



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

London, 18 September 2012

Bar Human Rights Committee of England and Wales

The Bar Human Rights Committee of England and Wales (BHRC) voices its concern at the detention and contemplated prosecution of Rimsha Masih in Pakistan.

The BHRC is the international human rights arm of the Bar of England and Wales. It is an independent body primarily concerned with protecting the rights of advocates and judges around the world. It is also concerned with defending the rule of law and internationally recognised legal standards pertaining to the right to a fair trial.

Background

1. Rimsha, who has been reported as being between 11 and 14 years old, and her mother were arrested on 16 August after she was accused of burning the pages of a Qur'an by a neighbour in her village. The family is Christian and lives in the largely Christian suburb of Mehrabadi outside Islamabad. In addition, it has been reported that Rimsha has learning difficulties, possibly Down's Syndrome.
2. Initially, the local police were unwilling to act against the minor but public demonstrations against her prompted her arrest. At the same time it has been suggested that around 900 Christians in the area outside Islamabad have been forced to leave their homes.
3. Following Rimsha's arrest a local cleric, Hafiz Mohammed Khalid Chishti, was arrested for allegedly planting the charred pages of a Qur'an in the bag in which the girl carried rubbish she had been sent to dispose of. He now also faces charges of blasphemy.
4. On 8 September Rimsha Masih was released on bail and immediately taken by helicopter to a secret location in order to protect her and her family. One of her lawyers has publicly stated it is the first time in Pakistan's history that a person accused of blasphemy has been granted bail.

Observations of the BHRC

5. While the BHRC welcomes Rimsha's release on bail, it has a number of concerns about her prosecution and the prosecution of blasphemy crimes in Pakistan more generally.
6. In 2011, in conjunction with our colleagues at the Commonwealth Lawyers Association, we released a statement of concern about the operation of Pakistan's blasphemy laws. At the time, we reminded the government of its responsibilities as a party to the International Covenant on the Elimination of all forms of Racial Discrimination (ICERD) to protect its subjects from racial hatred; as a party of the International Covenant on Civil and Political Rights (ICCPR) to uphold the right to life, the right to free expression, the right to freedom of religion and the right to be free from arbitrary detention.
7. Therefore, we strongly condemn comments from Rao Abdur Raheem, the lawyer of Rimsha's accuser, suggesting that a failure to convict her will lead to people taking the law into their own hands. This is inimical to the rule of law. Where a person, whether a minor or an adult, is accused of an offence they are entitled to a fair trial free from outside influence.
8. Moreover, on the facts of this case, the rule of law demands that the accused, her family, her community, those determining the case, and the lawyers in the case be afforded protection. It is disturbing to hear Raheem's reported comments which celebrate Mumtaz Qadri, a man convicted last year of murdering a reformist politician who had spoken out against blasphemy laws. Indeed the judge in that case was forced to flee the country and his family has suffered repercussions.
9. We respectfully remind the Pakistani authorities once again of their international obligations. We call on them to conduct the investigations in to the allegations against Rimsha Masih fairly and transparently, adhering to the rule of law and not the rule of any particular section of the community, however powerful.



Mark Muller QC

Chairman

On behalf of the Bar Human Rights Committee of England & Wales

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