

PUBLIC

AI Index: ASA 33/007/2003

15 July 2003

**Further Information on UA 24/01 (ASA 33/003/2001, 30 January 2001) Fear for Safety
New Concern: Unfair Trial**

PAKISTAN Munawar Mohsin (m) – note corrected spelling

**Released: Aftab Ahmed (m)
 Imtiaz Hussain (m)
 Qazi Sarwar (m)
 Waijul Hasan (m)
 Mahmood Afridi (m)
 Javed Nazir (m)**

Amnesty International is concerned that Munawar Mohsin, previously referred to as Munwarul Hasan, has been the victim of an unfair trial and that he may face victimisation while in prison. On 8 July 2003, he was found guilty of the publication of a blasphemous letter in the Pakistani newspaper *The Frontier Post*. He was sentenced to life imprisonment and a fine of Pakistani Rs.50,000. His other co-accused, listed above, have been acquitted on the grounds that the prosecution had failed to establish a case against them.

On 29 January 2001, the newspaper printed a letter entitled “*Why Muslims Hate Jews*”. The letter was allegedly sent by email to *The Frontier Post* by someone named Ben DZec. It contained derogatory remarks against the Holy Prophet Mohammad [peace be upon him] described by both the district administration in Peshawar and Mahmood Afridi, the newspaper’s managing editor, as “blasphemous”. Despite public apologies being made on behalf of the newspaper, in the aftermath of the letter’s publication, the district administration in Peshawar closed down *The Frontier Post* for several months and the office of its sister newspaper *The Frontier Post and Maidan* was sealed. On 30 January, several hundred people broke open the newspaper’s building and set fire to newsprint and machinery. According to eye-witnesses, police were present throughout, but did not intervene and the building was burned to the ground. Other demonstrations took place in Peshawar calling for the death of the newspaper’s owner and buildings, including a cinema, were also vandalised.

Munawar Mohsin was left alone to prepare the “Your Views” section of *The Frontier Post*, having just returned to the newspaper at which he had previously been employed on a short-term basis. He included the letter from Ben DZec without waiting to consult his absent colleagues. He was at the time on sedatives and a recovering drug addict, who had left Peshawar Mental Hospital only a few days before the incident. Following the publication of the letter, an official enquiry was ordered. Munawar Mohsin was examined by a doctor, who found him not to be of sound mind or judgement. Despite this, the trial judge refused to take into account the issue of Munawar Mohsin’s mental health as this had not been raised during the police investigation or by the defendant’s lawyer. The judge also disregarded the official inquiry’s finding that the staff of the newspaper had been guilty of nothing more than negligence.

Amnesty International is highly concerned that both the High Court and District Court Bar Associations in Peshawar passed a resolution that its members would not defend any of the accused in the Frontier Post blasphemy case. Munawar Mohsin had to resort to using a junior lawyer for his defence. An appeal calling for Munawar Mohsin’s acquittal has now been filed by a new lawyer on the basis of Mohsin’s poor health, but the possibility that he will not receive a fair trial remains very real.

Prisoners in detention on blasphemy charges may face the threat of attack while in prison: on 11 June 2002, Yousuf Ali, a prisoner of conscience, sentenced to death for blasphemy, was killed in jail by another prisoner.

Arrest warrants were reportedly re-issued by the trial judge for Mahmood Afridi, the newspaper's managing editor, who has remained at large since the incident, but who may now face detention and trial for the same offences as Munawar Mohsin.

BACKGROUND INFORMATION

At the time of the letter's publication, observers pointed out that *The Frontier Post* had been targeted for some time for its investigative journalism, and that the incident may have been arranged as part of efforts to silence the paper. The paper's editor in chief, Rehmat Shah Afridi, was sentenced to death on 27 June 2001 for drug offences for which the prosecution failed to produce any compelling evidence. Before his arrest, *The Frontier Post* had documented official corruption. He appears to be a prisoner of conscience detained solely for his right to freedom of expression exercised in the course of his work as a journalist. Amnesty International has persistently campaigned for Rehmat Shat Afridi's release and he continues to be the subject of a long term action file.

The President of Pakistan, Pervez Musharraf, insists that his government believes in complete freedom of the press, but would not allow the publication of derogatory and sacrilegious material.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Urdu or your own language:

- urging the government to ensure the safety of Munawar Mohsin as a matter of urgency;
- urging the government to ensure that the issue of Munawar Mohsin's mental health and his lack of intention in publishing the letter at the time, be taken into account and that he be immediately released from prison until the hearing of his appeal;
- calling on the government to ensure that the appeal is heard as a matter of urgency and that all relevant factors, including his poor health at the time, are considered equally;
- condemning the resolution passed by the Peshawar High and District Courts Bar Associations and calling upon them to ensure that everyone has effective and equal access to the legal services, as recommended in the United Nations Basic Principles on the Role of Lawyers [1990].

APPEALS TO: [please note that faxes in Pakistan may be difficult to get through to and may be switched off outside of Pakistani office hours]

President Pervez Musharraf
Chief of Army Staff
General Headquarters
Rawalpindi, Pakistan

Telegram: President Pervez Musharraf, Rawalpindi, Pakistan
Fax: + 92 51 561 30548
Salutation: Dear President Musharraf

Justice Shakirullah Jan
Chief Justice of North West Frontier Province
The High Court Complex
Peshawar
Northwest Frontier Province

Telegram: Justice Shakirullah Jan, Peshawar, Northwest Frontier Province
Fax: + 92 91 9210178/9210170
Salutation: Dear Chief Justice

COPIES TO: The Presidents of the Peshawar High and District Courts Bar Associations, c/o High Court Complex, Peshawar, North West Frontier Province, Pakistan.

and to diplomatic representatives of Pakistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 26 August 2003.