

DECISION No. 10/1996 (PAKISTAN)

Communication addressed to the Government of Pakistan on 7 February 1995.

Concerning: Mr. Habibullah, Mr. Khan Mohammad, Mr. Rafiq Ahmad Naeem, Mrs. Farida Rahat, Mrs. Sheikh Muhammad Aslam and Mrs. Amtullah Sallam, on the one hand, and the Islamic Republic of Pakistan, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the revised methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of each of the cases of alleged arbitrary detention brought to its knowledge.

3. (Same text as para. 3 of Decision No. 35/1995.)

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of the Islamic Republic of Pakistan. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.

5. The Working Group considers that:

(a) According to the communication Mr. Habibullah, a social security officer from Shahdara town, Lahore, was reportedly arrested on 29 October 1991, after being accused of blasphemy by an opponent of the Ahmadi faith. He was charged under Section 295 C of the Pakistan Penal Code which reportedly carried the death penalty. He was reportedly denied release on bail on 25 March 1992. Mr. Khan Mohammad, President of the Ahmadi community in Dera Ghazi Khan, and Mr. Rafiq Ahmad Naeem were arrested on 5 December 1991 and charged on 30 January 1992 with offences under Sections 295 A, B and C for translating the Koran into the Surayeke language. Mrs. Farida Rahat, wife of Sheikh Muhammad Yusuf Zuhr, Mrs. Sheikh Muhammad Aslam and Amtullah Salam were among several women members of the Ahmadi community who were arrested in 1993 and charged with offences under Section 295 C.

(b) All the above-mentioned persons, in addition to 125 others, are members of the Ahmadi religious community in Pakistan who are currently under detention, accused of blasphemy under Section 295 C of the Pakistan Penal Code. The Ahmadi religion was declared in 1974 as non-Muslim, for proclaiming their faith in a prophet after Muhammad, and its followers have suffered

physical attacks and discrimination without being protected by the authorities. The Supreme Court of Pakistan reportedly declared the Ahmadi faith to be blasphemous, in keeping with Ordinance XX (under which Ahmadis are prohibited from practising or calling their faith Islam).

(c) Even though over a year has passed since the transmission of the cases by the Working Group to the Government of Pakistan, the latter has not responded to the Working Group's request for information.

(d) In these circumstances, and since the Working Group has to adopt a decision, it must do so on the basis of the allegations made by the source.

(e) The above-mentioned persons are deprived of their freedom merely for exercising their legitimate right to freedom of religion and conscience, guaranteed by article 18 of the Universal Declaration of Human Rights.

6. In the light of the above the Working Group decides:

The detention of Mr. Habibullah, Mr. Khan Mohammad, Mr. Rafiq Ahmad Naeem, Mrs. Farida Rahat, Mrs. Sheikh Muhammad Aslam and Mrs. Amtullah Sallam, is declared to be arbitrary being in contravention of article 18 of the Universal Declaration of Human Rights and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

7. Consequent upon the decision of the Working Group declaring the detention of the above-mentioned persons to be arbitrary, the Working Group requests the Government of Pakistan to take the necessary steps to remedy the situation in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights.

Adopted on 23 May 1996.