grades,” with the lowest grade (BS 05) reserved for constables and the highest (BS 22) being the Inspector General of Police. A Superintendent of the Police is at BS 18 and there are 4 grades above them and 6 grades below them.<sup>130</sup>

After the investigation is complete, the police submit a challan to the prosecutor describing the evidence collected and reasons for recommending that a trial be conducted.<sup>131</sup> They also have the option of recommending that the FIR be cancelled due

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<sup>127</sup> Peer Zahoor Ahmad v. The State, 2003 YLR Lahore 2000.

<sup>128</sup> Ayub Masih v. The State PLD, 2022 SC 1084.

<sup>129</sup> See Asia Bibi v. The State PLD 2019 SC 64 (relying on Zar Bahadar v. The State, 1978 SCMR 136; Sheraz Asghar v. The State, 1995 SCMR 1365; Noor Muhammad v. The State, 2010 SCMR 97).

<sup>130</sup> See Arslan Siddiqui, All You Need to Know About Police Ranks in Pakistan, Oct. 28, 2022, *available at* <https://www.graana.com/blog/all-you-need-to-know-about-police-ranks-in-pakistan/>.

<sup>131</sup> Standard Operating Procedures Punjab, 2011.



to insufficient evidence. The prosecutors too have the discretion to withdraw the case before the court takes cognizance of the case.<sup>132</sup> According to Amnesty International in 2016, “in the Punjab, in contrast to cases registered under other laws, there is not one example of a blasphemy case withdrawn” at the request of the prosecutor to the court due to insufficient evidence.<sup>133</sup>

A Magistrate of First or Second Class can try blasphemy cases under Sections 295-A, 298, 298-B, and 298-C of the PPC.<sup>134</sup> On the other hand, only a Court of Session can try cases under Section 295-B (Defiling Holy Qur’an), which has a mandatory sentence of imprisonment for life, Section 295-C (Derogatory remarks against Holy Prophet), which carries a mandatory death penalty, or Section 298-A (Derogatory remarks against holy personages), which has an imprisonment of up to 3 years. Particularly for cases under Section 295-C, there is an additional requirement that only a Muslim Presiding judge can hear the cases in Sessions Court.<sup>135</sup>

Blasphemy trials in Pakistan then often take years to conclude, with judges frequently causing delays, or tolerating delays caused by the prosecution or complainant(s), due to the judges’ reluctance to acquit defendants, in clear violation of the right to be tried without undue delay.<sup>136</sup> Many defendants are also denied bail,<sup>137</sup> such that they spend years in detention awaiting the resolution of their case, contrary to their right to liberty and their right against unlawful and arbitrary detention.<sup>138</sup>

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<sup>132</sup> Amnesty International, *As Good As Dead: The Impact of the Blasphemy Laws in Pakistan* 33 (2016).

<sup>133</sup> *Id.*

<sup>134</sup> *See* Schedule II of the Code of Criminal Procedure.

<sup>135</sup> *Id.*

<sup>136</sup> *Id.* *See also* Shah Meer Baloch, *Pakistan Court Again Delays Appeal of Couple Convicted of Blasphemy*, *The Guardian*, Feb. 24, 2021, *available at* <https://www.theguardian.com/world/2021/feb/24/pakistan-court-again-delays-appeal-shagufta-kausar-shafqat-emmanuel-couple-convicted-blasphemy>.

<sup>137</sup> There are multiple potential reasons for this, including the higher standard applicable in cases carrying severe potential sentences, the sensitive nature of the crime, and the history of those charged with blasphemy absconding.

<sup>138</sup> Shah Meer Baloch, *Pakistan Court Again Delays Appeal of Couple Convicted of Blasphemy*, *The Guardian*, Feb. 24, 2021.

# MONITORING THE CASES



## A. CHARGES

The majority of the defendants in the monitored trials were charged under one or more of five provisions of the PPC: Sections 295-A, -B, and -C of the PPC, or Sections 298-A or -C of the PPC (the latter of which is the provision specific to the Ahmadis). In five cases, there were ancillary charges for cybercrime under the Prevention of Electronic Crimes Act 2016. The chart annexed to this report describes the bases of the charges in each of the cases in greater detail. Below, the report describes the substantive allegations at issue.

### Defiling the Qur'an

Eleven defendants were charged under Section 295-B of the PPC, which prohibits defiling the Qur'an. Most of the defendants charged with this offense allegedly burned or tore pages of the Qur'an or damaged copies of other Islamic books. One defendant was prosecuted under Section 295-B PPC for allegedly throwing a copy of the Qur'an from a window.

### Blasphemous Statements

Sixteen defendants were charged with insulting "holy personages" or "defil[ing] the sacred name of the Holy Prophet Muhammad" under sections 295-C and 298-A of the PPC. The alleged acts constituting offenses under these sections generally included the accused uttering blasphemous words, sending blasphemous messages, posting on social media, or showing blasphemous pictures, etc. Yet in all the FIRs registered for these cases, in only one did the complainant specify the actual blasphemous words uttered (in a second one, the complainant partially specified the alleged blasphemy, suggesting that the accused was allegedly calling himself the Prophet). For every other case, the only information in the FIR is a general description, e.g., that the words uttered, written, or altered were disrespectful to Muslims or the Prophet and thus amounted to blasphemy.

In at least one case, the fact that the allegedly blasphemous words were not specified was highlighted by the court in deciding to acquit the defendant. In others, however, this was condoned by the courts. For instance, in one monitored case, where the defendant was sentenced to death, the court opined that there was no consensus among the Muslim Community on whether the repetition of blasphemous words amounted to blasphemy as well.

Specifically, sixteen defendants were charged under Section 295-C of the PPC. For

example, one defendant allegedly made blasphemous statements during a religious sermon, while another pretended to be a figure of religious authority. In addition, two defendants were charged under Section 298-A of the PPC, which prohibits the use of derogatory remarks against “holy personages.” One, for instance, was prosecuted under this provision for allegedly publishing blasphemous content on Facebook.

Four defendants were also charged under Section 295-A of the PPC, which makes it a criminal offense to perform any “deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs.” For example, one defendant was alleged to have used “derogatory” words in an audio recording, while another was alleged to have sent blasphemous WhatsApp messages.

Finally, two defendants were charged under Section 298-C of the PPC, which prohibits persons of the Ahmadi community from calling themselves Muslims or preaching or propagating their faith.

In addition to offenses under the PPC, some of the defendants were also charged under other criminal laws. For example, four defendants were charged with hate speech, contrary to section 11 of the Prevention of Electronic Crimes Act 2016 (“PECA”), which prohibits the dissemination of information that advances, or is likely to advance, interfaith, sectarian, or racial hatred, and is punishable with up to seven years’ imprisonment and/or a fine.<sup>139</sup> Two others were charged with cyberstalking, contrary to section 24 of PECA . Two other defendants were also charged under other provisions of law.

## **B. THEMES AND TRENDS**

### **Complainants and FIRs**

In the FIRs of seven out of the 24 cases monitored, the complainant was not the original eyewitness to the alleged blasphemy; in these cases, the complainant was either a police officer, or someone who heard from someone else that there was alleged blasphemy. 18 out of 24 monitored cases show delays of more than 12 hours in registration of the FIR, with eight FIRs filed between a period of more than five days to more than two months. All of these exceed the Supreme Court’s limit for drawing an adverse inference as to plausibility.

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<sup>139</sup> The Lahore High Court has held that although PECA offenses are ordinarily triable by a special court, where they are charged together with blasphemy they may be tried in ordinary courts. See *Zaheer Ahmad v. The State*, Judgment, Crl. Rev. No. 68002 of 2021, Lahore High Court.

As discussed above, Section 196-B of the Code of Criminal Procedure specifies that a judge cannot take cognizance of a complaint under Section 295-A unless it has been made by, or under authority from, the Federal Government or the concerned Provincial Government (the requirement of sanction).<sup>140</sup> In four of the monitored cases, one of the blasphemy charges listed in the FIR is violation of Section 295-A yet in all of the four cases, there is no indication that any prior sanction from the government was taken in line with Section 196-B of the Cr.P.C.

## **Trial Delays and Prolonged Periods of Detention**

Given the particular nature of Pakistan's criminal legal system, where lower courts tend to convict under 295-C, but every sentence of death imposed by a lower court has to be confirmed by the High Court, imprisonment for an inordinate length of time is often inevitable, even in the case of innocence and eventual acquittal.

Many of the monitored trials were delayed significantly as a result of hearings being repeatedly adjourned, with some trials being delayed by several years. In a stunning 17 of 24 cases, there was little to no progress in the case during the monitoring period. In fact, out of the 252 hearings monitored across all cases, only 33 hearings were not adjourned, meaning that in only 13% of hearings monitored was some sort of progress observed such as cross examination of prosecution witnesses, arguments by counsels, submission of written material, passing of a judgment, etc.

The major reason for delays in the trial proceedings observed was the absence of prosecution witnesses and complainants, accounting for 28% of all adjournments. The average number of prosecution witnesses in each case was eight,<sup>141</sup> and yet in all the 24 cases combined, only 10 prosecution witnesses were examined. In fact, out of 252 hearings monitored, prosecution witnesses were absent in 45, nearly a fifth of the total hearings.

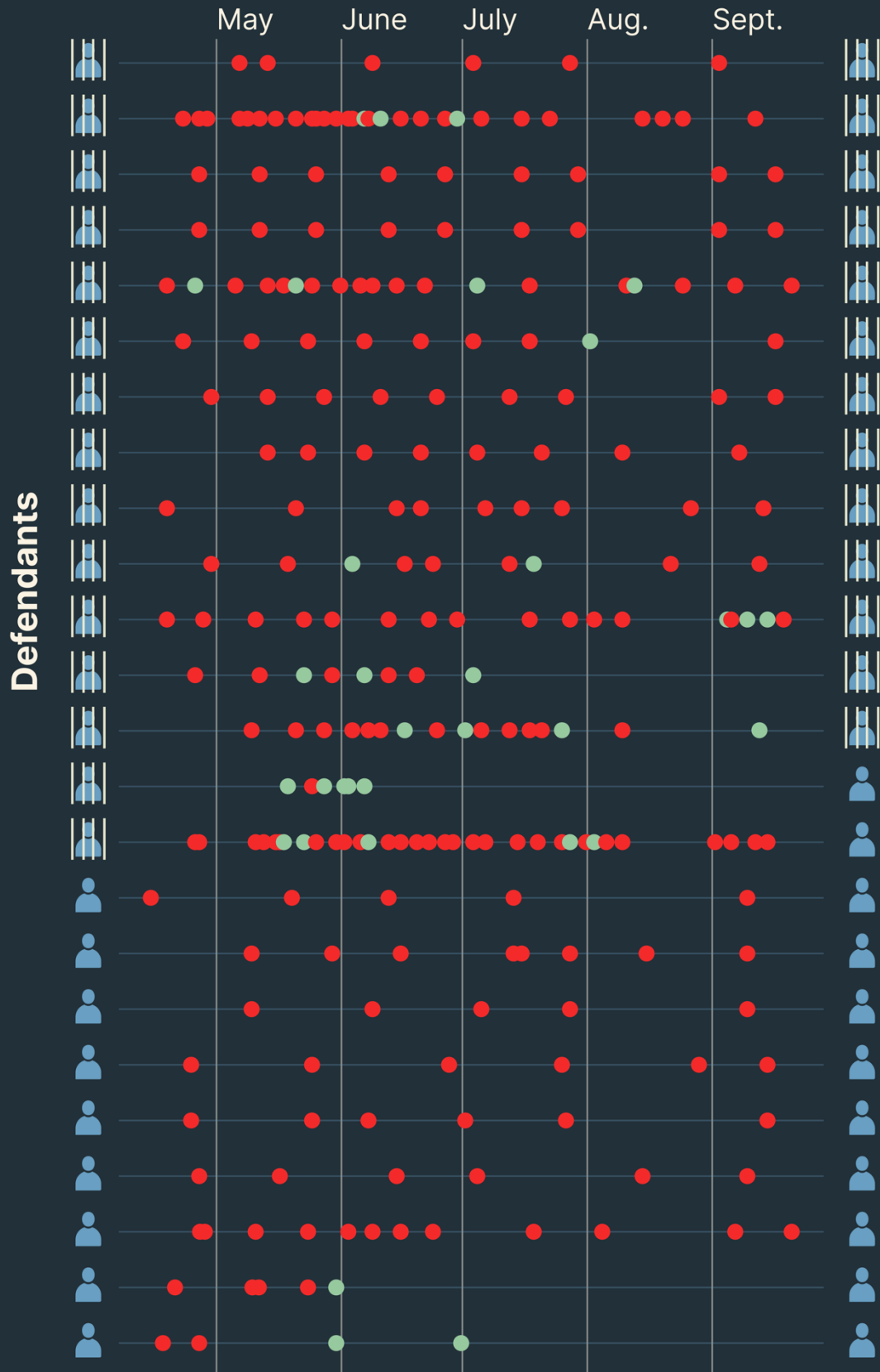
For example, in one case in at least half of the monitored hearings, the prosecution witnesses failed to turn up, and in another case, prosecution witnesses failed to attend at least nine hearings in which they were required. In a further case, prosecution witnesses were present at none of the nine hearings monitored. The graphics below depict the above noted trends during the six-month monitoring period.

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<sup>140</sup> Section 196 of the Code of Criminal Procedure.

<sup>141</sup> The total number of Prosecution Witnesses (PWs) in all 24 cases is 191 according to our trial monitoring, which yields an average of 8 PWs in each case.

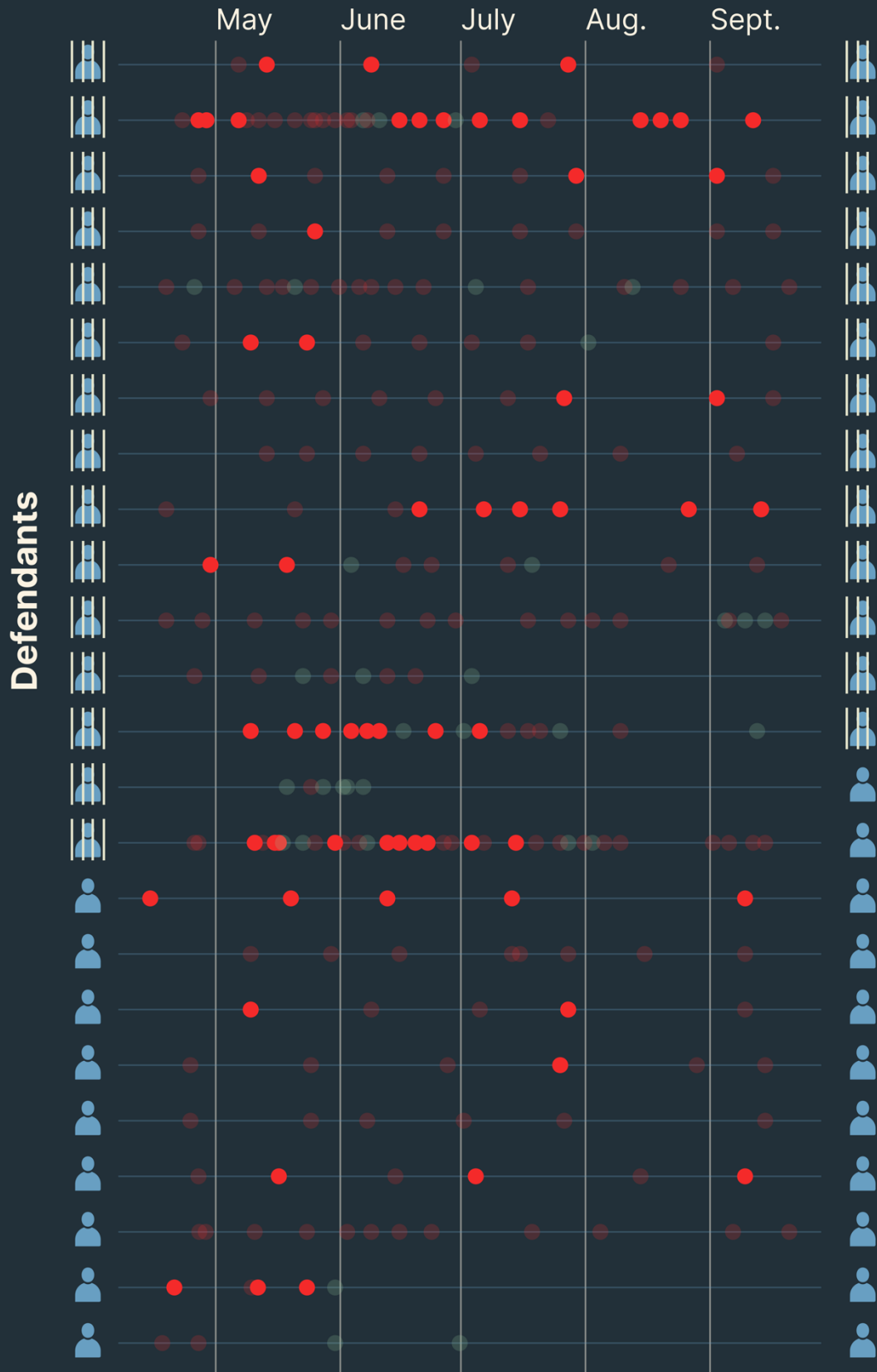
# BLASPHEMY COURT HEARINGS MONITORED OVER SIX MONTHS



= Defendant **Detained**
 = **Progress** at Hearing  
 = Defendant **Not Detained**
 = **No Progress** at Hearing

# BLASPHEMY COURT HEARINGS

● = Adjournment because **witness/complainant is absent**



Although criminal courts in Pakistan have the power to compel witnesses to attend trials by issuing warrants, in many cases, the judges failed to issue such warrants—even after witnesses failed to attend hearings on multiple occasions. For example, in one case, although prosecution witnesses repeatedly failed to attend hearings, the court only issued warrants to compel the attendance of prosecution witnesses after nearly eight years of trial had elapsed. Shockingly, when the prosecution witnesses did appear before the court, the judge was told that they had already been cross examined and that there had been an error on the record all along leading to delays.

Likewise, the complainant was sometimes absent, and the judge did not always order their presence. For instance, in one case, the complainant was absent over five hearings, but only summoned at the fifth hearing.

In some of the cases, the judges also contributed to the delays. For example, judges frequently scheduled hearings to occur on public holidays, when the court was not in session, or on days on which the judge was on personal leave or when strikes were taking place. For example, in one case, seven out of the nine monitored hearings were adjourned because it was a public holiday or the judge was on leave. Similarly, in another case, five out of the nine monitored hearings were adjourned because of a public holiday or the judge was on leave and in a third case, three out of the six monitored hearings were adjourned because the judge was on leave. In fact, adjournments due to the judge's unavailability accounted for 52 hearings or 24% of all the hearings that were adjourned. Astonishingly, 25 of the 52 adjournments were caused by a single judge who was presiding in seven different blasphemy cases.

This is consistent with reports that judges may seek to avoid progressing cases because of pressure from religious hardliners to convict, and threats that they or their families will be attacked if they acquit,<sup>142</sup> defendants in blasphemy cases.<sup>143</sup> For instance, in an earlier case reported on by Amnesty International, although 118 hearings had occurred over four

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<sup>142</sup> Indeed, some judges have even been killed for their roles in blasphemy trials. For example, in 1997, a High Court judge was shot dead after acquitting two defendants who had been sentenced to death for blasphemy. See Amnesty International, Amnesty International Annual Report, June 16, 1998, *available at* <https://www.amnesty.org/en/documents/pol10/0001/1998/en/>.

<sup>143</sup> Consultation of Lawyers and Judges on Offences Related to Religion (Lahore, September 2014), cited in International Commission of Jurists, *On Trial: The Implementation of Pakistan's Blasphemy Laws* 33 (2015); Rana Tanveer, *Delaying Tactics: Judge Washes Hands of Blasphemy Case*, The Express Tribune, Apr. 8, 2013 (counsel for accused "said the judge had washed his hands of the case due to pressure from the complainant and his colleagues from Ahle Sunnat Pakistan"), *available at* <https://tribune.com.pk/story/533013/delaying-tactics-judge-washes-hands-of-blasphemy-case>.

years, there were still 15 prosecution witnesses to be examined.<sup>144</sup> The defendant's lawyer told Amnesty International that the delays "were largely attributable to the fact that no court wanted to give relief to [the defendant] in spite of all the compelling evidence in his favour."<sup>145</sup> The lawyer also noted that "you see judges simply leaving cases in limbo, hoping that they will be transferred from the case and another court will have to deal with the issue."<sup>146</sup> In fact, for 11 of the 24 cases, within the six months of monitoring, the judge presiding over the case was changed, leading to delays.

Judicial appetite for moving a case and more importantly, diligence, can have an enormous impact on the speed of blasphemy proceedings. In the sample of cases monitored, a single judge presided over four cases—incredibly in the same four cases combined, the court was adjourned only on one occasion. In one of these cases, within five months of this judge taking over the case, five prosecution witnesses were examined in three hearings, a video link was accepted to cross examine a prosecution witness and non-bailable arrest warrants were issued to those not appearing.

Similarly, two of the cases that had the highest number of hearings of the cases involving religious minorities (one with 33 hearings and another with 17 hearings) were before the same judge and the cases were fast tracked after he was assigned to both cases. This same judge also stopped proceedings and consigned the file in another case after declaring that an accused was a proclaimed offender because to do otherwise would "waste the time of the court."

Defense and prosecution lawyers also caused delays, usually by arriving at court unprepared and requesting adjournments or failing to attend hearings altogether. For the cases monitored, these types of adjournments made up 25% of all adjourned hearings. For example, both sets of counsel failed to attend hearings in one case, while the complainant's counsel also requested an adjournment due to commitments in another matter. Counsel for the complainant also failed to attend hearings in a second case. In addition, in a third case, the monitoring revealed that "counsel would come unprepared and casually seek for an adjournment, which would usually be granted."

At the same time, while these delays were ongoing, many of the defendants were in detention, having been denied bail. Indeed, in 15 of 24 cases, the courts refused the defendants bail, although it bears noting that in some cases where defendants were

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<sup>144</sup> See Amnesty International, *As Good As Dead: The Impact of the Blasphemy Laws in Pakistan* 37 (2016).

<sup>145</sup> *Id.*

<sup>146</sup> *Id.*



granted bail, they then absconded.

As discussed above, Sections 295-A, 295-B and 295-C are non-bailable offenses, which means that bail is not automatic and can only be granted at the court's discretion.<sup>147</sup> Yet, an amendment to Section 497 (1) of the Code of Criminal Procedure provides that the Court *shall* provide bail where there is a delay in trial of the accused for which they are not responsible and where they have been detained more than a continuous year for an offence not punishable by death or more than two continuous years for an offence with the death penalty. In one reported judgment, the High Court granted bail because the accused was held in detention for three years without the trial court concluding the proceedings, stating that “for the purposes of ascertaining the delay in trial, mechanical calculations of the dates is not required but the main reason for the delay and the conduct of the prosecution is to be evaluated.” It reasoned that the non-production of prosecution witnesses or failure of jail authorities to produce the accused in court were the responsibility of the trial court since it “is not helpless but it can take all appropriate measures provided” under the law.<sup>148</sup>

In 10 cases monitored, where the court had refused bail, by the end of the monitoring period, the defendants had overall waited for their trial to conclude for more than two years while being in pretrial detention. In six of the 10 cases, all the hearings were adjourned—in fact out of a total of 104 hearings in these 10 cases, only nine were not adjourned. For instance, in one case, which was a Section 295-C case with the mandatory death sentence, there were a total of 25 adjournments sought in 28 hearings and only one of them was attributable to the absence of the defendant's counsel while 12 were attributable to the complainant and prosecution witnesses not being present. Shockingly, the monitoring revealed that one of adjournments was given because it was argued that the prosecution witnesses had not slept properly the night before, yet this was not listed as a reason for the adjournment on the court order. Records show that a prior bail petition on this defendant's behalf was dismissed even though it was filed more than two years into his detention. While it is not clear if any delays in those two years were attributable to the defendant, to the extent of the six months his trial was monitored, the delays were clearly not his fault, and yet he remained in prison.

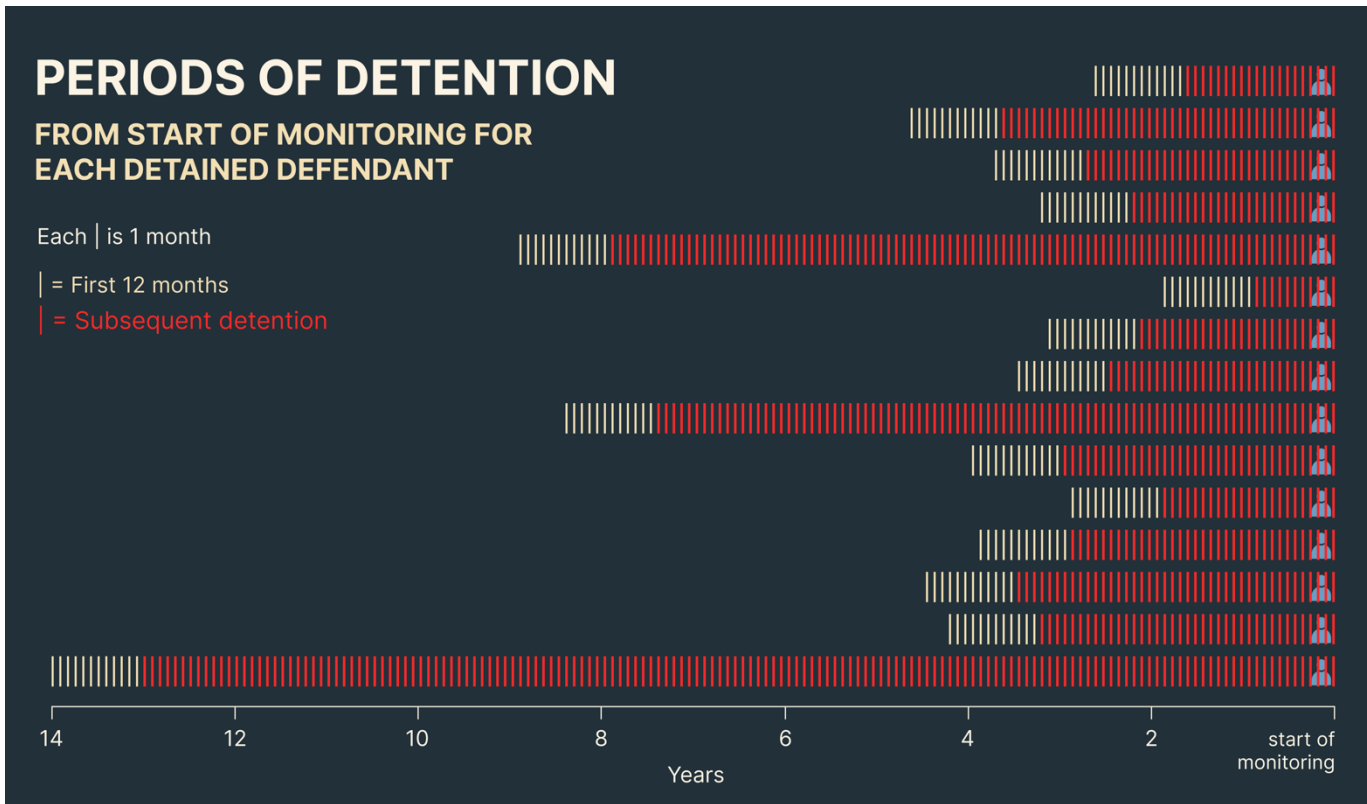
The courts' refusal to grant bail to many of the defendants in the monitored cases, combined with the significant delays to their trials, has meant that these defendants have spent considerable periods in detention waiting for their trials to conclude. The following

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<sup>147</sup> Section 497 of the Code of Criminal Procedure (accused is not to be released if “there appears reasonable grounds for believing that he has been guilty of an offence punishable with death, imprisonment for life or 10 years.”).

<sup>148</sup> Abdul Razak Zangejo v. The State, PLD 2012 Sindh 218.

visual (current as of June 1, 2023) shows, for the fifteen cases in which the defendants were in prison, how long the defendants have spent in detention during their trials.



The average length of time in detention of these cases is 59 months (more than four and a half years) and the median is 47 months (nearly four years).

As of April 4, 2024, according to prison records for Punjab alone, there are a total of 451 prisoners (including one juvenile) held in pretrial detention, out of a total of 523 prisoners held on blasphemy charges—thus 86% of all prisoners charged with blasphemy under 295-A, B and C in Punjab prisons are in pretrial detention.<sup>149</sup> This suggests that the trend observed in the 24 cases monitored is by no means unique.

### **Mental Health Disabilities**

As noted above, there is evidence that Pakistan’s blasphemy laws adversely and disproportionately impact individuals with mental health disabilities. The Lahore High Court itself recently observed that “[i]t frequently happens that those accused of

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<sup>149</sup> Crime Wise Population, Punjab Prisoners, Government of Punjab, Apr. 4, 2024, *available at* [https://prisons.punjab.gov.pk/crime\\_wise\\_population](https://prisons.punjab.gov.pk/crime_wise_population).

blasphemy have a mental condition.”<sup>150</sup>

This trend appears to be reflected in the monitored trials. In at least five of the cases—nearly a quarter of the cases monitored—there was evidence to suggest that the defendant had a mental health disability. Two defendants were alleged to have schizophrenia and two others allegedly had other mental health disabilities. One defendant was initially deemed unfit to stand trial due to the medical board opining that he suffered from schizophrenia, but multiple years later was found to be fit to be tried despite still suffering from schizophrenia, and convicted.

Accordingly, for at least some of these defendants, even if the allegations were true, they were being prosecuted for conduct for which they should not have been held responsible—a process inconsistent with Section 84 of the PPC, which provides that an individual who “by reason of unsoundness of mind is incapable of knowing the nature of the act, or that what he is doing is either wrong or contrary to law” does not commit an offense.<sup>151</sup>

In addition, the majority of these cases were subject to delays because courts ordered the defendants to undergo repeated medical examinations; medical practitioners or superintendents failed to provide reports on time; the prosecution challenged applications for the defendant to be declared unfit to stand trial (even in the face of clear evidence supporting such an application); and judges were consistently unavailable. As a result, defendants with potentially serious mental health disabilities became mired in prolonged criminal proceedings that should not have been commenced or should have been swiftly disposed of by the courts. These defendants were also potentially prevented from accessing necessary supports.

For instance, one defendant was charged with violating Section 295-C for allegedly making blasphemous statements and was detained following his arrest. The defendant explained that he had been under the influence of a magical creature. He was initially diagnosed with schizophrenia and declared unfit to stand trial. Subsequently, there were contradictory medical findings, and the court constituted a new medical board. After being examined again, and declared unfit to stand trial again, the defense moved for an acquittal. Notwithstanding the various diagnoses, the prosecution opposed the defense’s application. The court ultimately stayed the trial and ordered the defendant to be treated at a mental institution, although the possibility the trial could resume at a later stage was

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<sup>150</sup> Nasrullah Khan v. Station House Officer, Police Station Saddar, Mianwali, etc., Writ Petition No. 60241/2021, para. 18.

<sup>151</sup> Section 84 of the Pakistan Penal Code.

kept alive, as provided in the Code of Criminal Procedure--not an impossibility as seen in other cases.

A second defendant was charged with violating Section 295-B of the PPC for allegedly throwing a copy of the Qur'an from a window onto the road. Although he was granted bail by the court on the ground that he was under medical treatment, he spent seven months in detention, and his trial was subject to repeated delays due to the judge being unavailable (see above). This defendant's counsel also filed an acquittal application relying among other things on his mental health status. Notwithstanding the accused's earlier diagnosis, the court referred him for a second psychiatric evaluation in order to 'try the fact of unsoundness of mind.' The case—in particular, the adjudication of the accused's fitness to stand trial—remains ongoing as of writing of this report.

A third defendant was charged with violating Section 295-B of the PPC for tearing pages of the Qur'an. This defendant's father argued that the defendant was of "unsound mind" and therefore unfit to stand trial, explaining some of his past behavior, and the courts ordered the defendant to undergo a mental health assessment.

A fourth defendant was charged with violating Section 295-C of the PPC for allegedly sending text messages that were 'highly disrespectful of the Prophet Muhammad' and which "hurt the religious sentiments of the complainant." The court ordered the Superintendent of the District Jail in Lahore to provide a report on the defendant's mental health. However, across eight monitored hearings, the Superintendent failed to provide the mental health report, causing the trial to be repeatedly adjourned. Indeed, this defendant had been in custody from the date of his arrest more than five years prior in a flagrant violation of his right against unlawful and arbitrary deprivation of liberty.

A fifth defendant was charged under Section 295-B with burning a Qur'an and dropping it in water. He was initially found unfit to stand trial based on a diagnosis of schizophrenia. Three years later, however, while continuing to suffer from schizophrenia, he was found fit to stand trial based on the view that he was stable while being treated. He was ultimately convicted and sentenced to time served.

### **Differences Based on Religious Affiliation**

There is some evidence for the proposition that cases against members of religious minorities proceeded more quickly than those against Muslims (although sometimes to conviction). Among the 24 cases monitored, the average length of time between registration of the FIR and disposition (or June 1, 2023, whichever was earlier) is 49 months, in cases involving religious minorities. By contrast, in cases of Sunni Muslims, the average is 57 months.

For instance, in one case involving a Christian defendant, the court held 33 hearings over the monitoring period and heard testimony from numerous prosecution witnesses (although that case too was plagued with delays due to the absence of witnesses or counsels). Likewise, in a second case involving a religious minority, the court held 17 hearings and disposed of an application to bifurcate the charges.

Further, in only two of the seven cases against religious minorities was there no progress at all, set against the fact that in 15 of the 17 cases against members of the religious majority, there were no substantive developments at all during the monitoring period.

There were also indications of particular targeting of the Ahmadiyya community (two of the seven cases against religious minorities). In particular, in both cases, the FIRs alleged that Ahmadi commentaries on the Qur'an were inherently blasphemous—in one case, on the theory that these books were 'defiled' copies of the Qur'an and in the other case, on the theory that propagating those versions was inciting religious hatred.<sup>152</sup>

There was also evidence of religious bias more generally—in particular in the judgments in cases that came to conclusion. In one case, involving a Christian defendant, the complainant's counsel and other lawyers present in the court "sometimes shouted at witnesses or at the defense counsel's team members during the case proceedings" but the judge "did not pass any injunctive order against the group of lawyers trying to intimidate/harass the defence party and their counsel."

In another case, the judge while finding the accused guilty of blasphemy and giving a life sentence, stated that "being Muslim, in normal circumstances it can't be believed that PWs [prosecution witnesses] levelled false allegation of defiling Holy Qur'an just for politics." Similarly, in the second case that reached judgment during the monitoring period, while handing down a death sentence, the court reasoned partly that "a Muslim, under normal circumstances wouldn't level false allegation of defiling Qur'an" while believing the Muslim witnesses who had levelled allegations of blasphemy against the accused. This accused person was tried under 295-C PPC, which makes it mandatory for only a Muslim judge to preside over the trial.

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<sup>152</sup> See also *infra* for discussion of these dynamics.

## Witnesses & Complainants

One empirical study of criminal cases in Pakistan has posited that “the most frequent cause of adjournment is the absence of the prosecution’s witnesses.”<sup>153</sup> The monitoring undertaken for this report confirms that this is also true in blasphemy cases. And yet in six out of 24 cases monitored, the only evidence against the accused was witness testimonies. In at least two of the cases, the prosecution witnesses were comprised entirely of police officers, who did not show up to court.

The delays in cross-examination of witnesses were present despite the availability of multiple avenues the court could have explored to ensure attendance, such as attaching the salary of the Station House Officer (SHO, in charge of a police station) or initiating an FIR against the SHO under Section 155-C of the Code of Criminal Procedure for not executing warrants for the witnesses. The Supreme Court has also held that when summonses are issued for witnesses and the witnesses do not appear in response, the reasons must be examined and noted in an order sheet and coercive steps should be taken for securing the attendance of the witnesses.<sup>154</sup> The National Judicial Policy of 2009 further states that in all criminal cases where the punishment is seven years or above (including death penalty cases) the Station House Officer/Investigating Officer<sup>155</sup> is duty bound to produce witnesses and courts to bind the SHO/IOs to do so, to “not grant unnecessary adjournments” and “take strict action against the parties or witnesses causing deliberate delays in proceedings.”<sup>156</sup> In one case, the judge even allowed an adjournment because the prosecution witnesses had not slept properly despite the delays in the case, and in two others, the judge only issued summonses (rather than any kind of stronger enforcement) to the witnesses despite there being no progress in the case for six months.

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<sup>153</sup> Angbeen Atif Mirza, *Delay in Trial: Empirical Evidence from The Magistrate’s Court in Karachi*, Legal Aid Society, pg. 13 (2016) (This study was done in Sindh rather than Punjab by the Legal Aid Society from 2013-2016), *available at* <https://las.org.pk/wp-content/uploads/2018/09/Delay-in-Trial-September-02-2016Final-for-Printing-with-cover-page.pdf>.

<sup>154</sup> *The State v Sarwar Khan and Others*, PLD 1984 SC 428.

<sup>155</sup> *See* Arslan Siddiqui, *All You Need to Know About Police Ranks in Pakistan*, Oct. 28, 2022 (Station House Officers (SHO’s) who is an officer in charge of a police station including handling “overall operations, including supervision and investigations” – this is a post not a rank), *available at* <https://www.graana.com/blog/all-you-need-to-know-about-police-ranks-in-pakistan/>.

<sup>156</sup> *National Judicial Policy (Revised Edition, 2012, Secretariat, Law & Justice Commission of Pakistan, Islamabad)*, *available at* [https://www.supremecourt.gov.pk/downloads\\_judgements/all\\_downloads/National\\_Judicial\\_Policy/NJP2009.pdf](https://www.supremecourt.gov.pk/downloads_judgements/all_downloads/National_Judicial_Policy/NJP2009.pdf).

The prolonged delay in witness examinations can also have severe implications on the credibility of the witnesses and therefore also impairs the ability of the defense to test the evidence. During the monitoring, when witnesses responded that they could not recall something because it happened years ago, “a discussion took place during cross-examination between the judge, witnesses, and lawyers over the witness’s failure to recall the minor but relevant details” and where they were unable to answer the question “judges often side[d] with the witnesses.” In one case, for instance, two of the investigating officers died during the pendency of the case. Other witnesses then had significant gaps in their memory, prompting the court in that case to remark, “after elapse of [years], it is natural for witnesses to forget some dates.”

Further, the combination of a legal system that allows for complaints to be made by anyone, the ease of registration of an FIR without any specificity regarding the alleged conduct, the possibility of a hasty arrest without warrant due to fear of mob violence, lengthy pretrial detention, and the reported and apparent reluctance of judges to proceed with cases quickly makes blasphemy proceedings uniquely easy for complainants; complainants are then permitted to not show up to proceedings for months or years without any real consequence.

In fact, in six out of 24 cases, the complainant was a police officer and in seven of the cases, the person who initially saw/heard/reported the blasphemy is not even listed as the complainant.<sup>157</sup> All told, in the 252 hearings monitored, the complainant only showed up on six occasions for all 24 cases combined. In the case that resulted in a death sentence under Section 295-C of the PPC during the monitoring period, the person who first heard the alleged blasphemous statements and reported them to the prosecution witnesses was not even a prosecution witness himself in the case.

Moreover, in a number of cases, there were indications that the complainant was hostile to the accused person. The ICJ reported in 2015 that “more than 80 per cent of reported cases, those accused of blasphemy are eventually acquitted on appeal, with judges expressly stating that in a large majority of such cases, the complaint was fabricated and spurred on by personal vendettas.”<sup>158</sup>

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<sup>157</sup> For example: In one case, relatives of the accused are alleged to have reported to the police but were never named as complainants; in another case, the original caller who informs the police of the blasphemous activities is never named at all; in a third case, the original hearer of the blasphemous words is never made the complainant and later dropped as a PW; and in a fourth case, the original complainant who brought Facebook posts to the attention of the police is never named a complainant.

<sup>158</sup> Arafat Mazhar, *The Untold Truth of Pakistan’s Blasphemy Law*, Engage Pakistan (2018), *available at* [https://engagepakistan.com/assets/resources/Pak\\_blasphemy\\_report2018.pdf](https://engagepakistan.com/assets/resources/Pak_blasphemy_report2018.pdf).

In one monitored case, the defendant was accused of having sent blasphemous messages. The defense argued, however, that the complaint had been filed because of a quarrel between a friend of the complainant's and the defendant. During cross-examination, the complainant's answers were inconsistent with the complaint he had initially filed. Another witness, who was allegedly present when the complainant received the blasphemous messages, testified that a third person was there, but the complainant had not mentioned this person. There were also inconsistencies in the times at which events were alleged by the various prosecution witnesses to have occurred.

In addition to these issues, the court noted that because the complainant had not testified to the content of the allegedly blasphemous messages there was nothing for the defendant to contest. The defendant also stated that he was illiterate and could not have sent the messages. The defendant was ordered released, but only after having spent nearly nine years in prison.

In a second case (unlike the prior case, a case against a Christian), the defense pointed out similar discrepancies in the accounts of the witnesses. For instance, one witness said when he registered the FIR that he had gone with others to the shop of the accused, but in his statement in court said that when he got to the shop others were already there. At the same time, the defense argued that one of the witnesses "had a[n] enmity" with the defendant. The defendant said that the witness was a business competitor who was jealous. He alleged that the complainant had come to his shop for work but had refused to pay. The defense alleged that the complainant and the competitor/witness had then concocted the story of him having blasphemed. In this case, though, the court convicted the defendant and sentenced him to death, despite these issues.

After being convicted and given a death sentence, this defendant appealed his conviction to the Lahore High Court, and his appeal is currently waiting to be marked before a judge for a regular hearing.



# ANALYSIS OF MONITORED CASES



## A. APPLICABLE INTERNATIONAL STANDARDS

This report draws upon the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of Persons with Disabilities, and jurisprudence from the United Nations Human Rights Committee (HRC) and Committee on the Rights of Persons with Disabilities (CRPD Committee), tasked with monitoring, respectively, implementation of the ICCPR and CRPD. Pakistan has ratified the ICCPR and CRPD. The following analysis also refers to jurisprudence from the European Court of Human Rights (ECtHR), which the HRC has referenced in interpreting similar provisions in the ICCPR. Where appropriate, the report also refers to Pakistan's Constitution and domestic precedents.

## B. INVESTIGATION AND PRETRIAL STAGE VIOLATIONS

### Unlawful and Arbitrary Deprivation of Liberty

The following analysis is based on review of the bail orders in four cases, as well as detention orders in five cases.

Where defendants *were* granted bail, it was generally on the basis that the investigation had been completed, that extensive time had passed, and/or that there were extenuating personal circumstances, including evidence of potential mental health concerns. Further, bail was generally only granted by superior courts, not by the trial court. Thus, in one case, the High Court noted that the investigation had been completed, there were questions regarding the authenticity of the audio recording on which the alleged blasphemy occurred, and that the accused was “not mentally mature.” Likewise, in another case, the Supreme Court noted that the accused had been behind bars for more than five years, that only three out of thirteen witnesses had been heard, and that the accused was “a person of enraged mind.” In a third case where bail was granted, reliance was placed on the fact that the accused had been deemed unfit to stand trial. In the final case, bail had been granted and then revoked, because additional charges had been added, but the Supreme Court considered that this was not a ground for revoking bail.

By contrast, in one of the cases where bail was denied, the reasoning provided was that ambiguity in the statements recorded by the doctors of the medical board constituted to determine the accused's fitness to stand trial meant that a fresh board needed to present its findings and that the investigation had found evidence of the accused's guilt. In another case, the court denied bail because the prosecution witnesses had implicated him in “a heinous crime” and the investigation had found evidence of guilt. A third case where bail

was denied similarly stated that the investigation had found evidence of guilt and that the phone number from which the derogatory messages at issue were allegedly sent was registered under the accused's name. The final two cases also found that there was sufficient incriminating evidence to connect the accused to the alleged offence.

Collectively, this suggests that the courts rely solely, or largely, on whether there is evidence that the accused violated the blasphemy laws in deciding whether to order them detained or released on bail. This is inconsistent with international standards. The Human Rights Committee has stated that pretrial detention "must be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime."<sup>159</sup> Furthermore the UNWGAD and other bodies have also found that courts "cannot rely on the severity of potential punishment" to deny bail.<sup>160</sup>

## **C. VIOLATIONS AT TRIAL**

### **Right to a Trial Without Undue Delay**

Article 14(3)(c) of the ICCPR provides that in the determination of any criminal charge, defendants are entitled to trial without undue delay. This right is geared towards limiting the uncertainty faced by accused persons.<sup>161</sup>

How much time is "reasonable" for a case to progress entails consideration of factors such as the "complexity of the case, the conduct of the accused, and the manner in which the matter was dealt with by the administrative and judicial authorities."<sup>162</sup> Where the defendant is in detention, the State's responsibility to proceed without undue delay is heightened.<sup>163</sup>

The UN Human Rights Committee has, for instance, found a delay of 22 months unreasonable where the defendant was charged with a serious crime and held in custody until trial, and "where the factual evidence was straight forward and apparently required

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<sup>159</sup> Human Rights Committee, General Comment No. 35, Article 9: Liberty and Security of the Person, U.N. Doc. CCPR/C/GC/35, Dec. 16, 2014, para. 38.

<sup>160</sup> Human Rights Council Working Group on Arbitrary Detention, Opinion No. 64/2021 concerning Anchan Preelard (Thailand), A/HRC/WGAD/2021/64, Jan. 27, 2022.

<sup>161</sup> Human Rights Committee, General Comment 32, U.N. Doc. CCPR/C/GC/32, Aug. 23, 2007, para. 35.

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

little police investigation.”<sup>164</sup>

Here, the defendants were charged with very serious offenses, at least insofar as they carry very severe penalties, including the potential for the death penalty. Moreover, in most of the cases (15 out of 24), the defendants were in detention during trial. Considering that the prosecution cases generally rested on witness testimonies, the numbers of witnesses themselves in the monitored cases were not high enough to merit the lengthy proceedings that eventuated. The highest number of witnesses (16) was present in only two cases. In both cases, the accused had been in detention for three years by the end of the monitoring period, and in the six months of monitoring, not a single of the 16 witnesses was examined in the proceedings. This is also the same for the case with the lowest number of witnesses; in that case, the accused had also been in detention for three years by the end of the monitoring period, but none of the four prosecution witnesses was cross examined. This is even though all four witnesses were police officers—the judge issued summonses but did not issue non-bailable arrest warrants or orders to attach salaries.

And yet despite the seriousness of the allegations, length of pretrial detention and lack of complexity of the cases, in a total of 17 out of 24 cases monitored, there was no or negligible progress in the case, with much of the blame attributable to the prosecution or the court. Indeed, as discussed throughout this report, judges often scheduled hearings for days on which they were ultimately unavailable, or failed to summon required witnesses, which indicates that they were, at best, indifferent to ensuring that the trials were conducted without undue delay, or, at worst, sought to delay the trials deliberately.

In a total of nine out of 24 cases (more than one-third), the case had been ongoing for more than three years as of the beginning of the monitoring. In one case, the defendant had been in detention for more than ten years before the trial court rendered a verdict. He was sentenced to life imprisonment but was immediately released based on time served.<sup>165</sup> For this reason, the defendant actually expressed gratitude to the presiding judge for his conviction, as it ended what had been longstanding indifference to his case.

Likewise, in another case, in which the Supreme Court granted the accused bail, the court noted that the accused had been “behind the bars for the last five years and only the testimony of three prosecution witnesses out of the total 13 has been recorded.”

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<sup>164</sup> Human Rights Committee, *Sextus v. Trinidad and Tobago*, U.N. Doc. CCPR/C/72/D/818/1998, July 16, 2001, para. 7.2

<sup>165</sup> Life imprisonment often results in practice in 15 years in prison.

These cases stand in stark contrast with a different case being monitored, where the court ultimately demanded that witnesses appear, and five witnesses were cross-examined in three hearings (exposing flaws in the case), the use of video link was allowed, and the defendant was acquitted. This shows that had they wished to do so, the courts could have moved cases along.

The delays in the trial courts reaching verdicts is perhaps even more egregious considering the high rate of acquittal in blasphemy cases at the appeals stage.<sup>166</sup> These cases thus appear replete with violations of the right to be tried without undue delay. In fact, data provided by Pakistan itself to the UN Human Rights Committee in relation to its Second Periodic Report shows that under the authority of the FIA alone there have been 260 blasphemy prosecutions in a period of 6 years (2018-2023), out of which a staggering 245 are still undertrial.<sup>167</sup>

### **Right to be Presumed Innocent Until Proven Guilty / Prosecutorial Standards**

The United Nations Human Rights Committee has explained that the presumption of innocence “imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures that the accused has the benefit of doubt.”<sup>168</sup> Notably, the presumption of innocence encompasses the *in dubio pro reo* principle, under which a court must resolve any remaining uncertainties at the conclusion of the presentation of evidence in the defendant’s favor.<sup>169</sup> Indeed, the Supreme Court of Pakistan in a blasphemy case has explained that “it is not necessary that there should be many circumstances creating uncertainty. If a single circumstance creates reasonable doubt in a prudent mind about the apprehension of guilt of an accused, then he/she shall be entitled to such benefit not as a matter of grace and concession, but as of right.”<sup>170</sup>

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<sup>166</sup> CJP concerned over high acquittal rate in criminal cases, Tribune, Sept. 23, 2019, *available at* <https://tribune.com.pk/story/2063560/cjp-concerned-high-acquittal-rate-criminal-cases>.

<sup>167</sup> Human Rights Committee, Replies of Pakistan to The List of Issues in Relation to its Second Periodic Report, CCPR/C/PAK RQ/2, May 20, 2024, pg. 21, 22.

<sup>168</sup> Human Rights Committee, General Comment No. 32, U.N. Doc. CCPR/C/GC/32, Aug. 23, 2007, para. 30. *See also* Human Rights Committee, Saidov v. Tajikistan, U.N. Doc. CCPR/C/122/D/2680/2015, Sept. 20, 2018, para. 9.4.

<sup>169</sup> *See* European Court of Human Rights (Grand Chamber), Navalnyy v. Russia, App. Nos. 29580/12 & others, Nov. 15, 2018, paras. 83–4 (quoting approvingly from relevant Chamber Judgment). *See also* European Court of Human Rights, Ajdarić v. Croatia, App. No. 20883/09, Dec. 13, 2011, paras. 46-52.

<sup>170</sup> Asia Bibi v. The State, Criminal Appeal No. 39-L of 2015, Supreme Court of Pakistan, Oct. 31, 2018, para. 41.

In at least two cases, there are indications that the defendant was not given this benefit of the doubt. This also reflects a persistent problem identified by the higher courts in Pakistan, where cases plagued with inconsistent evidence nevertheless give rise to convictions.<sup>171</sup>

In particular, in one case, the court in its convicting judgment noted testimony by the complainant that he had been angry but had ‘chosen the legal way.’ The court editorialized that this “showed the natural reaction of a Muslim, facing blasphemous words and assumed that the complainant’s evidence was “natural, trustworthy, & reliable,” “having no animosity with the accused” and that he appeared “pious.”

The court dismissed the claim that this had been a dispute between the accused and one of the witnesses, saying that the witness had denied it. The court found that “in normal circumstances, it could not be believed a Muslim would spin a story in this regard.” The court made no references to the discrepancies identified by the defense. As to the fact that specific words were not alleged in the FIR, and only much later, the court dismissed this concern saying that this “reflected immense respect & affection of complainant towards Holy Prophet Muhammad.”

In a second case, while finding the defendant guilty, the Court dismissed the delay in filing of the FIR and stated that the prosecution witnesses were confidence-inspiring despite the lapse of many years after which it is “natural for witnesses to forget some details.” The Court also dismissed the defense argument that the case had been fabricated by the witnesses to “bolster their political and social standing in the community” and stated that “being Muslims, in normal circumstances, it can’t be believed that Pws levelled false allegation of defiling Holy Qur’an just for politics.”

### **Lack of Fitness to Stand Trial/Rights of Persons with Disabilities**

The CRPD requires the State to provide persons with psychosocial disabilities with reasonable accommodations to ensure effective participation in legal proceedings. Under Article 12(2) of the CRPD, States “shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.” Article 12(3) requires States to “take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity,” while Article 13(1) further mandates that States ensure “effective access to justice for persons with disabilities on

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<sup>171</sup> *Cf. supra*; see also *Asia Bibi v. The State*, Criminal Appeal No. 39-L of 2015, Supreme Court of Pakistan, Oct. 31, 2018, para. 12 (“Sometimes, to fulfill nefarious designs the law is misused by individuals leveling false allegations of blasphemy.”).

an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role ... in all legal proceedings.” There were, however, no indications that any such accommodations were offered to the five defendants who might have benefited from them.

At the same time, where a court assesses a defendant’s fitness to stand trial, the ICCPR imposes key standards. Those were breached in at least one case. In that case, a medical board first declared the defendant unfit to stand for trial on the grounds of schizophrenia and later declared that he was fit to stand trial while acknowledging that he still did have schizophrenia but was on treatment. Yet no details were provided on why the board believed “he was stable on treatment” and how that meant that he was “fit to stand trial.”

This is inconsistent with the approach required under the ICCPR. In *Ahmed Khaleel v. Maldives*, where “there was evidence of prior State care for mental health issues” and “where the State party [did not] present evidence of a detailed inquiry into [the defendant’s] fitness to stand trial,” the UN Human Rights Committee found that “the State party failed to conduct an adequate inquiry into [the defendant’s] mental health, and thus failed to ensure that [the defendant] was capable of standing trial,” concluding that “the State party violated its obligations under Article 14(1).<sup>172</sup>

Finally, involuntary commitment in lieu of trial, which is what occurred in one case, is inconsistent with international standards. Indeed, the CRPD Committee has stated that the involuntary committal of individuals to mental health facilities based on “actual or perceived disability” constitutes a violation of Articles 12 and 14(1).<sup>173</sup>

## Right to Counsel

Article 14(3) under the ICCPR provides that accused persons are entitled to defend themselves through legal assistance. The UN Human Rights Committee has stressed

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<sup>172</sup> Human Rights Committee, *Ahmed Khaleel v. Maldives*, U.N. Doc. CCPR/C/123/D/2785/2016, Aug. 16, 2019, para. 9.6.

<sup>173</sup> Committee on the Rights of Persons with Disabilities, Report of the Committee on the Rights of Persons With Disabilities on its twelfth session, U.N. Doc. CRPD/C/12/2, 2014, pgs. 14-15; Committee on the Rights of Persons with Disabilities, Report of the Committee on the Rights of Persons with Disabilities to the General Assembly: Guidelines on Right to Liberty and Security of Persons with Disabilities, U.N. Doc. A/72/55, Sept. 2015, Annex - para. 10. At the same time, the UN Human Rights Committee has allowed for the possibility of involuntary commitment, but only as a measure of last resort if it is necessary; if it is proportionate; if it is aimed preventing harm to the individual or to others; if it is imposed for the shortest time possible; and if procedural and substantive safeguards are in place. See Human Rights Committee, General Comment No. 35, Article 9: Liberty and Security of the Person, U.N. Doc. CCPR/C/GC/35, Dec. 16, 2014, para. 19.

that counsel provided by the state “must be effective in the representation of the accused.”<sup>174</sup> Further, in cases involving potential capital punishment (as many blasphemy cases do), it “axiomatic that the accused must be effectively assisted by a lawyer at all stages of the proceedings.”<sup>175</sup> Thus, for instance, even in cases where the defendant was represented by a privately-retained lawyer, regional human rights courts have found violations in death-penalty cases where there was a ‘manifest failure’ of the representation.<sup>176</sup>

Moreover, if the legal assistance provided by the state-appointed lawyer in capital punishment cases is not effective (for example, there is blatant misbehavior or incompetence or absence during the hearing of a witness, or if the court hinders the appointed lawyer from being effective), it “may entail the responsibility of the State concerned for a violation of Article 14.”<sup>177</sup>

Out of the seven cases where the accused was represented by state appointed counsel, four involved 295-C PPC charges, with the mandatory death penalty.

In some of the cases monitored, defense counsel appeared passive and did not seek remedies for the violations described above. For instance, in one case, defense counsel did not request a warrant for the production of the prosecution witnesses across three hearings, despite their absence, and despite the fact that the defendant was in detention. Likewise in a second case, prosecution witnesses were not present at any of the five hearings (out of nine monitored) for which their presence had been requested, but the defense lawyer did not move the court to compel their attendance, although again, the

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<sup>174</sup> In this regard, the Committee has had times distinguished between privately-retained lawyers and those provided through state legal aid schemes. *Cf.* UN Human Rights Committee, *H.C. v. Jamaica*, U.N. Doc. CCPR/C/45/D/383/1989, Aug. 3, 1992, para 6.3. *See also* UN Human Rights Committee, General Comment 32, para. 38 (“Unlike in the case of privately retained lawyers, blatant misbehaviour or incompetence . . . may entail the responsibility of the State concerned for a violation of article 14, paragraph 3 (d), provided that it was manifest to the judge that the lawyer’s behaviour was incompatible with the interests of justice.”).

<sup>175</sup> UN Human Rights Committee, General Comment 32, para. 38.

<sup>176</sup> European Court of Human Rights, *Guvec v. Turkey*, App. No. 70337/01, Jan. 20, 2009, para. 131 (“In the present case the lawyer representing the applicant was not appointed under the legal aid scheme. Nevertheless, the Court considers that the applicant’s young age, the seriousness of the offences with which he was charged, the seemingly contradictory allegations levelled against him by the police and a prosecution witness, the manifest failure of his lawyer to represent him properly and, finally, his many absences from the hearings, should have led the trial court to consider that the applicant urgently required adequate legal representation.”) (internal citation omitted).

<sup>177</sup> Human Rights Committee, General Comment No. 32, U.N. Doc. CCPR/C/GC/32, Aug. 23, 2007, para. 38.

defendant was in detention. The witnesses—police officers who allegedly found the accused burning pages of the Qur’an while on patrol—were essential to the case.

In a third case, the defendant was represented by a legal aid lawyer. However, after the lawyer did not show up for two of the hearings monitored, the defendant requested the court appoint a different lawyer, which the court did. The case did not progress thereafter, either, however, as the judge was then absent for three hearings, the case was scheduled for a holiday, and both the new defense counsel and prosecution witnesses were absent for the one hearing at which the judge was present.

In a final case, the defendant grew so fed up with the performance of his counsel that he sought to record his statement for the court without representation, after his counsel was absent over the course of the four prior hearings.

And in two of the cases involving defendants with mental health disabilities, the defense counsel reportedly did not argue that the defendants could not be held responsible given their mental health state at the time of commission of the alleged crime—a failure that suggests a lack of effective representation.

Some of this is also attributable to the state’s failure to protect lawyers who take up these cases from potential harassment. The UN Basic Principles on the Role of Lawyers provide that “[w]here the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.”<sup>178</sup> Thus for instance in one of the cases monitored, the defense lawyer informed the court that he had been suffering “severe persecution and abhorrence,” due to his role on the case. He specifically reported that an unknown person had threatened to kill him and his family but was uncomfortable requesting police protection due to a prior incident in which a security guard had killed a political figure who had spoken out on blasphemy cases.

## **D. OTHER FAIRNESS CONCERNS**

### **Right to Freedom of Expression**

Article 19 of the ICCPR guarantees the right to freedom of opinion and expression. The UN Human Rights Committee has explained that any restrictions imposed by a State on the exercise of the right to freedom of expression must (a) be provided by law (the “legality principle”), (b) serve a legitimate purpose, and (c) be necessary and proportional to such

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<sup>178</sup> Principle 17 of the UN Basic Principles on the Role of Lawyers.



a legitimate purpose.<sup>179</sup>

Pakistan's blasphemy law is inconsistent with Article 19 of the ICCPR and Article 19 of its own Constitution.<sup>180</sup> First, the terms of the blasphemy provisions are vague and unclear. As discussed above, Section 295-A criminalizes "insulting" a religion or religious beliefs, without defining the term 'insulting.' Section 295-B PPC speaks of "defil[ing]" and "desecrat[ing]" the Qur'an "in any derogatory manner." And Section 295-C PPC likewise uses the term "defile," without definition.

These vague terms admit of wide interpretation. For instance, in *Nasrullah Khan v. Station House Officer, Police Station Saddar, Mianwali, etc.*, an FIR was registered against an individual who claimed that he could fly and that in his dreams, he could see Allah and companions of the Prophet Muhammad.<sup>181</sup> The prosecution argued that "the Petitioner's thoughts and beliefs are blasphemous and sinful, and the law prohibits their expression."<sup>182</sup> While the FIR was properly quashed by the Lahore High Court, which ultimately found that "[a] person cannot be prosecuted for what he sees in his dreams or for sharing his thoughts, visions, or emotions during those times with others,"<sup>183</sup> the fact that an FIR was registered in the first place shows how widely the law is being interpreted by investigating officers.

In particular, the term 'defile' is extremely unclear. In *Sayed Ijaz Hussain alias Tahir Pir v. The State*, for instance, a person was convicted of 'defiling' the Qur'an because he placed it in a bag at his feet on the bus.<sup>184</sup> The same is also true of the term 'derogatory.' In *Riaz Ahmad and three others v. The State*,<sup>185</sup> the defendant had suggested that Mirza Ghulam Ahmadi (the founder of the Ahmadi faith) was the equal of the Prophet Muhammad, and on this basis the Court denied the accused bail.

Second, restrictions on freedom of expression must serve one of a limited set of legitimate

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<sup>179</sup> Human Rights Committee, General Comment No. 34, U.N. Doc. CCPR/C/GC/34, Sept. 12, 2011, UN. Doc. CCPR/C/GC/34, paras. 2-3.

<sup>180</sup> Article 19 of the Constitution of Pakistan, 1973 ("Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, [commission of] or incitement to an offence.").

<sup>181</sup> *Nasrullah Khan v. Station House Officer, Police Station Saddar, Mianwali, etc.*, Writ Petition No. 60241/2021.

<sup>182</sup> *Id.* para. 3.

<sup>183</sup> *Id.* para. 14.

<sup>184</sup> *Sayed Ijaz Hussain alias Tahir Pir v. The State*, 1994 MLD 15.

<sup>185</sup> *Riaz Ahmad and 3 others v. The State*, PLD 1994 Lahore 485.

objectives.<sup>186</sup> These are set out in the ICCPR itself, and are: respect of the rights or reputations of others and the protection of national security or of public order (ordre public), or of public health or morals. The UN Human Rights Committee has made clear that “[p]rohibitions of displays of lack of respect for a religion or other belief system” are not compliant with the right to freedom of expression except where the allegedly blasphemous speech fits within the framework of Article 20 of the ICCPR.<sup>187</sup> The Special Rapporteur on Freedom of Expression has reached similar conclusions. As stated by the Rapporteur, “anti-blasphemy laws fail to meet the legitimacy condition of article 19(3) of the Covenant, given that article 19 protects individuals and their right to freedom of expression and opinion ... [article 19 does not] protect ideas or beliefs from ridicule, abuse, criticism or other ‘attacks’ seen as offensive.”<sup>188</sup>

In turn, Article 20 of the ICCPR provides that “[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” The Rabat Plan of Action provides guidance on the interpretation of Article 20. The Plan, adopted following expert workshops convened by the Office of the United Nations High Commissioner for Human Rights, sought to articulate the balance between State efforts to criminalize grave speech offenses and respect for freedom of expression.<sup>189</sup> Under the plan, for speech to amount to a criminal offense and be subject to criminal penalties, it must meet a six-part threshold test that establishes, among other things, that the speaker had the intent to incite discrimination, hostility, or violence, and that there was a reasonable probability of harm.<sup>190</sup>

Pakistan’s blasphemy laws sweep much more widely than permitted by international human rights standards, covering a huge swath of alleged crimes that have no link at all to potential violence. In fact, in only one out of the 24 cases reviewed for this report was there any indication of violence at all.

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<sup>186</sup> See Human Rights Committee, *Kim v. Republic of Korea*, U.N. Doc. CCPR/C/64/D/574/1994, 1999, para. 12.2.

<sup>187</sup> Human Rights Committee, General Comment No. 34, U.N. Doc. CCPR/C/GC/34, Sept. 12, 2011, para. 48.

<sup>188</sup> UN General Assembly, Report of the Special Rapporteur on the promotion and protection of the right to freedom of expression, U.N. Doc. A/74/486, Oct. 9, 2019, para. 21. See also Human Rights Council, Report of the Special Rapporteur on Freedom of Religion or Belief, U.N. Doc A/HRC/31/18, Dec. 23, 2015, para. 61 (“[T]he employment of criminal sanctions against expressions which do not advocate for violence or discrimination but which are deemed ‘blasphemous’ is ‘incompatible’ with the right to freedom of expression.”).

<sup>189</sup> Human Rights Council, UN Office of the High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred (Appendix: “Rabat Plan of Action”), U.N. Doc. A/HRC/22/17/Add.4, Jan. 11, 2013.

<sup>190</sup> *Id.* para. 29.

To the contrary, the cases are replete with allegations of subjective hurt, which the Special Rapporteur on Freedom of Religion or Belief has specifically suggested should not be the basis for criminal charges.<sup>191</sup> Thus, in 10 out of 24 cases, the FIRs provide reference to the emotional impact experienced by the complainant or community due to the alleged act and in only one FIR were the actual words allegedly uttered by the accused provided.

Thus, the blasphemy laws also fail the ‘legitimacy’ test under the ICCPR.

Finally, with respect to necessity and proportionality, blasphemy charges carry severe penalties, including the death penalty. This in turn is itself a violation of international law. The UN General Assembly has previously declared that “in order to fully guarantee the right to life...the main objective to be pursued is that of progressively restricting the number of offences for which capital punishment may be imposed, with a view to the desirability of abolishing this punishment in all countries.”<sup>192</sup> More specifically, the UN Secretary General has stated, “[t]he death penalty should never be imposed as a sanction for non-violent conduct such as apostasy, blasphemy...”<sup>193</sup>

In fact, the UN Human Rights Committee has previously held that imposing the death penalty for non-violent crimes violates the ICCPR.<sup>194</sup> Two UN Special Rapporteurs have likewise recently commented that “the death penalty must be restricted to the ‘most serious crimes’ defined as crimes of extreme gravity involving intentional killing. . . . [and yet] a number of States continue to impose the death penalty in violation of their human rights obligations, including for crimes that do not result directly and intentionally in death, such as blasphemy.”<sup>195</sup>

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<sup>191</sup> Human Rights Council, Report of the Special Rapporteur on Freedom of Religion or Belief, U.N. Doc A/HRC/31/18, Dec. 23, 2015, para. 61.

<sup>192</sup> UN General Assembly, Resolution 2857 3, Twenty-Sixth Session, Dec. 20, 1971; Human Rights Committee, General Comment No. 36 Article 6: Right to Life, UN. Doc. No. CCPR/C/GC/36, Sept. 3, 2019 (In 2018, the UN Human Rights Committee adopted General Comment 36, according to which States are required by Article 6 of the ICCPR to be on an “Irrevocable path” towards abolition and determined that, “[d]eprivation of life is, as a rule, arbitrary if it is inconsistent with international law or domestic law”).

<sup>193</sup> UN General Assembly, Report of the Secretary-General, Moratorium on the Use of the Death Penalty, U.N. Doc. A/75/309, Aug. 13, 2020, para. 66.

<sup>194</sup> Human Rights Committee, *Lubuto v Zambia*, Communication No. 390/1990, U.N. Doc. CCPR/C/55/D/390/1990/Rev.1, Jan. 1, 1990.

<sup>195</sup> UN OHCHR, UN Experts Call for Universal Abolition of the Death Penalty, Oct. 9, 2023, *available at* <https://www.ohchr.org/en/press-releases/2023/10/un-experts-call-universal-abolition-death-penalty#:~:text=In%20effect%2C%20a%20number%20of,crime%E2%80%9D%20standard%20for%20the%20application.>

Further, the UN Human Rights Committee has also made clear that the death penalty may never be mandatory, as it appears to be under Section 295-C.<sup>196</sup> For these reasons, the blasphemy laws also violate the necessity and proportionality prong of the test under Article 19 of the ICCPR.

## Right to Equality and Non-Discrimination

The ICCPR provides for equality and non-discrimination under Articles 2 and 26. Article 2 requires State Parties to “respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as . . . religion.” Article 26 states that “[a]ll 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.”

Pakistan’s Penal Code, in many respects, protects only Islam. In fact, the Lahore High Court took specific note of the fact that Section 295-C of the PPC does not cover Jesus or other religious figures.<sup>197</sup> It thus discriminates on the basis of religion.

Further, the PPC specifically singles out the Ahmadi community in Section 298-C. In 1992, the Lahore High Court concluded that the Ahmadi community’s veneration of Mirza Ghulam Ahmad “amounts to defiling the sacred and exalted name of the Holy Prophet Hazrat Muhammad (PBUH),” and thus is a *prime facie* violation of Section 295-C.<sup>198</sup> The Lahore High Court, after noting that Section 295-C did not protect figures venerated by other religions, reiterated that suggesting that Mirza Ghulam Ahmad was a prophet violated Section 295-C.<sup>199</sup> Most recently, in 2019, the Lahore High Court banned “any book even with the name of Holy Qur’an but with distorted text.”<sup>200</sup> The judgment begins by reciting “[s]ince the revelation of Holy Qur’an, some unfortunate people have been

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<sup>196</sup> Thompson v St. Vincent and the Grenadines, Communication No. 806/1998, U.N. Doc. CCPR/C/70/D/806/1998, Feb. 17, 1998.

<sup>197</sup> Riaz Ahmad and 3 others v. The State, PLD 1994 Lahore 485.

<sup>198</sup> Raz Ahmad and 7 others v The State, 1992 PCr.LJ 2346 (“The Qadianis who believe in the teachings of Mirza Ghulam Ahmad recite ‘Darood-o-Salam’ for him, which according to Muslims is the entitlement of the Holy Prophet, Hazrat Muhammad (PBUH). By sending ‘Darood’ on Mirza Ghulam Ahmad the Qadianis treat him equal to Hazrat Muhammad (PBUH) and thereby relegate the Holy Prophet to the position of Mirza Sahib. This act of the Qadianis, *prima facie*, amounts to defiling the sacred and exalted name of the Holy Prophet Hazrat Muhammad (PBUH) which is punishable under section 295-C of the P.P.C.”).

<sup>199</sup> Riaz Ahmad and 3 others v. The State, PLD 1994 Lahore 485.

<sup>200</sup> Muhammad Hassan Muawiyah v. Inspector General of Police, Punjab, Order, W.P. No. 214966 of 2018, Lahore High Court, para. 32.

making abortive attempts either to deface its Arabic text or to mutilate its literal meanings for their personal benefits. To counter said obnoxious attempts, the Muslims have been making tireless efforts towards preservation of the Holy Qur'an since the times immemorial."<sup>201</sup> It went on to find that "Ahmadis/Lahoris/Quadianis fall within the definition of non-Muslims, thus, they are debarred to publish/print religious material by using the name of books of the Muslims along with names of Muslim authors."<sup>202</sup>

Two of the seven cases monitored involved alleged members of the Ahmadi community—and both reflect discrimination against the Ahmadi community. In one case, the accused was alleged to have had 'defiled copies' of the Qur'an on his phone and charged with violating Section 295-B. This was defined to include, for instance, *Tafseer Hazrat Mirza Ghulam Ahmad*, which was Mirza Ghulam Ahmad's commentary on the Qur'an (and therefore important to Ahmadis). This case did not progress during the monitoring period as the parties were awaiting guidance from the High Court regarding whether charges under Section 295-B and PECA could be tried at the same time.

In the second case, three accused were charged with violating Section 295-A for sharing 'perverted' translations of the Qur'an. The FIR stated that the translations were "pervert" without providing any additional information on why and a conclusory statement that the act had resulted in dissemination of voluntary "false religious information" and "therefore is guilty of hurting the religious sentiments of the public at large."

Finally, as the Special Rapporteur on Freedom of Religion has previously observed, many blasphemy laws encroach "on freedom of religion or belief, in particular of members of religious minorities, converts, critics, atheists, agnostics, internal dissidents and others," and that "[a]bundant experience in a number of countries demonstrates that blasphemy laws ... often fuel stereotyping, stigmatization, discrimination and incitement to violence."

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This too is born out through the monitoring, with differences of treatment observed in respect of similar cases against a Muslim defendant and a Christian defendant, and the fact that in cases against religious minorities the cases were pushed more quickly and seemed more likely to reach a conclusion.

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<sup>201</sup> *Id.* para. 5.

<sup>202</sup> *Id.* para. 19.

<sup>203</sup> Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief, U.N. Doc. A/HRC/31/18, Dec. 23, 2015, para. 60.

In particular, in two of the cases, there are indications that the court was inclined to believe the testimony of Muslims. In one case, in rejecting the defense argument that the prosecution witnesses had made false accusations, the court indicated that “being Muslim, in normal circumstances, it can’t be believed that Pws levelled false allegation of defiling Holy Qu’ran for politics.” Likewise, in a second case, as discussed in greater detail above, the court indicated that “it could not be believed a Muslim would spin a story in this regard.”

## CONCLUSION



This report, through empirical evidence, provides a glimpse into the legal proceedings in a blasphemy trial. The findings of the six-month monitoring alongside existing scholarship from international and local actors leads to several conclusions. First, once a blasphemy complaint or FIR is filed, it is almost impossible to extricate those accused from legal machinery that grinds on for years. It starts with speedy police arrest, without warrant, even if the FIR has been lodged with delay from the alleged incident, ostensibly because of fear of mob violence. An investigation is then conducted without judicial oversight; prosecutors do not dismiss cases for insufficient evidence even though they have the power to do so; and accused persons are kept in pretrial detention for years due to massive delays, mainly in concluding investigations or because prosecution witnesses do not show up to give evidence and judges are often disinterested in taking a firm stance to summon them despite the existence of procedures enabling them to do so.

A second finding is the ease with which a blasphemy complaint can be filed, which is alarming considering that false allegations of blasphemy are common and the acquittal rate at the appeals stage in such cases is higher than in other criminal cases. Except for one blasphemy law covering both Muslims and non-Muslims (Section 295-A), anyone can file a complaint and there is no requirement of prior sanction from the government. There are no social repercussions for making false allegations and although there are non-blasphemy-specific legal provisions criminalizing false accusations, under those legal provisions only the concerned police officer or court has the authority to proceed with a case against the complainant—barring any other individual including an aggrieved party.<sup>204</sup> Furthermore, there is no requirement for stating the exact blasphemous words or conduct in the FIR, nor is it practically done, due to fears that repeating the content would also be seen as equivalent to committing blasphemy, and there is no requirement for the complainant to be present during the entirety of the trial, and seldom repercussions for prosecution witnesses for not appearing to record evidence.

On this basis, alongside consideration of arguments calling for reform of in-court proceedings, there is an urgent need to raise the bar for initiating blasphemy proceedings

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<sup>204</sup> See Section 211 of PPC (“False information with intent to cause public servant to use his lawful power to the injury of another person...shall be punished with imprisonment of either description for a term which may extend to six months, or with fine[.]”); Section 182 of PPC (“False charge of offence made with intent to injure...shall be punished with imprisonment...which may extend to two years, or with fine, or with both, and if such criminal proceeding be instituted on a false charge of an offence punishable with death, imprisonment for life or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years[.]”) *read with* Section 195(1)(2) of the Code of Criminal Procedure.

in the first place, alongside stricter laws against false allegations of blasphemy. This is particularly urgent due to the number of blasphemy cases that were reportedly filed in 2023: local human rights organizations report that there were 180 blasphemy cases filed overall <sup>205</sup> and in Punjab alone, 19 children were arrested on charges of blasphemy from January – October 2023.<sup>206</sup> This trend appears to have continued in 2024: From June 21 till July 8 2024 alone, 30 new blasphemy cases were registered, mostly in Punjab.<sup>207</sup>

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<sup>205</sup> Centre for Social Justice, Human Rights Observer 2023, pg. 6, (2024) (247 were Muslims, 65 were Ahmadis, 11 were Christians, 1 was Hindu and religious affiliation of five accused was not known. The highest number of cases was noted in Punjab with 179 accused, then Sindh with 79 accused.), *available at* [https://csjpak.org/pdf/report\\_hro\\_final.pdf](https://csjpak.org/pdf/report_hro_final.pdf).

<sup>206</sup> Sher Ali Khalti, 19 Children Arrested For Blasphemy in Punjab From Jan-Oct, The News, Dec. 1, 2023, *available at* <https://e.thenews.com.pk/detail?id=259900>.

<sup>207</sup> Arshad Yousafzai, Twitter Thread, July 8, 2024, *available at* <https://x.com/arshadyousafzay/status/1810522574276776411?s=46>.



## RECOMMENDATIONS



In light of the fact that it appears unlikely that Pakistan will repeal its blasphemy laws,<sup>208</sup> which would be the approach most consistent with international standards, this report recommends the following additional safeguards against their continued abuse. These recommendations are consistent with the views of local actors in Pakistan<sup>209</sup> and international human rights organizations<sup>210</sup> and should not overshadow existing calls for repeal of blasphemy laws.

1. Require government sanction before the filing of a complaint under all blasphemy laws under the Pakistan Penal Code, as is already the case under Section 295-A. There should also be additional requirements to prevent the concerned designated authority from mechanically providing sanction in such cases. These could include providing compelling reasons in writing for the registration of a case and submitting it to a committee consisting of a various senior officials, including at least one person from civil society with prior experience in human rights, which could then monitor if the reasons provided are cogent. There should be an immediate dismissal of cases by the prosecution if this requirement is not followed;
2. Make offenses under all blasphemy laws non-cognizable and bailable, which would require earlier scrutiny by the courts, limiting the police's unfettered ability to order arrests;

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<sup>208</sup> Advocate of the Supreme Court Saif-Ul-Malooq has represented many of those accused of violating Pakistan's blasphemy laws, including Asia Bibi, Rimsha Masih, Shagufta Kausar and Shafqat Masih. He also prosecuted the person who murdered Salman Taseer after the government struggled to find a lawyer willing to prosecute him. In Saif's opinion, reform of the law is not possible without the strong and explicit support of the state institutions of Pakistan, including the military establishment. In the current climate he states that often even speaking of changing the law is tantamount to asking for your own death by the hands of the mob. Diminishing Democracy, Spotlighting human rights and rule of law concerns in Pakistan, Bar Human Rights Committee, panel discussion on Feb. 15, 2023.

<sup>209</sup> National Commission for Human Rights, Submissions on Proposed Procedural Amendments to Check The Misuse of Blasphemy Law in Pakistan, Before the Functional Committee on Human Rights, Senate of Pakistan, 2016, *available at* [http://nchr.org.pk/docs/reports/en8\\_Blasphemy.pdf](http://nchr.org.pk/docs/reports/en8_Blasphemy.pdf); EngagePakistan, The Untold Truth of Pakistan's Blasphemy Law, *available at* [https://engagepakistan.com/assets/resources/Pak\\_blasphemy\\_report2018.pdf](https://engagepakistan.com/assets/resources/Pak_blasphemy_report2018.pdf); Asma Jahangir Hopeful of Blasphemy Change, Express Tribune, Nov. 21, 2014 (Asma Jahangir, who served as UN special rapporteur on the Freedom of Religion & Belief states that condemnations by the country's top clerics and right-wing parties against the misuse of blasphemy laws could help reverse a rising tide of mob killings), *available at* <https://tribune.com.pk/story/794809/asma-jahangir-hopeful-on-blasphemy-change>

<sup>210</sup> Amnesty International, As Good As Dead: The Impact of the Blasphemy Laws in Pakistan 9 (2016); International Commission of Jurists, On Trial: The Implementation of Pakistan's Blasphemy Laws (2015).

3. Require training of law enforcement agencies to identify or report on the mental health of a person under arrest, in line with Article 13 of CRPD, and mandate the preparation of such reports;
4. Form a Mandatory Medical Board to evaluate the accused in all blasphemy cases to assess their fitness to stand trial and/or to ensure that they have appropriate support at trial. It should also be made mandatory to obtain an opinion on the likely health status at the time of the alleged commission of the offence;
5. Provide training to doctors on medical boards and conducting psychiatric examinations to write detailed and structured opinions, assertions that the defendant is fit to stand trial should be well reasoned, in the absence of which the benefit of the doubt should be given to the defendant;
6. Provide for an age restrictions to prevent the prosecution of children for blasphemy by mandating that no one below the age of 18 can be tried for blasphemy offences;
7. Amend Section 156-A of Code of Criminal Procedure so that no officer below the rank of Superintendent of Police can investigate cases under Sections 298-A, 295-A and 295-B. The amended text must make it clear that this provision requires strict adherence and that in the absence of the fulfilment of this requirement, the case should be dismissed immediately;
8. Implement systematic measures for the adequate protection of the accused, judges, prosecutors, lawyers and witnesses in cases involving blasphemy charges;
9. Legislate a specific provision prescribing punishment for dishonest as well as negligent investigation in blasphemy cases;
10. Put in place prosecutorial guidelines requiring written and reasoned decisions regarding whether or not to prosecute complainants found to have lodged spurious blasphemy charges;
11. Make it mandatory, not merely discretionary, for Sessions Courts to issue non-bailable arrest warrants for the production of prosecution witnesses where the sole reason for the adjournments in a case for more than three months is the non-presence of witnesses;
12. Provide mandatory bail in law where the trial is not concluded in six months for a blasphemy case under any offence;

13. Remove the requirement that only Muslim judges can adjudicate cases under Section 295-C PPC;
14. Review the role of the FIA in the registration of cases and reconsider the role of Anti-Terrorism Courts in blasphemy cases;
15. Eliminate the death penalty and mandatory life imprisonment for blasphemy offences and any other offences involving the right to freedom of expression, substituting them with fines only;
16. Simultaneously enact a law to provide (a) relief and (b) compensation for miscarriages of justice and wrongful convictions, including seeking to ensure accountability at all levels so that judges who pass the buck to higher forums as a strategy to divert pressure also face consequences;
17. Carefully assess the need for police officers and the judiciary to receive specific training on the legal and practical issues arising from the blasphemy laws;
18. Specifically, given that Section 182 and 211 of the PPC penalize false allegations against a defendant in any case but such cases can only be brought forward by the police or court, provide targeted training to the prosecution, police authorities, and judicial officers to become well-versed with these provisions to prosecute false accusations;
19. Take effective measures to enhance the reporting of hate crimes against minorities, including through reinforcing victims' trust in the police and prosecutors, and investigate all reported cases of hate speech and prosecute the perpetrators;
20. The Pakistan Bureau of Statistics (PBS) should maintain and release the disaggregated data on the population of religious minorities.

## ANNEX I – SUMMARY OF CASES



Case #	Alleged Offense(s)	Alleged Conduct: Derogatory words against the Prophet Muhammad on social media, audio, messages
1	<ul style="list-style-type: none"> <li>Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs (295-A PPC)</li> <li>Using derogatory remarks, etc., in respect of the Holy Prophet (295-C PPC)</li> </ul>	Using “derogatory” words against the Prophet Muhammed in an audio recording.
2	<ul style="list-style-type: none"> <li>Using derogatory remarks, etc., in respect of the Holy Prophet (295-C)</li> <li>Using derogatory remarks, etc., in respect of holy personages (298-A)</li> </ul>	Use of “derogatory” words against the Prophet Muhammed in an video recording of a sermon.
3	<ul style="list-style-type: none"> <li>Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs (295-A)</li> <li>Using derogatory remarks, etc., in respect of the Holy Prophet (295-C)</li> </ul>	Sending blasphemous messages concerning the Prophet Muhammad.
4	<ul style="list-style-type: none"> <li>Defiling etc. of the Holy Qur’an (section 295-B of PPC)</li> <li>Other offenses</li> </ul>	Sending blasphemous messages concerning the Prophet Muhammad.
5	<ul style="list-style-type: none"> <li>Using derogatory remarks, etc., in respect of the Holy Prophet (Section 295-C of the PPC)</li> </ul>	Sending blasphemous messages concerning the Prophet Muhammad.
6	<ul style="list-style-type: none"> <li>Using derogatory remarks, etc., in respect of the Holy Prophet (Section 295-C of the PPC)</li> </ul>	Using “derogatory” words against the Prophet Muhammed during a private telephone recording.
7	<ul style="list-style-type: none"> <li>Hate speech (section 11 of the Prevention of Electronic</li> </ul>	Publishing a blasphemous photograph on social

	<p>Crimes Act 2016)</p> <ul style="list-style-type: none"> <li>• Cyberstalking (section 24 of the Prevention of Electronic Crimes Act 2016)</li> <li>• Using derogatory remarks, etc., in respect of the Holy Prophet (Section 295-C of the PPC)</li> </ul>	media.
8	<ul style="list-style-type: none"> <li>• Using derogatory remarks, etc., in respect of the Holy Prophet (Section 295-C of the PPC)</li> </ul>	Publishing blasphemous content on Facebook.
9	<ul style="list-style-type: none"> <li>• Hate speech (section 11 of the Prevention of Electronic Crimes Act 2016)</li> <li>• Cyberstalking (section 24 of the Prevention of Electronic Crimes Act 2016)</li> <li>• Using derogatory remarks, etc., in respect of the Holy Prophet (Section 295-C of the PPC)</li> <li>• Using derogatory remarks, etc., in respect of holy personages (298-A)</li> </ul>	Publishing blasphemous content on Facebook.

<b>Case #</b>	<b>Alleged Offense(s)</b>	<b>Alleged Conduct: Derogatory words against the Prophet Muhammad in Public or During an Argument</b>
10	<ul style="list-style-type: none"> <li>• Using derogatory remarks, etc., in respect of the Holy Prophet (295-C PPC)</li> </ul>	Making blasphemous statements about the Prophet Muhammad in the street.
11	<ul style="list-style-type: none"> <li>• Using derogatory remarks, etc., in respect of the Holy Prophet (Section 295-C of the PPC)</li> </ul>	Making blasphemous statements about the Prophet Muhammad.
12	<ul style="list-style-type: none"> <li>• Using derogatory remarks, etc., in respect of the Holy Prophet (295-C PPC)</li> </ul>	Shouting blasphemous statements about the Prophet Muhammad in public.
13	<ul style="list-style-type: none"> <li>• Using derogatory remarks, etc., in respect of the Holy Prophet (Section 295-C of the PPC)</li> </ul>	Making blasphemous statements during an argument with the complainant in public.

<b>Case #</b>	<b>Alleged Offense(s)</b>	<b>Alleged Conduct: Alleged Desecration of the Qur'an in Public</b>
14	<ul style="list-style-type: none"> <li>Defiling etc. of Holy Qur'an (section 295-B of PPC)</li> </ul>	Burning pages of the Qur'an in the street in front of witnesses.
15	<ul style="list-style-type: none"> <li>Defiling etc. of the Holy Qur'an (section 295-B of PPC)</li> </ul>	Throwing a copy of the Qur'an out of a window onto the road below.
16	<ul style="list-style-type: none"> <li>Defiling etc. of Holy Qur'an (section 295-B of PPC)</li> <li>Using derogatory remarks, etc., in respect of the Holy Prophet (295-C PPC)</li> <li>Other offenses</li> </ul>	Burning pages of the Qur'an in front of witnesses, making blasphemous statements about the Prophet Muhammad, and pretending to be the Prophet Muhammad and son of God.
17	<ul style="list-style-type: none"> <li>Defiling etc. of the Holy Qur'an (section 295-B of PPC)</li> </ul>	Tearing pages of the Qur'an.
18	<ul style="list-style-type: none"> <li>Defiling etc. of the Holy Qur'an (section 295-B of PPC)</li> </ul>	Wrapping Qur'anic chapters in a bag and throwing in a trash bin.
19	<ul style="list-style-type: none"> <li>Defiling etc. of the Holy Qur'an (section 295-B of PPC)</li> </ul>	Burning a copy of the Qur'an.
20	<ul style="list-style-type: none"> <li>Defiling etc. of the Holy Qur'an (section 295-B of PPC)</li> </ul>	Burning pages from various Islamic books, including the Qur'an in front of witnesses.
21	<ul style="list-style-type: none"> <li>Defiling etc. of the Holy Qur'an (section 295-B of PPC)</li> </ul>	Burning a copy of the Qur'an in public and dropping it into water.

<b>Case #</b>	<b>Alleged Offense(s)</b>	<b>Alleged Conduct: Different Language/Interpretation of Qur'an or Prophet Muhammad</b>
22	<ul style="list-style-type: none"> <li>Using derogatory remarks, etc., in respect of the Holy Prophet (295-C)</li> </ul>	Changes in a book on Pakistan.

23	<ul style="list-style-type: none"> <li>• Abetting a criminal act (section 109 PPC)</li> <li>• Defiling etc. of the Holy Qur'an (section 295-B of PPC)</li> <li>• A person of the Ahmadi group calling himself a Muslim or preaching or propagating his faith (Section 298-C of the PPC)</li> <li>• Hate speech (section 11 of the Prevention of Electronic Crimes Act 2016)</li> </ul>	Possessing blasphemous materials on phone.
24	<ul style="list-style-type: none"> <li>• A person of Ahmadi group calling himself a Muslim or preaching or propagating his faith (Section 298-C of the PPC)</li> <li>• Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs (295-A PPC)</li> <li>• Hate speech (section 11 of the Prevention of Electronic Crimes Act 2016)</li> </ul>	Sharing a "pervert" translation of the Qur'an.