

Pakistan

Pakistan's blasphemy laws criminalise anyone who insults Islam, including by outraging religious feeling (Section 295(A)), defiling the Qur'an (295(B)), and defiling the name of the Prophet Mohammed (295(C)), which carries the death penalty or life imprisonment. Bail is granted at the discretion of the court. The law is poorly defined and has low standards of evidence, as it does not require specific proof of intent to commit blasphemy. As a result, spurious accusations are common and levied maliciously against both Muslims and non-Muslims to settle personal disputes.

According to the National Commission for Justice and Peace (NCJP), 84 individuals were charged with blasphemy in 2021. Many others remain imprisoned or on death row. Blasphemy accusations can also trigger mass violence against minority individuals and communities. In December 2021 Priyantha Diyawadana, a Sri Lankan national who was later identified as a Buddhist, was killed by a mob after he was accused of desecrating posters bearing the name of Prophet Mohammed by colleagues at the factory where he worked. It later emerged that Mr Diyawadana had been falsely accused as a means of settling a personal score.

Lawyers defending blasphemy-related or other sensitive cases relating to minority issues frequently face intimidation and threats of violence, and in some cases extra-judicial killings. Judges have been physically attacked and threatened with torture, even during court hearings. Many are afraid to hear prominent minority cases for fear of reprisal, resulting in slow progress in these cases.

Case study: Notan Lal

Hindu school principal Notan Lal was sentenced to 25 years in prison on blasphemy charges by a sessions court in Sukkur, Sindh Province, Pakistan, on 7 February. The charges relate to an accusation made in 2019 by a Class 11 student at a school in Ghotki, also in Sindh Province. Mr Lal was also fined 50,000 Pakistani Rupees (approximately GBP £211) under Section 295-C of the Pakistan Penal Code, which criminalises defiling the name of the Prophet Mohammed.

Mr Lal was accused of making the remarks by student Muhammad Ihtesham, whose father Abdul Aziz Rajpur subsequently lodged a complaint against him. The accusations led to an outbreak of communal violence in the Ghotki district, during which shops owned by the Hindu community were looted, the school run by Mr Lal was ransacked, and a Hindu temple was attacked.

Targeting of Ahmadiyya Muslims

The Ahmadiyya community is the most widely institutionally and constitutionally persecuted religious group in Pakistan. The Ahmadiyya community face persistent and systematic structural discrimination, and targeted physical violence. According to the Ahmadiyya Community Office in the UK, two Ahmadis were murdered in 2021, raising the total number of Ahmadis killed since the promulgation of Ordinance XX to 272.

Blasphemy laws are used to target Ahmadiyyas. 20 new cases

were registered against Ahmadis under blasphemy laws and anti-Ahmadi laws in 2021, and a worrying new trend is the use of blasphemy accusations to target Ahmadiyyas during Eid.

According to IHRC, a UK organisation which works on Ahmadiyya issues, 17 Ahmadiyyas have been targeted under Anti-Ahmadiyya Law Section 298 (C) in various First Information Reports (police reports) across Pakistan. Out of these, 11 were arrested while they were with their families celebrating Eid and locked up in jail, and the police are still on the hunt for the others. This wave of raids took place during Eid, normally a time of celebration for Muslims, but which instead brought a fresh series of oppression and victimisation.

Nigeria

Nigeria is one of 71 countries that criminalises blasphemy, in a law introduced during the colonial era that contravenes the country's constitution, which allows for the freedoms of thought, conscience, and expression. It is also incompatible with the nation's international obligations with regard to the freedoms of religion or belief (FoRB), and expression.

While the sentence stipulated for blasphemy under Section 204 of Nigeria's criminal code is two years, the institution of a Shari'a penal code by 12 northern states since 2001, effectively made Islam into a state religion. This is in violation of Nigeria's secular constitution, as Shari'a courts arrogated the jurisdiction reserved for criminal courts over capital sentences and the stipulation of punishments that contravene the nation's international human rights obligations even further. This includes sentences such as amputation for theft, and stoning to death for adultery or blasphemy.

The unconstitutional primacy afforded to Shari'a law penal codes in these states, coupled with the retention of blasphemy punishments in the criminal code, have served to embolden religious extremists to take matters into their own hands. The situation is exacerbated further by the culture of impunity that generally surrounds such crimes, with perpetrators of violence and extrajudicial killings barely facing any consequences for their actions. For example, no one has been brought to justice for the death in April 2021 of a Muslim water seller named Talle Mai Ruwa, who despite appearing to suffer from a mental disorder, was dragged from a police station in Sade village in Darazo LGA, Bauchi State by angry youths, beaten to death, and set alight using petrol and a disused car tyre for alleged blasphemy.

Case Study: Deborah Emmanuel

Deborah Emmanuel was a second-year Christian student of Home Economics at the Shehu Shagari College of Education in Sokoto state, northwest Nigeria. On 12 May 2022 she was brutally beaten and stoned to death by a predominantly male mob who proceeded to immolate her in a pile of tyres whilst chanting "Allahu Akbar", after being falsely accused of blasphemy. She was accused of blaspheming the Prophet Mohammed in a WhatsApp group chat in which she reportedly expressed exasperation at members

posting religious articles and asked them to focus on issues relevant to course work, as it was a departmental group. Unconfirmed reports, however, indicate that Ms Emmanuel had rejected the advances of a Muslim student, who later made the allegation against her.

Only two students have been arrested thus far in connection with Ms Emmanuel's death, despite a profusion of videos on social media depicting her murder. They were arraigned before a magistrates court, when they should be facing criminal charges of culpable homicide in a high court, and both were charged with criminal conspiracy and disturbing the peace, which are bailable offences.

In an indication of the degree of support they enjoy, the students are also receiving legal representation from a team of 34 lawyers led by a professor of law.

Case Study: Christianah Oluwatoyin Oluwasesin

Ms Emmanuel's case bears a striking resemblance to that of Christianah Oluwatoyin Oluwasesin, a 30-year-old teacher and married mother of two who was brutally murdered on 21 March 2007 at Gandu Government Day Secondary School in Gombe state, northeast Nigeria. She had confiscated a paper with Arabic inscriptions hidden in a book by a female student who she had caught cheating in an exam, and who immediately accused her of having torn a copy of the Quran. Despite another teacher showing the class that the book in question was not a Quran and had not even been torn, a mob of students attacked Mrs Oluwasesin, aided by residents from the surrounding area who had been drawn to the scene by the commotion.

Local observers believe the incident may have been pre-planned. Two weeks prior to her death Mrs. Oluwasesin was targeted by thugs whilst in town and had to be rescued by passers-by.

The attack that ended her life lasted for an hour. According to the findings of a report commissioned by the Gombe Chapter of the Christian Association of Nigeria (CAN), a notorious member of a local gang of Islamic militants nicknamed 'the Angel of death' arrived at the scene on the back of a motorcycle as she knelt begging for her life, having been dragged from the Principal's Office where she had taken refuge. He slit her throat and stabbed her in the stomach and breast before the students set her body on fire. CAN Gombe investigators also discovered that four policemen armed with guns and teargas were in the school grounds when the violence began but fled from stone-throwing students without firing a shot to disperse them or calling for reinforcements. Moreover, although the students set fire to classrooms, Mrs Oluwasesin's car, and the motorcycle belonging to another Christian teacher, local fire service personnel claimed they could not reach the area as all roads were blocked by unspecified groups. The report concluded that the school principal was the only person to offer any assistance to Mrs Oluwasesin. He had even attempted to shield her with his body, and was badly beaten as a result.

Sixteen suspects arrested in connection with Mrs Oluwasesin's murder, including the 'Angel of Death', were

eventually released without charges.

Case Study: Mrs Bridget Agbahime

Similarly, in June 2016 Mrs Bridget Agbahime, 74, a market trader and the wife of a retired Deeper Life Church leader, was battered to death by a mob in Kofar Wambai market in the capital of Kano state, northwest Nigeria, following a false accusation of blasphemy.

The main instigator was fellow trader, Dauda Ahmed, who had been harassing Mrs Agbahime for a long time, despite receiving several official warnings from the market authorities, and who regularly performed his pre-prayer ablutions at the door of her shop, damaging her wares. On 2 June 2016, when she politely asked him to move away from the door, he began shouting that she had committed blasphemy. A mob of over 500 people gathered and battered Mrs Agbahime to death after dragging her out of a store owned by a Muslim trader, where she and her husband, who was with her at the time, had taken refuge. Her husband, whose life was saved by the arrival of the police, subsequently returned to his ancestral home in Imo State, southern Nigeria, for his own safety.

Mr Dauda and four other men were arrested for the murder of Mrs Agbahime and charged with "inciting disturbance, joint act, mischief and culpable homicide" under sections 114, 80, 327 and 221 of the Penal Code. However, on 3 November 2016, Kano State's chief magistrate Muhammad Jibril, acting on a directive from the Kano State Attorney-General and Commissioner for Justice, discharged the five suspects and terminated the case against them.

Case study: Yahaya Aminu Sharif

On 10 August 2020 a Shari'a court in Kano state sentenced a member of the Tijjaniyya Sufi order and singer Yahaya Sharif-Aminu, then aged 22, to death by hanging for allegedly blaspheming in a song he shared via WhatsApp, which became public knowledge in March 2020. On 21 January 2021 the appellate division of the Kano state High Court overturned the sentence, citing procedural irregularities, and ordered a retrial on one count of insulting the religious creed, contrary to Section 382 (B) of the Kano State Sharia Penal Code Law of 2000, for the audio messages on WhatsApp.

Mr Sharif-Aminu's lawyers subsequently asked the Court of Appeal in Kano Appeal Court to rule on whether the High Court was wrong to have ordered a retrial, arguing that it ought to have discharged and acquitted their client instead. They also argued that the High Court was wrong in not declaring the Kano State Sharia Penal Code Law inconsistent with Nigeria's secular Constitution, which limits jurisdiction for death sentences to civil courts.

On 17 August, and in a worrying split decision, the Court of Appeal upheld both the legality of the Shari'a Penal Code, and the decision of the lower court to quash the original sentence due to irregularities and order a retrial. However, Justice Mbaba, one of the three judges who heard the appeal, dissented, finding that Mr Aminu Sharif ought to have been discharged and acquitted. His lawyers are currently studying

the judgement before deciding on further action.

The ruling is a potential setback for human rights. It challenges the supremacy of the Constitution, as it effectively means that a secular court has officially recognised that Shar'ia courts have the competency to impose death sentences. This point has not been lost on Kano state's Attorney General and Commissioner for Justice, Musa Lawan, who commented the Appeal Court had fully recognised Kano State's Shari'a Penal Code.

Recommendations

- Urge the governments of Pakistan and Nigeria to release all who are currently imprisoned for blasphemy, and ensure their safety from mob violence following release.

Pakistan

- Urge the Pakistani government to Review Sections 295(A), (B) and (C) of the blasphemy laws and ensure procedural amendments are implemented to minimise the abuse of these laws in the short term, moving towards full repeal in the long term.

Nigeria

- Urge the Nigerian government to remove blasphemy from the penal code; to uphold the supremacy of the Constitution by bringing state laws and practices into conformity with it and with Nigeria's obligations under international law, and to end the impunity surrounding blasphemy accusations by penalising the purveyors of false allegations and bringing perpetrators of violence to justice, and thereby strengthening rule of law.

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