

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

www.lrwc.org – lrwc@portal.ca – Tel: +1 604 736 1175 – Fax: +1 604 736 1170
3220 West 13th Avenue, Vancouver, B.C. CANADA V6K 2V5

Wednesday, June 7, 2017

Mr. Mamnoon Hussain
President of Pakistan
President's Secretariat
Islamabad, Pakistan
Tel: +92 51 9204801, +92 51 9214171
Fax: +92 51 9207458
Email: publicmail@president.gov.pk

Mr. Mian Nawaz Sharif
Prime Minister
Prime Minister House
Islamabad, Pakistan
Fax: +92 51 922 1596
Tel: +92 51 920 6111
Email: secretary@cabinet.gov.pk or
pspm@pmsect.gov.pk

Mr. Shahbaz Sharif
Chief Minister
Government of Punjab Province
Chief Minister Secretariat
5-Club Road, GOR- I,
Lahore, Punjab, Pakistan
Email: cmcomplaintcell@cmpunjab.gov.pk

Dear President, Prime Minister and Chief Minister,

Re: Murder of journalism student Mashal Khan accused of blasphemy

Lawyers Rights' Watch Canada (LRWC) is a committee of lawyers and others who promote human rights and the rule of law internationally by protecting advocacy rights. LRWC campaigns for advocates in danger because of their human rights advocacy, engages in research and education and works in cooperation with other human rights organizations. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.

The murder of Mashal Khan again signals the urgent need for Pakistan to ensure protection of the rights of all to "freedom of thought, conscience and religion, guaranteed by the International Covenant on Civil and Political Rights (ICCPR). Necessary measures include repeal of the blasphemy provisions in the Pakistan Penal Code including Section 295-C and other sections that criminalize religious belief and expression. In addition Pakistan must ensure education for all about the need to respect and support freedom to hold any (or no) religious beliefs and the freedom to criticize beliefs. The education must include illumination of the fact although the right to belief is non-derogable, the right to manifest beliefs cannot be exercised so as to restrict or deny the rights of others.

LRWC condemns in the strongest possible terms the barbaric and senseless murder by an angry mob of Mashal Khan, a student of Abdul Wali Khan University, which took place on 13 April 2017. In response to accusations of blasphemy against Mashal Khan, he was dragged from his room, shot dead, and his already dead body was stripped naked and beaten. Reports indicate that this took place in the presence of

Murder of journalism student Mashal Khan accused of blasphemy

university administration staff, and no one tried to stop the attack or save him. According to Mashal Khan's father, his son was beaten from 10 AM to 3 pm while the police stood by watching and made no efforts to stop the beating of the dead body of Mashal.¹

Mashal Khan lost his life after a (false) accusation of blasphemy spread through the university he attended, a place where students should feel protected to express their ideas and question the ideas and beliefs of others. Mashal was known for his curiosity and for being a humanist. LRWC has called on Pakistan to ensure measures to effectively punish and prevent attacks based on religious differences in a number of cases including: the [30 March 2017](#) murder of Saleem Latif; the [7 May 2014](#), murder of Rashid Rehman Khan and injury of Nadeem Parwaz and Afzal; and, the [3 December 2014](#) attempted murder of Shahbaz Gormani. LRWC has not been apprised of any action taken by Pakistan to punish those responsible for these crimes or to prevent other attacks.

Background:

The blasphemy accusations against Mashal Khan were unfounded. Days after his murder, numerous videos of the attack surfaced and went viral. One video shows the crowd congratulating everyone for Mashal Khan's killing, shows witnesses pledging not to reveal the name of the shooter, and shows a threat being made to brand anyone revealing the identity of the shooter as guilty of blasphemy.² The shooter, a fellow student at Mashal Khan's University, Imran Ali has been arrested and has appeared before the judicial magistrate, where he confessed to his crime. Imran Ali, in his confessional statement, stated that the University administration was also responsible because they were "provocative towards Khan, [which] led to his (sic) lynching".³

The Deputy Inspector General Alam Khan Shinwari criticized the University for failing to call them as soon as Mashal Khan was shot. He claimed that the university never asked for police assistance, and stated that the situation may have turned out different had the administration informed the police in a timely matter.⁴ Imran Ali stated that he has no regret in killing Mashal Khan because he believed him to be guilty of blasphemy.⁵ Approximately 47 people, including university staff and students believed to have ties to the brutal murder, have been arrested and detained. The person suspected of issuing the threat to accuse anyone identifying the shooter as also guilty of blasphemy, has not yet been arrested and it is rumoured that he has fled the country.

The role of the Abdul Wali Khan University administration in the murder has yet to be properly investigated. A suspect in the murder, a student by the name of Wajahat, claimed that a class representative asked him to testify against Mashal in front of the University administration, who was conducting a meeting on the morning of the murder to decide whether Mashal had committed blasphemy.⁶ Another student named Abdallah, who had been beaten badly by the angry mob, also claimed that he was asked to testify and state that Mashal had committed blasphemy, and had refused⁷. At this meeting, Bilal Baksh, the University's security in charge, stated that anyone who tried to intervene

¹ Haseeb Bhatti, SC hearing on Mashal Khan: CJP sees campaign behind lynching of student, Dawn, 17 May 2017. <https://www.dawn.com/news/1333702>

² PTI councillor says those who reveal Mashal's killer will be guilty of apostasy, The Express Tribune, 18 April 2017. <https://tribune.com.pk/story/1386945/video-surfaces-pti-councillor-urging-crowd-mardan-not-name-mashals-killer/>

³ Main accused of Mashal Khan's lynching pleads guilty, The News, 29 April 2017. <https://www.thenews.com.pk/latest/201493-Main-accused-of-Mashal-Khans-lynching-pleads-guilty>

⁴ Hidayat Hoti, Student who shot Mashal Khan arrested: DIG Mardan, The Express Tribune, 27 April 2017. <https://tribune.com.pk/story/1394998/student-shot-mashal-khan-arrested-dig-mardan/>

⁵ Mashal Khan's shooter confesses to crime, says does not regret anything, Geo Tv, 29 April 2017. <https://www.geo.tv/latest/139939-Mashal-Khans-shooter-confesses-to-crime-says-does-not-regret-anything>

⁶ Ali Akbar, Lynching suspect gives statement: University administration asked me to testify against Mashal, Dawn, 18 April 2017. <https://www.dawn.com/news/1327576>

⁷ Ibid.

and protect Mashal would be dealt with “an iron hand,” and said that he would kill Mashal. Upon “[h]earing this, the congress turned into a violent mob and rushed towards the hostel.”⁸

There has been widespread condemnation of this brutal murder across Pakistan, and calls for lawmakers to review blasphemy legislation. Despite the public statements of condemnations and public outcry by politicians, nothing has been done to curb the root cause of the problem: intolerance. Citizens took to the streets in protest the days following the killing of Mashal Khan, demanding justice. On 28 April, a rally led by the Muttahida Ulema Council (MUC) took place, demanding the release of all those arrested in the case. They claimed that the suspects arrested in Mashal Khan’s murder case were “true Muslims for fulfilling their religious duties.”⁹ Among those in attendance at this rally were leaders of several political parties. In another instance, provincial chief Amir Mushtaq Ahmad Khan of Jamaat e Islami, an Islamist political party in Pakistan, stated that “I will cut the tongue and eyes of those who want to amend the blasphemy laws.”¹⁰ Statements and rhetoric such as this show how those in position of power can use religion to justify violence against citizens. Prime Minister Sharif has taken a tough stand on blasphemy issues over the past months. He has called for strict measures in punishing Pakistanis that post what some view as blasphemous material over social media, both within and outside Pakistan. The Prime Minister’s stance has inflamed an already dangerous situation.

Spike in religious intolerance related violence:

Since Mashal Khan’s murder, there have been other troubling cases of mob violence and murder over blasphemy allegations. On 19 April, just days after the brutal murder of Mashal Khan, three sisters in the town of Sialkot shot and killed Fazal Abbas, who they claimed had committed blasphemy in 2004. Fazal Abbas had fled to Belgium after a blasphemy case was registered against him in 2004.¹¹ Upon his return to Pakistan the sisters murdered him, claiming they were too young to kill him in 2004. “Finally, we have shot dead the blasphemer after the long wait of 13 years,” they stated.¹²

On 21 April 2017 in Chitral, after Friday prayers, a man was violently beaten inside a mosque after a worshipper accused him of blasphemy. The Imam of the mosque, fearing the accused would be killed, summoned the police to take him to the police station, where the angry mob gathered outside the police station and tried to break in.¹³ The situation became so volatile that law enforcement had to use rubber bullets and tear gas in attempts to disperse the mob.¹⁴ The victim is suspected of suffering from mental health issues.

On 4 May 2017, in the town of Hub, a Hindu man who had been arrested for posting allegedly blasphemous material on social media escaped lynching by an angry mob who had gathered outside the police station after hearing about his arrest. According to police, the mob was led by Zia Shehzad, a politician from the ruling political party Pakistan Muslim League (PML), and an influential cleric.¹⁵ The

⁸ *Lynching suspect accuses varsity officials of ‘conspiring’ against Mashal*, The Express Tribune, 18 April 2017. <https://tribune.com.pk/story/1386564/mashal-khan-anti-islamic-views-accused-claims-testimony/>

⁹ *Hidayat Hoti*, Former K-P speaker, others lead rally demanding release of Mardan lynching suspects, The Express Tribune, 28 April 2017. <https://tribune.com.pk/story/1396053/former-k-p-speaker-others-lead-rally-demanding-release-mardan-lynching-suspects/>

¹⁰ *‘Will cut tongue of anyone wanting to change blasphemy laws’, says Jamaat-e-Islami KP chief*, The Nation, 1 May 2017. <http://nation.com.pk/national/01-May-2017/will-cut-tongue-of-anyone-wanting-to-change-blasphemy-law-says-jamaat-e-islami-kp-chief>

¹¹ *Long Wait: Sisters kill alleged blasphemer*, The Express Tribune, 22 April 2017. <https://tribune.com.pk/story/1390452/long-wait-sisters-kill-alleged-blasphemer/>

¹² *Zafar Malik*, Three sisters kill ‘blasphemer’ after 13 years, The Nation, 20 April 2017. <http://nation.com.pk/national/20-Apr-2017/three-sisters-kill-blasphemer-after-13-years>

¹³ *Muhkamuddin*, Mob attacks man in Chitral for ‘blasphemy’, The Express Tribune, 21 April 2017. <https://tribune.com.pk/story/1390303/mob-attacks-chitral-police-station-demanding-custody-blasphemer/>

¹⁴ *Ibid.*

mob went on a rampage demanding that the accused Prakash Kumar be handed over to them, which resulted in a ten-year-old boy being killed.

Conclusion:

The brutal murder of a bright young student for being accused of blasphemy again demonstrates the urgent need for immediate measures to identify and hold accountable all involved in the murder and to prevent attacks on people based on their belief. The Government of Pakistan should create a commission of inquiry to investigate the murder, related events prior to the murder and actions and inactions prior to and immediately following the murder. In addition to identifying those criminally responsible, the inquiry would determine the actions of students and university personnel that contributed to the murder and the desecration of the victim's body, and would recommend the appropriate prosecutions, disciplinary and remedial measures. In the interim, the university should offer and make mandatory for all students, education and training about the scope and purpose of international and domestic laws protecting the non-derogable "right to freedom of thought, conscience and religion."

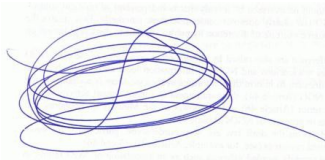
The Government of Pakistan must take strict measures to repeal the blasphemy laws and to prevent and punish vigilante action based on intolerance of thought, conscience and religion. Recent events have shown that the life of anyone in Pakistan accused of blasphemy is a risk.

LRWC calls on the government of Pakistan to:

1. Create an independent commission of inquiry into the murder of Mashal Khan;
2. Repeal the blasphemy provisions in the Pakistan Penal Code including Section 295-C and other sections that criminalize religious belief and expression;
3. Ensure that those members of the university staff (faculty members or officers hired by the university) suspected to have played a role in the murder of Mashal Khan or suspected of negligence in their duty to protect Mr. Khan be held accountable in accordance with law;
4. Publish statements from the Prime Minister, President, and Minister of Justice of Pakistan denouncing all forms of discrimination, intolerance and violence being carried out against people for their religious beliefs;
5. Take urgent action to effectively promote tolerance and religious diversity;
6. Take initiatives immediately to reform the educational curriculum to make it mandatory to teach children about tolerance and acceptance of those who belong to minority religions, do not belong to any religion or who express about religions;
7. Ensure that all those responsible for the murder of Mashal Khan are brought to justice through fair trails and procedures without recourse to the death penalty;
8. Fulfill its numerous international law obligations pertaining to the murder of Mashal Khan.

Please advise LRWC of the actions the Government of Pakistan is taking in the case of Mashal Khan, what measure will be taken to repeal the blasphemy laws.

Sincerely,



Gail Davidson, Executive Director, LRWC

¹⁵ *Boy, 10, killed in attempted blasphemy lynching in Pakistan*, The Guardian, 4 May 2017.

<https://www.theguardian.com/world/2017/may/04/10-year-old-boy-killed-attempted-blasphemy-lynching-pakistan>
Murder of journalism student Mashal Khan accused of blasphemy

and

Hanna Bokhari, Case Monitor for Pakistan LRWC

Copied to:

Ahmed Shaheed
UN Special Rapporteur on freedom of religion or belief
Email: Freedomofreligion@ohchr.org

Ms. Agnes Callamard
UN Special Rapporteur on extrajudicial, summary and arbitrary executions
Email: eje@ohchr.org

Ms. Zohra Yusuf
Chairperson, Human Rights Commission of Pakistan
Email: hrcp@hrcp-web.org

Mr. Tariq Azim Khan
Pakistan's High Commissioner to Canada
Email: pahicottawa@mofa.gov.pk

Mr. Perry John Calderwood
Canada's High Commissioner to Pakistan
Email: isbad@international.gc.ca

Murder of journalism student Mashal Khan accused of blasphemy