

# 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

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Dear President, Prime Minister and Chief Minister,

**Re: Stop execution of Mubasher Ahmad, Glulam Ahmad and Ehsan Ahmad members of Pakistan's Ahmadi minority community.**

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders who promote human rights and the rule of law internationally through advocacy, legal research and education. LRWC also campaigns for lawyers and other human rights defenders in danger because of their advocacy. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.

LRWC strongly condemns the death sentence handed down on 12 October 2017 by a Pakistani court to three members of the minority Ahmadi community Mubasher Ahmad, Glulam Ahmad and Ehsan Ahmad on charges of blasphemy. The three men were arrested in the village of Bhoiwaal on 11 May 2014, along with Khaleel Ahmad, who was shot dead while in police custody. The four were arrested for taking down posters that vilifying Ahmadi people and calling on villagers to ostracize and kill them.<sup>1</sup> The three were charged and convicted of blasphemy, fined 200, 000 rupees each and sentenced to death.

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<sup>1</sup> AHRC, "Pakistan: Court sentences Ahmadis to death", *AHRC*, 24 October 2017, <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-136-2017>

## **Background:**

11 May 2014 Mubasher Ahmad, Glulam Ahmad, Ehsan Ahmad and Khaleel Ahmad were arrested for taking down and destroying posters that counselled villagers to commit criminal offences, including murder, against members of the Ahmadi religion. The four men acted as responsible citizens to prevent the proposed harm. In a bizarre turn of events, instead of being praised, the men were arrested, one was shot and killed by police and the remaining three charged with the capital crime of blasphemy. The grossly unjust convictions were apparently based on the prosecutor's submissions that the posters contained excerpts from Islamic literature and therefore tearing them down constitutes blasphemy. The resulting conviction can only have resulted from a grossly unfair trial. The appalling conviction of the three men can only have resulted from a denial of fair trial rights resulted from a lack of judicial competence, impartiality and/or independence perhaps compounded by lack of legal representation by counsel competent to defend a capital case and the opportunity to prepare and present a defense. The fact that the government of Pakistan would sentence these individuals to death for removing from public view posters that incited hate and violence towards them instead of apprehending, prosecuting and punishing those responsible for advocating violence and spreading hate towards Ahmadi's is greatly troubling.

The death sentences were handed down just days prior to Pakistan's election to the United Nations Human Rights Council and just days prior to a verbal attack against the Ahmadi community by a top government official in the National Assembly of Pakistan. Mohammad Safdar, retired army officer, member of the National Assembly and son-in-law of ex prime ministers Nawaz Sharif, called the Ahmadi's "a threat to the country, to the constitution and to its ideology"<sup>2</sup> and called for action to be taken against the Ahmadi community and that they should be banned from being recruited to the arm forces.<sup>3</sup>

Members of the Ahmadi community in Pakistan continuously suffer from violent attacks and discrimination. Pakistan's penal code 298 contains discriminatory antiAhmadi legislation and Ahmadi's are denied fundamental rights such as freedoms of religion and expression.

## **Pakistan's International and Domestic Law Obligations:**

16 October 2017, Pakistan was elected to the United Nations Human Right Council. As a member of the UN Human Rights Council, Pakistan has agreed, and is mandatorily obliged to "uphold the highest standards in the promotion and protection of human rights."<sup>4</sup>

Pakistan is also a party to the International Covenant on Civil and Political Rights (ICCPR), which specifically forbids discrimination based on religion and ethnicity and prohibits the use of coercion to impair the freedom to have or adopt a religion or belief of choice. The ICCPR provides:

Article 18 (1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

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<sup>2</sup> PML-N's Capt. Safdar lashes out against Ahmadi's, faces backlash on social media, Dawn, 10 October 2017. <https://www.dawn.com/news/1362922>

<sup>3</sup> Ibid.

<sup>4</sup>Resolution adopted by the General Assembly, 60/251. Human Rights Council, 3 April 2006, A/RES/60/251, at para. 9

Article 18 (2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

Article 20 (2) Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 27 In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Members of religious minorities groups in Pakistan are guaranteed protection and religious freedom by the Constitution of the Islamic Republic of Pakistan, 1973, As Amended by the Constitution Twentieth Amendment Act, 2012. Article 20(a) states that “[e]very citizen shall have the right to profess, practice and propagate his religion”.

### **Recommendations:**

LRWC calls on Pakistan as a member of the United Nations and of the Human Rights Council and in accordance with its international human rights law obligations to:

1. immediately suspend the death sentences given to Mubasher Ahmad, Glulam Ahmad and Ehsan Ahmad;
2. Release each of them from detention;
3. Vacate the convictions for blasphemy against Mubasher Ahmad, Glulam Ahmad and Ehsan Ahmad;
4. Ensure identification and punishment or discipline of all persons responsible for creating, distributing and displaying the posters taken down by the victims by conducting competent and thorough investigations followed by prosecution and fair trials;
5. Investigate and provide appropriate remedies for the wrongful arrest and shooting death of Khaleel Ahmad and release them immediately.
6. Protect religious minorities from persecution and discrimination;
7. Take measures to combat hateful speech and hold those accountable who are responsible for promoting hate towards minority groups in Pakistan;
8. Publicly denounce and condemn hateful rhetoric carried out by government officials;
9. Repeal the criminal blasphemy laws and bring criminal laws regarding freedom of thought conscience and religion into compliance with Pakistan’s international human rights obligations;
10. Comply with its international and domestic law obligations to protect freedoms of religious thought and belief for all people in Pakistan;
11. Take measures to reform educational system, incorporate into curriculum teaching about tolerance, unity, religious diversity and human rights.
12. take very tough action against members of its own government and others promoting hate and violence towards minority groups in Pakistan; and,

13. implement measures to stop the spread of hate speech against those who practice their faith differently or hold different opinions and promote unity and tolerance through educational reform.

Please advise LRWC of the actions that the Government of Pakistan is taking to suspend and revoke the death sentences of Mubasher Ahmad, Glulam Ahmad and Ehsan Ahmad and what measure the Government of Pakistan is taking to address religious intolerance and protection of minority groups.

Sincerely,



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