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Titel:	Pakistan: Fatwas, particularly those issued against members of the Shia [Shi'a, Shi'i, Shiite] community, including their scope (local or national), format (written or verbal) and dissemination, as well as links between the centres issuing them; religious complaints recorded in police stations (2018-December 2020)
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IRB – Immigration and Refugee Board of Canada

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Research Directorate, Immigration and Refugee Board of Canada

Information on fatwas, including those issued against members of the Shia community, was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

1. Fatwas in Pakistan: Issuance and Enforcement

According to the *Oxford Encyclopedia of the Islamic World*, "a *fatwā* is a considered opinion embodying a particular interpretation of the *sharī'ah* (Islamic law)"; in other words, it is "a formal legal opinion given by an expert on Islamic law," usually delivered by a *mufti* [1], and is non-binding (*The Oxford Encyclopedia of the Islamic World* 2009). According to a research article published in the *Arts and Social Sciences Journal (ASSJ)* by a scholar affiliated with the Faculty of Shari'ah and Law at the International Islamic University in Islamabad, there is no official institution for the issuance of fatwas in Pakistan (Mehmood 2015, 1). The same source indicates that in Pakistan, fatwas have been issued by "a number of" religious sects, each claiming to be following the "true teachings" of its particular *maslak* [sect]; there are "unlimited" *madaris* [schools] and graduates are granted the authority to issue fatwas (Mehmood 2015, 2). The same source adds the following: "[t]his unlimited and unrestricted authority [to issue] fatwa in Pakistan has created so many problems for Pakistani people ... However, the fatwa issued by a mufti has no legal validity and remains optional to follow until adopted by the court through [a] legal decision" (Mehmood 2015, 2).

Sources indicate that Pakistan's Council of Islamic Ideology (CII), "a constitutional body that advises the legislature whether or not a certain law is repugnant to Islam, namely to the Qur'an and Sunna" (Pakistan n.d.), demanded in 2018 that the government increase the punishment for "misusing" the power to issue fatwas (*Dawn* 28 Nov. 2018; Geo TV 28 Nov. 2018). An article published by *Dawn*, an English-language Pakistani daily newspaper, quotes the CII's chairman as stating the following:

"The responsibility to implement recommendations of the CII is with the government and we want severe punishments for those clerics who misuse their powers and issue fatwas declaring Muslims non-believer[s] or non-Muslim and pronounce them liable to be killed as per Sharia law ... : All such decrees have been rejected by the council." (*Dawn* 28 Nov. 2018)

According to sources, in January 2019 the Pakistan Ulema Council (PUC), an umbrella group which includes Islamic clerics and legal scholars of different Islamic traditions (PTI 11 July 2020), organized a conference and issued the Islamabad Declaration (*Dawn* 7 Jan. 2019; AsiaNews 7 Jan. 2019), which was signed by over 500 imams and religious leaders (AsiaNews 7 Jan. 2019). With regards to the declaration, *Dawn* reports the following:

The declaration pointed out that killings on the pretext of religious belief [were] against the teachings of Islam. It said all religious groups and sects denounced decrees for killings and the extremist belief[s] of some sections of society.

It said people of no sect of Islam could be declared infidel. No one — Muslim or non-Muslim — can be declared as punishable by death. Only courts could deliver a death sentence, it added.

According to the declaration, people belonging to all religions and sects in the country have equal constitutional rights and they can live in the country as per their cultural and traditional norms. (*Dawn* 7 Jan. 2019)

2. Blasphemy Cases and Threatening Letters

A press release by the Human Rights Commission of Pakistan (HRCP) [2] states that in August 2020 there was a surge in blasphemy cases, particularly against the Shia community; there is anecdotal evidence that more than 40 cases may have been registered (HRCP 5 Sept. 2020). Sources have reported instances of police reports being filed

against [perceived (VOA 28 Oct. 2020)] Shias in Pakistan for blasphemy in September 2020 (VOA 28 Oct. 2020; *The Guardian* 21 Oct. 2020). According to a 2016 report by Amnesty International, in blasphemy cases in Pakistan, police can rely on fatwas:

[a] key concern regarding police investigations in blasphemy cases is a reliance on religious edicts, known as *fatwas*, from local clerics on whether the allegations amount to blasphemy. The police practice of collecting *fatwas* as part of their investigation was confirmed to Amnesty International by a prosecutor involved in several blasphemy cases and has also been acknowledged in a high court judgment. *Fatwas* can be used as evidence gathered by the police to confirm that the alleged statement or act was indeed blasphemous even though they have no legal evidentiary value unless the author of the *fatwa* is brought to court to testify. According to one lawyer who frequently represents individuals accused of blasphemy, by placing a *fatwa* on record, the police convey to the court that a person of religious standing supports the assertion of the complainant that the facts alleged amount to blasphemy. (Amnesty International Dec. 2016, 29, italics in original)

In correspondence with the Research Directorate, a senior manager at the HRCP reported the following information, which was obtained from a civil society activist based in Islamabad:

It is difficult to establish the incidence of fatwas against the Shia community – these are not reported regularly in the press. There was, however, an uptick in First Information Reports (police reports) against members of the Shia community on charges of blasphemy as of August 2020.

The Shias allege that many of these reports were lodged by people associated with the Sipah-e-Sahaba, a Sunni Muslim sectarian outfit that originated in Jhang, southern Punjab.

It has become increasingly common for such reports (as well as informal allegations leading to harassment and intimidation) to be circulated via social media platforms, primarily via Facebook, where people flag video posts or written posts uploaded by members of the Shia community as “blasphemous”.

Members of the Shia community in Peshawar in the province of Khyber Pakhtunkhwa claim that threats from the Tehreek-e-Taliban Pakistan (TTP) – the Darra Adamkhel and Mangal Bagh groups – were particularly common between 2007 and 2014. ... Our contact claims that he has personally seen such threats issued in the form of letters (on TTP letterhead paper, with TTP seals). (Senior Manager 28 Dec. 2020)

Further and corroborating information on the scope, format and dissemination of fatwas against Shias in Pakistan, including whether all letters issued by the TTP use the same format, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. For further information on the situation and treatment of members of the Shia community in Pakistan, see Response to Information Request PAK106393 of January 2020.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] A mufti is “an Islamic legal authority who gives a formal legal opinion (fatwa) in answer to an inquiry” (*Encyclopedia Britannica* 29 Mar. 2018).

[2] The Human Rights Commission of Pakistan (HRCP), an independent human rights body (HRCP n.d.a), collects and digitizes information on human rights issues, in addition to monitoring developments, organizing campaigns, conducting fact-finding missions and collaborating with civil society organizations on human rights issues (HRCP n.d.b).

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Voice of America (VOA). 28 October 2020. Roshan Noorzai and Arshad Momand. "[Blasphemy Cases Against Shiite Community Surge in Pakistan](#)." [Accessed 31 Dec. 2020]

Additional Sources Consulted

Oral sources: Asian Human Rights Commission; Center for Research and Security Studies; Jinnah Institute; Pakistani policy analyst and journalist; professor at a British university who studies regional security and religious minorities in South Asia; professor at a US university who conducts research on religion, politics and security with a focus on the Taliban; professor of Islamic studies at a German university who studies Shia Islam; professor of political science who studies politics and religion in Pakistan at a US university; professor who studies political Islam and security issues in South Asia at a British university; professor who studies terrorism in South Asia at a US university; researcher with a focus on terrorism and religious extremism in Pakistan.

Internet sites, including: ecoi.net; EU – European Asylum Support Office; Factiva; Human Rights Watch; UK – Home Office; UN – Refworld.

ecoi.net summary:

Query response on Pakistan:
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