

Christian Accused of 'Blasphemy' in Pakistan Granted Rare Bail

In a rare move in Pakistan, a lower court in Punjab Province on Tuesday released on bail a young Christian man accused of blaspheming Islam.

The Magisterial Court of Chichawatni, Sahiwal district, granted bail to Babar Masih, who suffers from a psychiatric disorder that causes him to shout in fits of rage for as long as an hour without knowing what he is doing or saying. In the face of Islamic extremist threats, generally lower courts in Pakistan do not dare grant bail or acquit a Christian accused of blasphemy, leaving such decisions for higher court judges who enjoy greater security measures.

The complainant in the case, Zeeshan Arshad, states in the First Information Report (FIR) that Masih was "addressing the stars and calling names of Muslim sages and holy personages" when he made the alleged remarks blaspheming Islam. The FIR itself states that Masih never intended to hurt Arshad's religious feelings, and that no sane person would draw the ire of area residents by talking in this way.

On the day he made the alleged remarks (May 2), however, a large Muslim mob gathered that refused to hear that Masih was suffering any mental disorder. They demanded he be turned over to them so that they could kill him publicly. Chichawatni City Police intervened and took Masih into custody.

At the hearing on Tuesday, the courtroom was packed with bearded, hard-line Muslims and a tense calm prevailed, said Niaz Aamer, an attorney for the Center for Law and Justice-Pakistan (CLJ-P), which is representing Masih. Aamer said that the judge asked him to read the FIR, but the attorney

requested that the judge read it himself, silently, due to the sensitive nature of the case. After arguments, the judge awarded bail.

Masih could not be released until the next day, however, because court orders arrived late to the police station. Sensing danger at the main entrance of the jail yesterday, staff members released him from a more inconspicuous "family gate."

During his time in jail, Masih was attacked, Aamer said. On May 26, as Masih was brought to court in a police van, an officer asked in a loud voice, "Where is the blasphemy accused?" As soon as Masih was identified, a bearded man among the accused in the van repeatedly hit Masih's face and head with his handcuffs before police intervened. The assailant was never brought to justice, Aamer said, though since that time Masih has been brought to court hearings in a separate van.

The judge granted bail even though a medical examiner declined to confirm Masih's mental condition. Though Masih's outbursts were witnessed several times while in jail, the Sahiwal Central Jail superintendent's medical examination report states, "He is a young man of average health. He gives history of some psychiatric illness before coming to jail. Inside jail he is vitally stable and well-oriented. However, to know the exact situation regarding his mental condition, he may be examined by the District Standing Medical Board at DHQ Hospital Sahiwal."

Masih's family provided doctor's prescriptions and medicine wrappers he used, but a police report presented in court on May 17 did not mention Masih's medical treatment.

His brother, Amjad Masih, previously told Compass that he had learned from witnesses that the accused was walking by the Canal Mosque looking upward and calling out names as the mosque leader was coming out and allegedly heard him using

abusive language about Muhammad, the prophet of Islam. Amjad Masih arrived home to find a large number of Muslim clerics gathered outside who told him Babar Masih had used insulting language about Muhammad, which can be punishable by death in Pakistan.

Immediately after Masih was arrested, all three Christian families living in the area fled, including those of Masih's brothers, James Masih, and Amjad Masih. Since fleeing, James Masih's son, Robin James, has had to drop his engineering studies; his daughter Sana James was unable to finish college exams, Aamer said. James Masih is still looking for work, and his other two daughters, eighth-grade students Shanza James and Sahira James, have also been forced to abandon their studies.

Amjad Masih was allowed to return to his residence after long negotiations with area clerics and a promise that he would never legally support his brother or else he would face similar charges, Aamer said.

"After Masih's release, Amjad Masih did not go home to meet with him or any of his family members, because it will be a danger for them," Aamer said. "Amjad cannot stay in the area if ever seen with Babar Masih."

The CLJ-P, an affiliate of European Center for Law and Justice, plans to file an application under Section 540-A of Pakistan's Criminal Procedure Code to exempt Masih from court appearances on grounds that it would be too dangerous, Aamer said.

"Babar Masih, who is mentally ill, was accused of blasphemy on May 2, 2011 and is released on bail within three months, while there are hundreds languishing in jails for years on blasphemy charges," Aamer said.

Christians make up only percent of Pakistan's population, which is more than 95 percent Muslim, according to *Operation*

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