

**Flygtningenævnets baggrundsmateriale**

|                                 |                                                              |
|---------------------------------|--------------------------------------------------------------|
| <b>Bilagsnr.:</b>               | <b>429</b>                                                   |
| Land:                           | Pakistan                                                     |
| Kilde:                          | EASO                                                         |
| Titel:                          | COI query. Persecution by Shia muslims against Sunni muslims |
| Udgivet:                        | 6. november 2018                                             |
| Optaget på baggrundsmaterialet: | 3. januar 2019                                               |



## COI QUERY

|                                            |                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Country of Origin                          | Pakistan                                                                                                                                                                                                                                                                                            |
| Main subject                               | Persecution by Shia Muslims against Sunni Muslims                                                                                                                                                                                                                                                   |
| Question(s)                                | <b>1. Information on reported cases of persecution perpetrated by Shia Muslims against Sunni Muslims in the area of Mandi Bahauddin, in the Punjab province</b><br><br><b>2. Legal provisions for the protection against such cases of persecution and actual response by the State authorities</b> |
| Date of completion                         | 6 November 2018                                                                                                                                                                                                                                                                                     |
| Query Code                                 | Q124                                                                                                                                                                                                                                                                                                |
| Contributing EU+ COI units (if applicable) |                                                                                                                                                                                                                                                                                                     |

### **Disclaimer**

*This response to a COI query has been elaborated according to the [Common EU Guidelines for Processing COI](#) and [EASO COI Report Methodology](#).*

*The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.*

*The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.*

*The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 6 November 2018. Any event taking place after this date is not included in this answer.*



## COI QUERY RESPONSE

### 1. Information on reported cases of persecution perpetrated by Shia Muslims against Sunni Muslims in the area of Mandi Bahauddin, in the Punjab province

#### Historical background

Although the vast majority of Pakistan's population is Sunni Muslim<sup>1</sup>, the Shia Muslim community has played an influential role in Pakistan's politics<sup>2</sup>. According to Indian writer and journalist Sadanand Dhume they 'began with a seat at the head table of power'<sup>3</sup>. For example, Pakistan's founder, Muhammad Ali Jinnah, the country's first governor-generals, three of its first prime ministers, two of its military leaders (General Iskander Mirza and Yahya Kahn), and 'many of its leading public officers, landowner, industrialists, artists and intellectuals' were all Shia Muslim. Also two later prime ministers, Zulfikar Bhutto and his daughter Benazir Bhutto, were Shia Muslim. Although the latter 'styled herself Sunni' after the climate change in the 1990s<sup>4</sup>.

According to Pakistani-American academic Hassan Abbas, the relationship between Pakistan's Shia and Sunni communities was 'mostly amicable' before the arrival of General Muhammad Zia-ul-Haq in 1977<sup>5</sup>. Also others reported that both groups lived in 'perfect harmony and coexisted peacefully' till the 1970s<sup>6</sup>. On the other hand, there are also examples of tensions between both communities. Rajan reported on wealthy Shia landowners who managed to get land under British colonialism in West Punjab, while the incoming Sunni refugees population was dependent on them for labour for their survival after independence. Sunni Pakistani accused the Shia landowners for exploiting the incoming Sunni Muslims as land labourers<sup>7</sup>.

According to Chandran, 'Many factors contributed to the growth of sectarian violence in the 1980s and 90s'<sup>8</sup>. The Pak Institute for Peace Studies (PIPS) reported in 2011 that 'Religious extremism and terrorism are gradually engulfing Pakistani society and the Potohar region and its adjacent areas

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<sup>1</sup> Muslim (official) 96.4% (Sunni 85-90%, Shia 10-15%), other (includes Christian and Hindu) 3.6% (2010 est.), CIA, *The World Factbook: Pakistan*, last update 17 October 2018, ([url](#))

<sup>2</sup> Abbas, H., *Shiism and Sectarian Conflict in Pakistan Identity Politics: Iranian Influence, and Tit-for-Tat Violence*, Occasional Paper Series at Westpoint, 22 September 2010, ([url](#)), p. 5

<sup>3</sup> Dhume, S., *The Plight of Pakistan's Shia: The country's largest religious minority is a bellwether for its struggle against radical Islam*, *The Wall Street Journal*, 13 September 2011, ([url](#))

<sup>4</sup> Nasr, S.V.R., *The Shia Revival: How Conflicts Within Islam Will Shape the Future*, W.W. Norton & Company, Inc., New York; 2006, p. 88

<sup>5</sup> Abbas, H., *Shiism and Sectarian Conflict in Pakistan Identity Politics: Iranian Influence, and Tit-for-Tat Violence*, Occasional Paper Series at Westpoint, 22 September 2010, ([url](#))

<sup>6</sup> Behuria, A.K., 'Sunni-Shia Relations in Pakistan: The Widening Divide', in: *Strategic Analysis*, Vol. 28, No.1, Jan-Mar 2004, ([url](#)), p. 158

<sup>7</sup> Julie Rajan, V., *Al Qaeda's Global Crisis: The Islamic State, Takfir and the Genocide of Muslims*, Routledge, New York: 2015, p. 233

<sup>8</sup> Chandran, S., 'Sectarian Violence in Pakistan', in: *IPSC Issue Brief*, August 2003, ([url](#)), p.1



including Gujrat, Mandi Bahauddin and Gujranwala are no exception<sup>9</sup>. In November 2017, the Council on Foreign Relations (CFR) reported that Sunni extremists killed thousands of Shia Muslims in Pakistan over the past few decades<sup>10</sup>. According to the European Organization of Pakistani Minorities (EOPM), 'The collaboration of the judicial system, the educational apparatus and the media in a conspiracy against Pakistan's Shia population is one of the worst instances of persecution against a religious minority anywhere in the world<sup>11</sup>.

Reported cases of persecution perpetrated by Shia Muslims against Sunni Muslims in the area of Mandi Bahauddin, in the Punjab province.

Among all sources consulted and within the timeframe allocated to respond to this Query, no reported cases of persecution perpetrated by Shia Muslims against Sunni Muslims in the area of Mandi Bahauddin, in the Punjab province, could be traced.

Nonetheless, the below information could be of relevance.

Nelson noticed that in another district of Northern Punjab, Chakwal, either Shia or Sunni elites using their power to seize property illegally:

'Residents of the area note that Chakwal's Shia elite had long used their control over Chakwal's district Kachehri (administrative headquarters) to seize property illegally (e.g., via intimidation and the forgery of documents that could be used to defend their acquisitions within Chakwal's district courts). But this is only part of the story. Others note that Chakwal's powerful Shias simply sought to recover what a shrewd land mafia controlled by the ASWJ had previously seized for General Malik. The point does not concern the activities of Chakwal's Sunnis or Shias per se; rather, it concerns the relationship between "traditional" rural and "rising" urban elites, channeled through sectarian and electoral rivalries focused on the illegal capture of land'<sup>12</sup>.

Furthermore, there are several reports of persecution of other (religious) minorities in the district of Mandi Bahauddin.

On 23 April 2005, a Catholic man was attacked by Muslim youth in Mandi Bahauddin district. The assailants dragged the man into a field, beat him, broke both his legs and left him there. His parents were informed by the assailants that he was dead. After the parents found their son, they took him to the local hospital. According to local Christian leaders, the man was accused of having a friendly relationship with his Muslim employer, instead of being subservient<sup>13</sup>.

<sup>9</sup> PIPS, Understanding North Punjab in the Context of Pakistani, January-March 2011, ([url](#)), p. 30

<sup>10</sup> Council of Foreign Relations, *The Sunni-Shia Divide*, 6 November 2017, ([url](#))

<sup>11</sup> European Organization of Pakistani Minorities, *Violence against Pakistan's Shia Muslims*, 12 September 2016, ([url](#))

<sup>12</sup> Nelson, M., 'Informal Agencies of Influence: The Interdependence of Social, Religious, and Political Trends in Pakistan' in: *Mapping Pakistan's Internal Dynamics*, National Bureau of Asian Research, Special Report No. 55, February 2016, ([url](#)), p. 64

<sup>13</sup> US DoS, *International Religious Freedom Report 2005 – Pakistan*, 8 November 2005, ([url](#))

In October 2005, 8 people were killed and 20 people were wounded after two men started firing in a mosque where Ahmadi worshippers were gathered for Friday prayers. The incident took place in in Mong, a suburb of Mandi Bahauddin, 150km (94 miles) south of Islamabad<sup>14</sup>.

On 1 March 2007, an Ahmadi man was killed in Mandi Bahauddin by a retired Muslim policeman who accused him of trying to convert good Muslims. The retired officer later surrendered to police and admitted the killing of the man, claiming the act was justified under Islamic apostasy laws<sup>15</sup>. In March 2010, US Department of State (DoS) reported in their annual country report on Human Rights Practices that the case was still pending<sup>17</sup>.

At the end of April 2016, the Christian community in Chak 44, a village in Mandi Bahauddin, was threatened by the local Muslim community, after a few weeks before a Christian youth had allegedly committed blasphemy. Local Muslim clerics announced a social boycott of the Christian community by a prohibit for Muslims to sell or buy anything from Christians. Furthermore, they accused the Christians of harboring a blasphemer. Early May 2016, a Muslim mob had the intention of setting Christian houses and churches on fire in the village, but by police intervention this was prevented<sup>18</sup>. According to the Daily Pakistan, the Christians were given a number of options by members of a local mosque committee to settle the matter; handing the youth 'over to the Muslim community for punishment, migrating from the area or collectively converting to Islam'<sup>19</sup>.

In February 2017, the police in Mandi Bahauddin was accused of distributing ethnically charged pamphlets to local residents. The pamphlet urged residents to inform the police immediately if anyone who looks Afghan or Pathan. Although, the public-relations officer of the Punjab Police stated that the document was fake, initially the Mandi Bahauddin police and the inspector general of the Punjab police confirmed the authenticity of the document<sup>20</sup>.

## **2. Legal provisions for the protection against such cases of persecution and actual response by the State authorities**

There are several sections in the constitution of Pakistan 1973 which criminalise persecution. First of all, section 20 provides the freedom of practise and propagation of his religion to every Pakistani:

'20. Subject to law, public order and morality, -

<sup>14</sup> BBC, *Eight die in Pakistan sect attack*, 7 October 2005, ([url](#))

<sup>15</sup> In 1974, an amendment to the Pakistani constitution was introduced that declared the Ahmadis to be a non-Muslim minority. Subsequently, in 1984, President Zia issued Ordinance XX, effectively criminalised the Ahmadis 'posing' as Muslim or referring to themselves as Muslim. See, Ochab, E.U., *Life Could Not Be More Difficult For Pakistan's Ahmadis?*, Forbes, 17 July 2018, ([url](#))

<sup>16</sup> AsiaNews, *Ex-policeman from Punjab kills Muslim "infidel"*, 3 March 2017 ([url](#)),

<sup>17</sup> US DoS, *Human Rights Report – Pakistan 2010*, 11 March 2010, ([url](#))

<sup>18</sup> CLAAS, *Tension rose at Chak (Village) No. 44 (village) District Mandi Bahauddin*, 9 May 2016, ([url](#))

<sup>19</sup> Daily Pakistan, *'Leave village or convert': Christian community threatened after member accused of blasphemy*, 12 May 2016, ([url](#))

<sup>20</sup> Radio Free Europe/Radio Liberty, *Pashtuns Allege Persecution As Pakistan Wages Antiterrorism Battle*, 1 March 2017, ([url](#))

- (a) every citizen shall have the right to profess, practise and propagate his religion; and
- (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions'<sup>21</sup>.

Then, section 25 guarantees that all citizens are equal before the law:

- '25. (1) All citizens are equal before law and are entitled to equal protection of law.
- (2) There shall be no discrimination on the basis of sex [\*].
- (3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children'

\* The word -alone" omitted by Constitution (Eighteenth Amdt.) Act, 2010, (10 of 2010), s. 8.' <sup>22</sup>.

Finally, section 26 ensure non-discrimination in respect of access to public places:

- '26. (1) In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence or place of birth.
- (2) Nothing in clause (1) shall prevent the State from making any special provision for women and children.<sup>23</sup>

Furthermore, Pakistan ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1969, and the International Covenant on Civil and Political Rights (ICCPR), including the rights to freedom of conscience, religion, expression, and association; to profess and practice their own religion, in 2010<sup>24</sup>.

Although the prohibition of persecution is embedded in the constitution, some sources indicate that law enforcement is a problem in Pakistan. Human Rights Watch published a report, named "This Crooked System": Police Abuse and Reform in Pakistan', in September 2016. One of the main conclusion was that:

'Public surveys and reports of government accountability and redress institutions show that the police are one of the most widely feared, complained against, and least trusted government institutions in Pakistan, lacking a clear system of accountability and plagued by corruption at the highest levels. District-level police are often under the control of powerful politicians, wealthy landowners, and other influential members of society'<sup>25</sup>.

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<sup>21</sup> Pakistan, *Constitution of the Islamic Republic of Pakistan*, 12 April 1973, ([url](#))

<sup>22</sup> Pakistan, *Constitution of the Islamic Republic of Pakistan*, 12 April 1973, ([url](#))

<sup>23</sup> Pakistan, *Constitution of the Islamic Republic of Pakistan*, 12 April 1973, ([url](#))

<sup>24</sup> OHCHR, *Status of Ratification Interactive Dashboard - Pakistan*, n.d., ([url](#))

<sup>25</sup> Human Rights Watch, "This Crooked System": Police Abuse and Reform in Pakistan, 5 September 2016, ([url](#)), p. 1



Especially, when it comes to register crimes. ‘It is difficult for those without political or financial influence to file an FIR, particularly if they seek to implicate someone more powerful in a crime. As one senior police officer said, the FIR [First Information Report] is often used as a “tool of oppression... by the ruling elite against the weak and powerless.”’<sup>26</sup>. ‘By not registering FIRs, police are able to avoid their legal obligation to investigate the matter’<sup>27</sup>.

Also the investigation of registered cases is an ‘area of concern particularly for vulnerable categories including women, minorities, and the poor’<sup>28</sup>. Furthermore, ‘Elite elements within Pakistani society—be they politicians, landowners, or members of civil and military bureaucracy—exercise outsized and improper control over law enforcement’<sup>29</sup>.

In their last report on Human Right Practices the US Department of State (US DoS) stated that ‘failure to punish abuses contributed to a climate of impunity throughout the country’<sup>30</sup>. Freedom House reported in their annual country report 2018 that ‘police have long been accused of biased or arbitrary handling of initial criminal complaints’<sup>31</sup>. On the other hand, US DoS also noticed that ‘There were improvements in police professionalism and instances of local authorities protecting minorities from discrimination and communal violence’<sup>32</sup>.

According to the World Justice project’s 2017-2018 Rule of Law Index, Pakistan ranked 105 in a list of 113 countries in the world. One position higher than the 2016 edition<sup>33</sup>.

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<sup>26</sup> Human Rights Watch, *“This Crooked System”: Police Abuse and Reform in Pakistan*, 5 September 2016, ([url](#)), pp. 2-3

<sup>27</sup> Human Rights Watch, *“This Crooked System”: Police Abuse and Reform in Pakistan*, 5 September 2016, ([url](#)), p. 21

<sup>28</sup> H Human Rights Watch, *“This Crooked System”: Police Abuse and Reform in Pakistan*, 5 September 2016, ([url](#)), p. 3

<sup>29</sup> Human Rights Watch, *“This Crooked System”: Police Abuse and Reform in Pakistan*, 5 September 2016, ([url](#)), p. 5

<sup>30</sup> US DoS, *Human Rights Report – Pakistan 2017*, 20 April 2018, ([url](#)), p. 10

<sup>31</sup> Freedom House, *Pakistan – Country report 2018*, 16 January 2018, ([url](#))

<sup>32</sup> US DoS, *Human Rights Report – Pakistan 2017*, 20 April 2018, ([url](#)), p. 11

<sup>33</sup> World Justice Project, *Rule of Law Index 2017-2018*, 31 January 2018, ([url](#)), pp. 7, 17, 21



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