

Pakistan: Denial of fair trial to blasphemy accused

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Press release

HRCP decries denial of fair trial to blasphemy accused

Lahore, February 9: The Human Rights Commission of Pakistan (HRCP) is outraged that the case of Junaid Hafeez, who was arrested in March 2013 after a student group accused him of blasphemy, has been transferred to yet another new judge and his right to a fair trial has been further undermined. It is feared that if a fair trial is not ensured this time round, Mr. Hafeez may end up spending another 5-10 years in prison.

Mr. Hafeez's trial has been dragging on for several years due to frequent transfers of presiding judges, absence of prosecution witnesses, and other reasons beyond the defendant's control. For example, in May 2014, Rashid Rehman, a regional coordinator for HRCP and the lawyer representing Mr. Hafeez, was gunned down inside his office in Multan. Subsequently, finding a legal representative proved extremely difficult for Mr. Hafeez's family. The current turn in the case has therefore made Mr. Hafeez's situation untenable.

The transfer of Mr. Hafeez's case to a new judge when the defence has already tested the prosecution's account - and the trial is near conclusion - seriously undermines the defendant's right to a fair trial. A new judge at this stage will fail to understand the nuances of cross-examination because it was conducted before another judge. It will certainly lead to an inordinate delay in the disposal of the case and add to the suffering of the accused. Mr. Hafeez has a legitimate expectation that the judge who heard the case through cross-examination of the prosecution's witnesses and challenges to its evidence preside over the concluding stages of the trial.

The situation is made worse by the fact that Mr. Hafeez has been detained in solitary confinement since May 2014 in a high security prison in Multan. Jail authorities claim this is so because he faces a threat to his life even inside the prison. Furthermore, Mr. Hafeez's lawyer has been denied an opportunity to meet him in private in prison.

Mr. Hafeez's right to a fair hearing within a reasonable time, an essential component of the right to a fair trial, is enshrined in article 10A of the Constitution of Pakistan and laid down in international human rights instruments. HRCP therefore condemns the transfer of Mr. Hafeez's case, in the strongest possible terms, and reiterates that Pakistan's national and international human rights obligations do not support such vehement and uncalled for disregard of the human rights of any of its citizens.

Dr Mehdi Hasan

Chairperson

