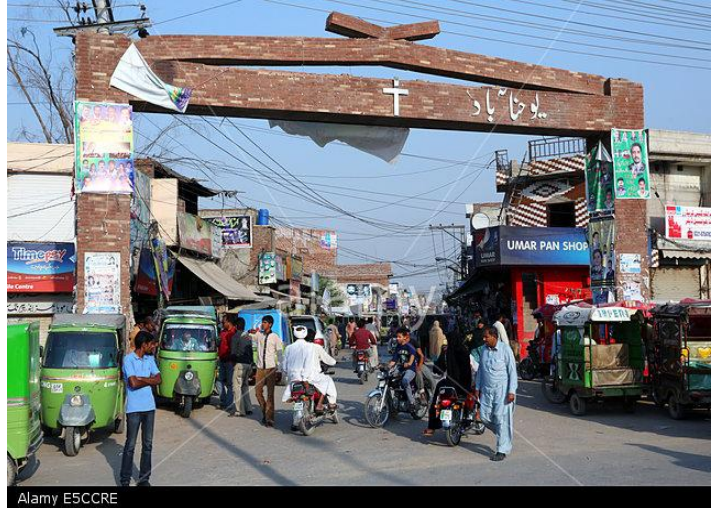


Is it cricket for Yuhannabad?

An account of continuing tragedy over 120 days
By Centre for Social Justice, Lahore

On March 15, 2015, the people of Lahore city, known for their jovial demeanor, were looking forward to an exciting holiday. It was Sunday and Pakistan was playing a match against Ireland in the World Cup Cricket tournament in Australia. A probable victory was emotionally important as much as to stay in the tournament after Pakistan had lost a match to India, the archrival team. So most people would spend time at homes, cafes and malls - glued to TV the entire day, enjoy food and exclaims over each wicket or score.



The added factor behind the excitement of Lahoris in cricket is that usually about a half of the national cricket team is made up of sons of Lahore. Like Yousaf Yohana, a Christian batsman who converted to Islam and adopted the name Muhammad Yousaf about 10 years ago.

Yuhannabad¹ Colony (not named after Yousaf Yohana as some perceive) was no exception to the jovial atmosphere of the city. Though for many, the enjoyment of the day was to start after the Sunday morning prayers. Therefore a number of inhabitants of this largely, working class Christian settlement of about two hundred thousand were attending various churches when the match began that morning.

It was a fasting season and the Easter was three weeks away. Churches in Yuhannabad, dozens of them, tend to have longer and multiple prayer sessions on Sunday. For instance, St. John's Catholic Church hosted two masses every Sunday each catering for two to three thousand congregants.

The atmosphere of tranquility and bliss was dampened by gloom all of a sudden when two blasts were heard in the locality past 11 a.m. one after the other. Two biggest churches in the settlement were targeted by suicide bombers, the Christ Church and St. John's belonging to Church of Pakistan and Catholic Church, respectively.

¹ Fidentian Van den Broucke and Daniel Suply, CAPUCHINS MISSIONARIES IN THE PUNJAB (INDIA AND PAKISTAN) 1888 – 2011, Mariam Siddeeqa Capuchin Vice Province Pakistan 2011.

https://theo.kuleuven.be/en/research/research_units/ru_church/ru_church_capuchins/contributions/capuchin-missionaries-in-the-punjab.pdf

Father Henri from Egem, Belgium (1936- 2003), an Oxford graduate and a Capuchin priest who founded several schools in Lahore, was also the chief founder of Yuhannabad settlement that began in 1965. Fr. Henri served in Pakistan from 1961-2001. We are using the spellings given by him for this report which help proper pronunciation of the word rather than Youhanabad or Yohanabad.

The suicide bomber shot at the policeman sitting close to the Christ Church's gate as he came. He also shot at a couple Ms. Ambreen and Mr. Ubaid who were leaving the church earlier. Understanding the fire killed wife, Ubaid tried to overpower the suicide before the attacker blew himself up causing 13 fatalities and dozens injured.

The smell of explosive and burnt flesh occupied the scene of blasts. Bodies charred and bleeding lay still on the ground, some showed signs of life. The injured were trying to move, calling for help. (Altogether 21² dead and about 100 injured, we came to know later). The worshipers inside the Churches were befuddled after the shock, some lost control. Some people began to shout and cry. Those who could muster the courage asked the congregants to keep their calm.

At St. Johns, two young men Qaisar and Sikandar watching the gates were severely injured. Sikandar, was minding the Church gate from inside. Amidst the shouts of Akash, a third volunteer, and firing by the suicider, Sikandar was trying to shut the gate close. Akash tried to catch hold of the suicider and was blown by the suicide attack. One of Sikandar's eyes was damaged from either the terrorist's bullets or shrapnel. Qaisar was engulfed by fire spontaneously as the oil from the electricity transformer fell on him that was blown up by the bomb blast.

Apparently the fatalities were reduced as the vigilant volunteers minding the gates stopped the suicide attackers on the entrances, making their live's ultimate sacrifices.

The people in two Churches were asked by the members of church committees to vacate the premises. The congregants in the Christ Church used a back door, while those in St. John's had to climb over the wall to get out of the Church compound. Elderly men, women and children were helped by volunteers to climb as going through the entrance gate was not advisable. A huge pile of shoes was left behind as they moved out in rush.

Eyewitnesses told that policemen assigned at St. Johns were having tea at a nearby tuck-shop or trying to catch glimpses of the cricket match on TV, at the fateful time. Taking a break from a boring and stressful security assignment is imaginable, nevertheless one policeman lost his lives, and one policeman was injured.

Besides immediate casualties, some were critically injured which included the volunteers minding entrance gates, church goers and by passers. Five Muslim vendors / shopkeepers running business near Christ Church lost their lives too. Transporting high number of injured people for medical aid became a challenge because of congested streets, lack of logistical resources and people who gathered looking for relatives as well as those trying to offer help.

Considering that this was not a first terrorist attack on a church or a place of worship, the enormous panic among the people showed extraordinary mental stress or emotional baggage. The security measures in place, howsoever weak, were indicative of such an eventuality. Also, given the scale of terrorism in past 10 years, an average Pakistani ought to be mentally prepared at least to witness such things someday. Apparently, the catastrophe had hit the people there either unprepared or unwilling to receive the shock.

² 20 Fatalities reported in General Hospital and one in Meo Hospital Lahore.

Over 100 private TV channels in Pakistan which were broadcasting commentaries, news or live telecast of the cricket match switched on to the breaking-news mode, then to and further covering the bomb attacks and the aftermath. The news understandably drove the viewers across the country to a state of shock and gloom.

After the dead and injured had been moved to the General Hospital amidst wailing, people began to assemble in streets and converse among themselves. Some raised slogans against the incumbent government. By now the people who had gathered in the streets knew clearly that two suicide attackers had carried out the bomb attacks. People were curious to know if the threat was over and if police had taken some measures to cease further attacks.

Some vented their anger out loud. "Why were the policemen so careless about their duty? Why was Supreme Court's order about raising security of churches ignored? Such things happen during the PML (N)'s government only." Critical views against the incumbent government found an easy endorsement because incidents of mob attacks in Kasur, Sambrial and Korian / Gojra (2009) Joseph Colony - Lahore (2012), which had taken place during PML (N)³ regime in Punjab Province. The anger of Shantinagar incident (1997) is usually directed to PML (N) though it happened when PML (N) had just been elected and was only poised to form a government when the incident took place.

The local Christian community of Yuhannabad was reminded of the colossal losses suffered by the community in past and present. In aggregate, about 1200 houses and dozens of churches have been destroyed or set on fire, six persons burnt alive, one custodial death, thousands of families displaced, who became dependent on rehabilitation aids, due to stated incidents.

Nevertheless, repeated false charges of blasphemy resulting in imprisonments, prolonged trials, economic losses of affected families and social exclusion must have been the hardest reality for them to reconcile with.

One could argue that a series of seven or eight deadly attacks on Churches and Church organizations claiming more than 45 lives, and resulting in displacement and material losses (Bahawalpur, Karachi (2), Taxila, Murree, Islamabad, Sialkot) had happened between October 2001 and December 2002, during General Musharraf's rule. Moreover the destruction of two Churches each in Sangla Hill (2005) and Sukkar (2006) were during also Musharraf's Presidency and the PML (Q) occupancy.

So why clamor about PML (N) alone? Anyhow, scene of deadly bomb attacks and a crowd infuriated about wounds so fresh aren't the time and place for a rationale argument.

A view against the incumbent PML (N) relies on comparisons, howsoever vague. "The PML (N) Chief Minister may have been quick in his rehabilitation response for Joseph Colony incident in 2012 but so was PML (Q) Chief Minister during Sangla Hill incident in 2005."

"Giving taxpayers money in charity is no big sympathy. The person accused of blasphemy during PML(Q)'s incumbency was exonerated after government arrested the people who

³ Pakistan Muslim League (Nawaz) the ruling party of Pakistan now and Punjab several times since 1985.

attacked the two Churches, while the accused in Joseph Colony (Sawan Masih) got death sentence, merely because he had a quarrel with his Muslim friend.”

Since 2012, a section of the media had reported that elements in PML (N) were complacent with Joseph Colony incident of burning over 180 Christians' houses. The Christians of Lahore tend to accord the view credence because none of the several hundred culprits was punished in the court of law.

Nonetheless, the anger is not just about what happened and during which government; the rage has accumulated because of the institutional and social discrimination that persons belonging to religious minorities have lived under on the daily basis for decades.

By noon, a large number of people had gathered around the Churches attacked to join those who were mourning and agitating around the main entrance of Yuhannabad. The frustrated youth that had gathered had there, began to burn automobile tires and smash everything that was in their sight. Few shops that were open on the entrance of the Yuhannabad gate were shut or forced to close.

The protesting youth went out on the main Ferozepur Road and started attacking fences and windowpanes of Metro bus and installations at the bus stop, which the PML (N) considers a hallmark of their promise for progress.⁴ All voices of sanity were drowned by the anger built up in these people.

TV channels began commenting on the incidents vehemently. While expressing condolences and condemnation of the acts of terror on different TV channels, the government representatives tried to claim credit for the security arrangements pointing to the low number fatalities (reported 5-6 at that time). The opponents, however, took the government to task, venting their anger and calling the incident a security lapse. The Churches, after all were “soft targets” they said, “Therefore the government should have been more vigilant”.

Tehreek-e-Taliban Pakistan claimed the responsibility of the attacks which Prime Minister Nawaz Sharif condemned in strongest terms. “The attack on Churches was an attack on state of Pakistan”, he said. The Christian representatives in the government of PML (N) moved in quickly to console and control the situation. Senator Kamran Michael and Provincial Minister Khalil Tahir, members of Punjab Assembly Mr. Tariq Gill, Mr. Shahzad Munshi and Mr. Marcus Shakeel were prominent among the minority representative who reached Yuhannabad in a bid to calm people's anger. Anyhow realizing that it was hard task, all retrieved amidst a law and order situation.



In the meantime, the police on the scene had caught hold of two Muslim youth namely Mr. Babar and Mr. Naeem. Some TV channels spontaneously reported that they were accomplices

⁴ This was neither first nor the last attack on the Metro installation or blockade of the bus route by different protesters unfortunately.

of the terrorist, also showing clips of a pistol supposedly recovered from them. Naeem lived in a locality not very far from Yuhannabad, whereas Babar belonged to district Sargodha, 230 kilometers away.

The people on the scene took away Mr. Naeem and Mr. Babar and beat them up. The police at that point were either rendered helpless or chose not to interfere thinking that their action might lead to a bigger chaos. The beating was so severe that the apprehended Mr. Babar and Mr. Naeem either died or become unconscious as a result. That was when a cruel idea crossed someone's mind that the suspects should be put to sure death.

The evil thought prevailed and Babar and Naeem were lynched to a momentous disadvantage of the Christian community, hitherto seen as victims. The media reported a generalized version of this sad incident, "The Christians killed two Muslims."

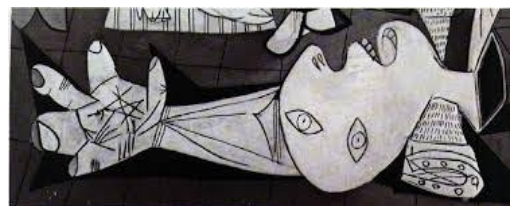
The Christian representatives in the government who approached the protestors and mourners were probably not aware of the lynching incident at that point, though they were aware of the sentiments among Christian community. The minority representatives could not properly visit either General Hospital or Yuhannabad community as the crowd in each place was unruly. They were wise enough to condemn the lynching of two young men as they appeared on media.

Any other mainstream political leader of a national or provincial stature could not pay a proper visit to Yuhannabad because of two reasons. First because they might have had to face the wrath of an angered community, second, the concerns that the terrorist threat to Yuhannabad was not over, as reported by the media as well.

By 5 p.m. that day, the joviality of the Lahore city had partly made a comeback at Walton Road stop 10-12 kilometers away from Yuhannabad. Some youth who managed to watch the match on international channels, were celebrating Pakistan's victory in the cricket against Ireland with deafening traditional drums beats on the road.

The day left the residents of Yuhannabad to deal with multiple tragedies. The terrorist attack, that left hundreds mourning and devastated, was over shadowed by the lynching incident. The video clips of lynching incident went viral, thanks to sadist hate mongerers on social media. An excuse had been created for leashing out a spate of hate crimes against Christians, police accesses, a willful political and administrative neglect.

The dusk fell leaving everyone with questions to answer. What if the country had no discrimination on the basis of religion? Why were cycles of indigenous religious intolerance allowed to grow throughout the decades? Who really suffers when the government institutions fail to control the situation such as Yuhannabad on March 15? Did government do enough to try political and social reconstruction? Can practice of violence by state organizations help keep the societal violence under control? Ask people walking in the streets of the affected localities.



Was this cricket for people of Yuhannabad? Probably not, as the following parts of this report show.



Steve Kaufman's homage to Picasso Guernica, Courtesy: Google

Flashbacks of Guernica⁵

On March 16, 2015 the protests continued on Ferozpur Road, one of the main arteries of Lahore that links Yuhannabad to the main city. A quarter of this city of well over 10 million people comes to a halt when this artery is blocked. Hundreds of thousands of people commuting daily to and from Qasur, a historical sister city, 40 kilometers away from Lahore, are severely affected by such traffic jams.

Amidst the protests by the Christian community, tensions were simmering between Christians and Muslims residents in localities around Yuhannabad. The agitating state of mind that some members of Christian community showed was incomprehensible for their Muslim neighbours. The media which became over sympathetic in the outset - could not resist an offensive response to the later events. The danger of clash between youth of Muslim and Christian communities became a potential threat.

A group of people took out a small procession from a Masjid and pelted stones on Baithania Church in Yuhannabad. The police intervened and dispersed them. The protestors on Ferozpur Road were still agitating.

It must have been either a life and death compulsion or a sheer madness that Ms. Mariam Safdar, a Muslim woman took to Ferozpur Road, near Yuhannabad on her car. She drove the car in the track reserved for Metro bus as rest of the road was blocked. When she saw the protestors coming from front, she drove the car in reverse gear killing three men and injuring 11. One of the injured was Muslim, while the rest were all Christians. Some clips on the internet suggest that she had already run over someone before she found herself among protestors as

⁵ Guernica is a town in Spain that was bombed by Nazi German forces in 1937. Pablo Picasso created a master piece by this name showing the horrors of civil war that how it disturbed the life of all the living.

she was terribly nervous, crying and her car was damaged when the Metro bus guards tried to convince her to go off the track.⁶ She was finally taken into safety by police.

Deaths and injuries by car accident became another cause for anguish, adding insult to the injury for the families of the deceased and protestors.

On the fourth day after the incident Ms. Safdar registered an FIR⁷ against the protestors.

By evening on March 16, paramilitary Rangers arrived to aid police in keeping the law and order, a lot had happened which could have been prevented by all means.

Between March 17 and July 15, 2015

The Federal Interior Minister reinterpreted the term terrorism on the floor of National Assembly. He equated incident of lynching in Yuhannabad with terrorism, adding that it was the "worst form of terrorism."⁸

Importantly, Alama Tahir Mehmood Ashrafi was the voice that helped control anger on the both sides. Advocacy for interfaith harmony and consistent criticism of abuse of blasphemy on his part had earned him a place in heart of common people, including the religious minorities. One wishes that there were more voices as clear and powerful as his, who could influence the people on the streets in the past days.

March 20 onwards the police started arresting men from Yuhannabad. Raids on houses at night became common, while hundreds of families in Yuhannabad sought refuge with relatives elsewhere in the city or even out of Lahore.

The Chief Minister of Punjab paid a condolence visit to the family of Muhammad Naeem a young man who was killed, though he did not visit any Church or community in Yuhannabad. The message was clear that Chief Minister was not happy with his voters in Yuhannabad, the constituency that gave him an electoral victory both in National and Provincial Assembly in 2013 elections.⁹

Other political parties importantly Pakistan Peoples' Party and Tehrik-e-Insaf had also paid visits to the family of Mr. Naeem.

Police raided Christian localities in different parts of Lahore arresting youth in droves. The complaints of ill treatment, even torture, were reported to organizations giving legal aid to the people in need. This includes the case of Mr. Ashar who lost his hearing after he was tortured in police custody.

The ordinary Christians faced hatred and discrimination in day to



⁶ <http://www.geotauaisay.com/mariam-safdar-youhanabad-begging-help-metro-bus-gaurds.html>

⁷ First Information Report is the first step of starting a criminal proceedings.

⁸ <http://www.dawn.com/news/1170157>

⁹ Constituency PP-159 for Punjab Assembly and 129 for National assembly was women by PML-N's Muhammad Shahbaz Sharif.

day business. For instance, a doctor Surgeon in a government hospital refused to treat Ms. Munawar who needed treatment for shrapnel and ball bearings on her belly.

Annemarie (18) studying for F. Sc. premedical in a private College in Lahore, had a tormenting experience in College following the Yuhannabad incident. Her classmate who used to sit next to her started asking her to place her schoolbag between them, showing that she would prefer keeping a distance.

Students passed insensitive remarks about Annemarie's faith community and she was advised to change her religion. One of the teachers asked the student to join prayer in classroom begging Allah that all non-Muslims may perish. The classroom environment forced her to stay at home until her attendance became an issue.

Mr. Suleman (23) was held up at police check post because his identity card showed his residence in Yuhannabad. Some residents of Yuhannabad working in nearby factories were relieved from their jobs in the aftermath of the incidents in March.

Mr. Majid (60 plus), is half paralyzed after he suffered a stroke. He faces a difficult challenge in his age. His three sons have been in jails for past two and half months. His sons Shahzad (alia Rangu 33) and Fazal, (31) have been booked under case 391. The third son Adil (28) is booked under case 392. The elder two have families, four kids each. As all earning hands are in jail, Majid has no income to depend on therefore he has become dependent on charity.

Mr. Munir Arif, was arrested on June 7, 2015 Munir is physically and mentally weak due to head injury that he suffered in his childhood. The police released Munir due to his condition but arrested his brother Amjad Arif on June 16 who is married and has two children.

Ms. Robita is left helpless after her husband Suhail Shezad, a factory worker, was arrested on April 1st 2015 in case No. 392 (not lynching). She has two children attending Primary school.

Mr. Azam Barkat, (38) a father of four, (eldest is 13 years, youngest is six month) was arrested on March 31, 2015 in case 392. He is the only bread winner. His family had to shift to his mother's house and has become dependent on charity.

Investigation

Eight cases were registered in connection with the incidents in Yuhannabad on March 15 - 16, 2015. Two concerning the suicide bomb blasts and two about mob attacks as well as vandalizing metro bus installations, etc. Two were about the lynching incident, one by police and another by Mr. Saleem who is the brother of Mr. Naeem who lost his life in lynching. Two more cases were registered regarding the incident involving Mariam Safdar. One was registered against Ms. Mariam Safdar, the car driver on complaint of Hameed Masih, the father of a boy who lost his life. Mariam Safdar also registered a case against the protestors accusing them of stealing her property and outraging her modesty.



Independent and community sources assessed that around 200 persons were arrested, though all arrested were not declared. Some were released after investigation, a practice which continues till this report. The detentions usually span over weeks.

According to police 134 persons were arrested while 71 had been formally indicted in case No. 391, 392 and 395, concerning inter alia, lynching and mob attacks involving Christian accused whereas the progress in investigation of other cases is stalled so far. No arrest have been made in lynching case No. 393 registered by Muhammad Saleem, same is true about cases 394, 400 / 2015 (annex for details).

The police claimed that they have released around 48 persons who appeared not to be involved in mob attacks and lynching. Most of 71 arrested have spent weeks under grilling investigation and around two to three months under the custody.

After being turned down by the Anti Terrorist Court, the Lahore High Court ordered release of 18 accused out of 20 detained in case 395 (attack on public property, etc.) though they were not all had been released till the report. At least one person detained so far in case 395 was declared wanted in case 392, hence was not released on bail.

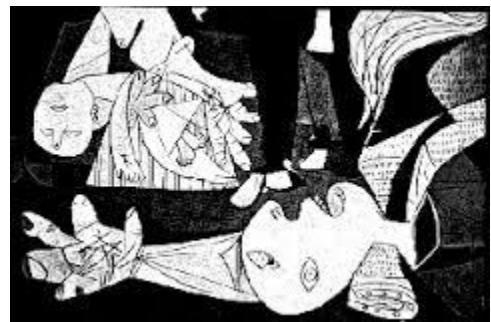
Concerning cases No. 389 and 390 (bomb blasts), the media reported that Ghulam Rasool, a man suspected to be the handler of the suicide bombers who carried out the attack had been arrested. A week later four persons reportedly having links with the terrorist group called Tehreek-e-Taliban Pakistan, were arrested from a locality near Yuhannabad.

Arms and suicide jackets were recovered from the suspects according to the report. Mr. Ghulam Rasool was later declared innocent in investigation by police. Another person with same name was wanted reportedly.

A police source claimed in interview with Centre for Social Justice on July 11th that the police had arrested the entire gang of terrorists involved in planning and facilitating bomb blasts in Yuhannabad and will prosecute them in the due course.

The TV footage, considered holy-grail so far, is proving to be little help. Even if margin of doubt was allowed to arrests so far, the detained being moved from one case to the other casts doubt that the footage is as helpful or authentic as generally believed to be. Apparently footages may not be great help in establishing a proof beyond reasonable doubt, a requirement for a criminal prosecution.

Moreover, the footage available on the internet suggests that the people who were responsible for death of Mr. Naeem and Babar were doing so under the impression that they were "punishing" the accomplices of terrorists who had taken the lives of their dear ones an hour or so before. They were killing the terrorists whom the "corrupt justice system" in country may spare from process of law, as some commentators keep harping on.



A scientific examination of the footages may even force police to self prosecution because several footages expose police's inefficiency in saving two lives from a crowd not so large.

Those who were arrested and released gave a harrowing account of experience in the custody. It confirmed the commonly held view that the under resourced police in Punjab largely rely on conventional methods for investigation, namely, threats, abusive treatment, torture and extralegal detentions.

The police performance during the incidents

With regards to controlling law and order situation by police and administration, insights and warnings in the Justice Munir Inquiry Commission report 61 years ago, have been largely wasted.¹⁰ Moreover, the Judicial Inquiry carried out by Justice Iqbal Hameeduddin six years ago on Gojra incident had given recommendations for controlling law and order situation too, most of which await implementation.¹¹

In Yuhannabad incidents, the police claimed that they saved city or even the country from a big catastrophe by their interventions on March 15 and 16, moreover that they have arrested the remaining members of the terrorist cell who waged the terrorist attacks.

The perception among the people at large is different. The view may be partially divided on communal lines though one cannot rule out an element of truth in all versions yet the general impression about police's passivity in violent crimes is dominant in most accounts and independent assertions.

The critics hold police responsible for allowing the lynching of two persons in their presence. This view also questions awarding policeman (Inspector Ahsan Ullah) who took Ms. Mariam Safdar into safe custody (hefty cash and a certificate) while no question has been raised about performance of the police party which failed to protect the lives of Mr. Naeem and Mr. Babar.

The complaints of police accesses were common, barging into houses during night time and some of who experienced detention complained of abusive language and even torture. Two of the persons who were released after the investigation had to be treated in hospital as their ear suffered a permanent damage.

¹⁰ <https://archive.org/details/The1954JusticeMunirCommissionReportOnTheAntiAhmadiRiotsOfPunjabIn1953>

¹¹ II: Establish intelligence & crime Prevention Branches: Article 8 of Police Order 2002

III: Frame Rules: The Rules of carrying into effect the provisions of Police Order 2002

V: Constitute District Religious Dispute Resolution Board:

VI: Amend substantive law i.e. Chapter XV PPC, the relevant provisions of Cr.P.C i.e. Ss 196 & 196-B and Police Order 2002: (amendments and safeguards against abuse of blasphemy laws)

VII: Mandate Federal Intelligence Agencies to provide first hand information at Divisional level:

VIII. Capacity and efficiency building of Special Branch (Police):

<https://punjab.gov.pk/?q=system/files/Chapter%20D.pdf>

Charges / legal analysis

A comparison of charges between suicide bombing and lynching shows that the two incidents have been assessed / placed equal in gravity and consequence. Whereas the suicide attacks attracted 9 -10 offense in two FIRs, the lynching incident attracted 11 offenses carrying same or heavier penalties.

The most controversial (to say the least) issue is the application of Anti Terrorism laws 1997, Section 7 ATA and Section 302 of Pakistan Penal Code.

Aside from the debatable parts of the law itself, jurists and human rights experts¹² in the country have also criticized wrong application or abuse of Ant Terrorism Act 1997 (ATA) in ordinary offenses, a practice which is responsible for miscarriage of justice in many cases.

Police finds it convenient to arrest the accused under terrorism laws because of the waiver they get for prolonged and sometimes illegal detentions. Moreover, soft evidentiary procedures and standards under the said law make life easier for police though neither for the citizens nor does it enhance the credibility of the justice system.

First, the use of ATA in ordinary crimes entails years of detention but low number of convictions. The case of Mukhtar Mai is a glaring example of this injustice. The Supreme Court had to strike down the conviction passed by Anti Terrorist Court for the said reasons.¹³

Furthermore, since the courts of appeal find the application of terrorism laws and the procedures in conflict with criminal justice, some known terrorists have succeeded in getting away with law.¹⁴

The application of Section 7 of Anti Terrorism Act 1997 on lynching and attacks on Metro installations in Yuhannabad is undoubtedly inappropriate, especially in the wake of real terrorism that had happened less than couple of hours before the lynching incident.

This practice of abuse of ATA in ordinary crimes has been there for over two decades and its abuse is wide spread now causing injustice. Another sad effect of this malpractice is the confusion and lack of confidence created on the judicial system.

Application of Section 302, for murder on lynching case is also questionable and disproportionate. Though we have changed the title of this section to Arabic Qatl-e-Amd in Pakistan, Section 302 of the Pakistan Penal Code is a law common between four South Asian countries at least which applies to willful and premeditated homicide. In jurisprudence the world over, circumstances involving a *sudden and grave provocation* would not attract the charges of a *willful, premeditated murder*.¹⁵



¹² I A Rehman, Curtailing due process, <http://www.dawn.com/news/1048731/curtailing-due-process>.

¹³ <http://pakistanconstitutionlaw.com/mukhtara-mai-case/>

¹⁴ <http://www.thenews.com.pk/Todays-News-13-34868-Lashkar-e-Jhangvi-leader-Malik-Ishaq-set-to-be-freed>

In this way, not only do the police charges in mob attack case cause a grave injustice to the accused by affixing out of proportion allegations, the charges will also put the justice system of the country to an extraordinary test. The international legal fraternity would watch these trails with interest and concern we hope.

Finally, considering that at least two faith communities have their stakes in these cases, we should also be careful about raising expectations of one community at the cost of the other in these cases, which the allegations framing of the charges do in a gross manner.

Legacy of the Supreme Court

Supreme Court of Pakistan had made two important Suo Moto interventions during nine months before the Yuhannabad incidents. In its June 19, 2014 judgment ¹⁶ concerning bomb blast on All Saints Church Peshawar (2013), the Court had passed specific orders for establishing a task force (police) for security of places of worship, besides other measures.

After reminders from the apex court¹⁷ the government of Punjab had submitted compliance reports in the Supreme Court and claimed on March 11, 2015 that a sound security plan for places of worship had been set up, though ignoring the Court's orders about establishing a Task Force.¹⁸

If the security arrangements in Yuhannabad were assessed in the light of Supreme Court's Judgment or the compliance report submitted by the government of Punjab, it would give rise to questions about the effectiveness of security plans or even seriousness of the government about compliance of the Supreme Court orders. The police and executive branch would have to bear the responsibility of a situation forewarned.

Again concerning the lynching of a Christian couple, (Ms. Shama and Mr. Shahzad) in Kot Radha Kishan case,¹⁹ the Supreme Court rejected the inquiry report by Punjab police repeatedly²⁰ as the Court found the report unsatisfactory.²¹ The Apex Court also ordered action against the inefficient police personnel at one point.²²



In this context, Punjab police would have certainly wanted to attract no further criticism or action by the Apex Court. Whether this indirect link of the Yuhannabad incidents to proceedings

¹⁵ Mr. Jashed Rehmat Ullah, Advocate Supreme Court shares this view with the author of the report.

¹⁶ Justice Tassaduq Hussain Jilani, S.M.C., NO. 1 OF 2014 ETC.

<http://www.supremecourt.gov.pk/web/page.asp?id=1857>

¹⁷ <http://tribune.com.pk/story/790905/protection-of-minorities-agp-office-seeks-progress-report-from-ministries/>

¹⁸ C.M.A. 1184/ 15, submitted in Supreme Court by Section Officer (Minorities), HR & MA Department, on behalf of Chief Secretary, Punjab.

¹⁹ Brick kiln labourers lynched after concocted allegations of committing blasphemy in November 2014.

²⁰ <http://tribune.com.pk/story/822524/kot-radha-kishan-tragedy-sc-rejects-govt-report-on-lynching-episode/>

²¹ <http://www.dailytimes.com.pk/national/30-Jan-2015/kot-radha-kishan-incident-supreme-court-shows-dissatisfaction-over-police-report>

²² <http://www.dawn.com/news/1151374>

in the Supreme Court helped the performance of police in the case at hand or not, is a subject of further inquiry.

Compensations and rehabilitation

As far as monetary compensations, the government of Punjab has paid Rs. 500,000 each to 20 families who lost a member and Rs. 75,000 to 65 injured. Some victims did not claim compensation for personal reasons. Baitul Mal Pakistan has also promised to pay Rs. 50,000/- for each loss of life and Rs. 25,000 for injured which was not paid till July 15, 2015.

Rs. 500,000 compensation was paid to the family of Mr. Naeem while the family of Mr. Babar refused to receive any compensation, reportedly.

Some charities and community organizations have supplied food to families who's members have been arrested as they were left without any income.

No monetary compensation has been given to three families who lost relatives or 11 injured in the car accident case.

Political and social rehabilitation

The Christian community forms about 8% percent population of Lahore district according to 1998 population census and their vote bank may have been important politically. The demographic strength of the community does not reflect in their political influence, primarily, because the Separate Electorate²³ that was in practice during 1980s and 1990s eroded the basis of commonalities in the political agenda. On the other hand the ongoing persecution under discriminatory laws has diverted the mindset of Christian minority on existential threats or means of their immediate survival.

The fact that Chief Minister had won his provincial assembly seat from constituency that includes Yuhannabad makes his distance from his electorate an unhealthy precedent, politically speaking.

The Chief Minister of Punjab Mian Shahbaz Sharif has a reputation of being a good administrator and he usually reaches out to people in distress. Chief Minister paid a visit to the family of Mr. Naeem who died as a result of lynching, however, he missed going to Yuhannabad which is located on the way. He also failed to pay this condolence visit 120 days after the incident. He should have been better advised on this culturally sensitive issue.

Handling of investigation by police in the punitive, repressive fashion would have negative legal, social and political repercussion. Seeds of discontent sown among the largest minority of Punjab and important voice of minorities in the country may further demoralize them.

The needs for social reconstruction of broken relations/ confidence among Christian and Muslim populace are yet to be attended to. The voices among communities on both sides need to be heard to relieve them of agonizing experiences that they have gone through.

²³ An electorate system based on religious apartheid that was in practiced in Pakistan from 1979 to 2001.

Conclusions

The incidents in Yuhannabad leave deep scars on the memory of people at large. These incidents exposed existing fault lines in the social fabric and polity which we need to have a deeper look at. Key features of these fault lines are manifested as following:

- a) A huge relational gap exists between majority and minority communities, though they have lived side by side for years. The gap primarily is about the perception of minority community's status in the society and country. The majority community largely and readily believes the official rhetoric of equality of citizens supported by the normative part of the constitution.

Conversely, the minorities facing institutional discrimination on the basis of religion sanctioned by the operative parts of constitution and laws do not feel the same way. They not only have a vested interest in ending disparity of rights, discrimination, economic deprivation, social exclusion and cultural domination but also carry an emotional baggage concerning these issues.

- b) Besides self perception of the minority community defined by the political and social exclusion and second class citizenship, persons belonging to minorities have to cope with a majority behavior that has issues to resolve about their political, cultural and social identities.

At the end of the day, people sharing habitat, economy and resources sometimes fail to form a cohesive relationship, due to small or no common ground in social and cultural identity.

- c) When representatives of the State fail to create incentives for the citizens in non-violent resolution of conflicts and rely on "State's monopoly over violence" in administrative and governance approaches. It would be foolish to think that minorities will never join the trend of developing counter intolerance against the unjust practices.
- d) The widening development gap between communities is often ignored, settlements such as Yuhannabad historically propped up as working class in the rural areas fled their villages and towns due to economic exploitation and social discrimination. The government policies and planning should try to take such hard realities into consideration.
- e) The legal proceedings so far, reflect a disregard to victim's satisfaction beyond monetary compensations. The detention and mistreatment of innocent people will fail the social healing, which in this case seems have equal importance together with justice.
- f) The successive governments relied on controlling minorities sentiments through their religious or political leaderships. This arrangement seems to be falling apart for multiple reasons. Apparently both types of leaderships have become weak, again with multiple factors involved which need to be addressed by giving freedoms, honesty of purpose and wisdom, not by nurturing hand-picked leaderships in the government and political institutions.
- g) A big structural gap exists in the absence of genuine leadership at the local bodies level. While the local bodies have not existed for a number of years, more worrisome element is

that the forthcoming local bodies will not have direct representation of minorities in most tiers of the local government. This scheme in local bodies elections needs to be changed immediately in favour of more democratic representation.

- h) Public at large has become weary of routine consoling statements on part of the leadership especially when they fail to match with actions. Programs need to be started that help end segregation or any other distinction on the basis of religion and introduce reforms to make the existing schemes for affirmative action effective.
- i) Implementation of Supreme Court's orders on June 19, 2014 has not taken off and the recommendations of the judicial inquiry of Gojra incident await implementation after six year.
- j) Vigilante justice or violence is impermissible under any circumstances, the stakeholders should take a serious note of a growing tendency of mob justice in the country and suggest practical ways and means to inculcate tolerance and harmony in the country.

Recommendations

There is a need to go beyond symptomatic treatment of the fault lines that the chain of sad incidents in Yuhannabad has exposed. A lasting resolve of the issues related to deprivation will require some serious work about ensuring fair investigations and trail of the cases, structural improvements, filling institutional, relational and implementation gaps. We make following submissions as recommendations of this fact finding report:

Relational, social and political

1. It is strongly recommended that the Chief Minister of Punjab should plan solidarity visit to Yuhannabad, hold a public hearing, celebrate Minorities day (August 11) or Independence day (August 14) with people of Yuhannabad.
2. The social fall out of perception about victimization of minorities hinges on the outcome of the legal and judicial processes in this case. Therefore, justice should be seen to be delivering, which should rely on the reformative approach rather than punitive justice approach.
3. The political engagement in this post conflict situation is as important as the justice process. Therefore, the mainstream political leadership in the country and province need to step in to chalk out a plan for non-violent conflict resolutions.

Fair investigation, trail and reconciliation

4. People in general and victims specifically have right to know the truth. Establishing truth should form the basis of justice and reconciliation between the communities affected by a series of tragedies.
5. Breach of standards of justice will have social, political, cultural and relational repercussions, therefore a special body having nuance of transitional justice should be set up to ensure that investigation and trial of cases do not create another precedent of institutional discrimination. The prosecution must avoid framing charges that are not maintainable, unjust and do not represent the facts.

6. The government machinery should help to build bridges, among communities, social actors by their interventions. It is recommended that besides religious leadership, academia, experts in dealing with trauma healing and non-governmental organizations should be engaged in social healing.

Filling structural, institutional and implementation gaps

7. A disconnect between political leadership and the communities they represent can be addressed by further democratization of electoral process for minorities and by strengthening internal democracy in the political parties e.g. electing representatives on reserved seats in party elections (Senate, National and Provincial Assembly seats).
8. The present system of reservations for local bodies also needs improvements²⁴ to integrate religious minorities in the political social and cultural mainstream of the country. The government will do Punjab province and itself a big favour by restoring directly elected representation of minorities for the forth coming local bodies elections.
9. People in Yuhannabad complained of unfair delimitation created for forthcoming local bodies elections, which splits Christians' vote bank to minimize the strength. Such a complaint should be addressed immediately and any misgivings should be addressed administratively rather than waiting for court injunctions.
10. The affirmative action of reserving five percent job quota has failed to achieve the purpose without a regulatory body assigned to ensure the implementation. Therefore the government of Punjab should move quickly to form a regulatory body for implementation of job quota.
11. The government should make efforts to provide proper human and material resources, and enabling environment for human rights institutions set up in Punjab and create more human rights institutions, especially for protection of rights of minorities in the province.
12. The implementation on the recommendations of the judicial inquiry on Gojra should be started, without delay, under an able and empowered committee working within benchmarks and time frame to deliver results.
13. The implementation of Supreme Court's orders on June 19, 2014 needs similar arrangement to deliver results of this serious undertaking.
14. Urban planning and policy needs to take in consideration the social and cultural problems of the new arrivals in the urban settings.
15. While media is and can be a great educator, the media is advised to use, its coverage and its role in Yuhannabad incident to evaluate and draw lessons for itself. There is a great deal to learn how breaking news competition, one sided and unprofessional piece of work that tend to make part of media's work stand among the destabilizing rather stabilizing factors in the society.

²⁴ <http://jinnah-institute.org/wp-content/uploads/2014/12/Min-Policy-Brief.pdf>

Epilogue

This report endeavoured to articulate the agony of people affected by the incidents in Yuhannabad -Lahore on March15 -16, 2015 and the aftermath in 120 days as much as it seeks to evaluate the circumstances around the incident and response of the stakeholders in as creative and neutral way as possible.

While the investigation into different incidents is underway we have tried to form a holistic picture and make sense of the happenings in March 2015.

This report is an effort to bring the attention of stakeholders to fractures in our society, community and polity which stand exposed by these sad events detailed in this report. We also wish to convey the urgency attached and need to address the underlying problems in the conclusions part.

We urge all governmental, non-governmental stakeholders and faith communities to look at the recommendations of this report critically and seriously.

I would like to offer my special thanks to Mr. Khalil Tahir, Minister Human Rights and Minorities Affairs, Punjab, Mr. Ayaz Saleem DIG Investigations Punjab, Rev. Ashknaz, Fr. Francis Gulzar, Pastors of Yuhannabad, Mr. Samuel Pyara, my colleagues Ms. Naumana Suleman, Manager Programs, CSJ's volunteers, Mr. Tabeel Jacob and Mr. Haroon Gill, the National Commission for Justice and Peace, DIGNITY First and CLAAS for sharing their views and information.

I would like to offer special thanks to all organizations who are trying to help people affected by this manifold tragedy. Along with the much required and sound legal aid and rehabilitation of the victims and needy, I would like to encourage civil society organizations to engage in facilitating reconciliation among communities and promoting respects for human rights in order to redeem communities of distressed caused by violent happenings.

Such efforts have rendered results in past at different places. While the civil society organizations can play an effective role in helping the immediate affectees as well as all those who were traumatized by the events, it is basically the initiatives by government departments and bodies which will allow space for them to operate.

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July 16, 2015
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Note: The format of this report does not allow citing the statements individually. Identities of some of the victims have been held on their request. Unconfirmed facts, etc. have been avoided. The report does not claim to have incorporated all facts but to the extent narrated here.

Annexure

FIRs registered about incidents in Yuhannabad between March 15 – March 19 at Police Station Nishtar Colony, Lahore

Note: The number and status of detained people may change on day to day basis because of ongoing investigations and bail applications pending in the courts. (July 16, 2015)

Case 1. Complaint registered regarding bomb blast by Christ Church (of Pakistan). FIR No. 389/2015, (March 15) Occurrence 11:15, No accused nominated

Under Sections	Offenses	Punishable by	Arrested as of date:	Status investigation	Bail
302/324, 427/ 109, 120/B PPC, 3/4/6 Explosive Act, 7 ATA	Willful Murder, Attempt to murder, Mischief causing damage, Abetment to crime, Criminal conspiracy, Causing and attempt to cause to explosion, Terrorism	Death or imprisonment for life + Seven year, imprisonment of either description + Two years, or with fine, or with both + Tazir (penal code applies) including death + death + imprisonment for life or less years,	Claim of arrests but no public disclosure only media reports	Challan not submitted in the court	None

Case 2. Police complaint registered for attack / bomb blast on St. John's Catholic Church, FIR No. 390/2015 (March 15) Occurrence Minutes after the 11:15, No accused nominated

Under Sections	Offenses	Punishable by	Arrested as of date:	Status investigation	Bail
302/324, 427/109, 120- B/379 PPC, 3/4/6 Explosive Act, 7 ATA, 16 POPA	Willful Murder, Attempt to murder, Mischief causing damage, Abetment of crime, Criminal conspiracy, Theft, Causing and attempt to causing explosion, Terrorism, Scheduled offense	Death or imprisonment for life + Seven years imprisonment of either description + Same punishment as prescribed for the offense committed including death + Three years, or with fine, or with both + seven to two years, or fine, or both + Tazir (penal code) including death, or less, + imprisonment for life or less years,	No arrested reported	Challan not submitted in the court	None

Case 3. Lynching, interference with official duty - FIR No. 391/2015, March 15, Occurrence 1:45 p.m. No accused nominated

Under Sections	Offenses	Punishable by	Officially arrested	Status investigation	Bail
302/324, 297/201, 148/149, 290/291, 186/353, PPC, 7 ATA	Willful murder, attempt to murder, trespassing on burial place, tampering with evidence of offense and false statement, armed rioting and unlawful assembly, public nuisance and continuation after warning, obstructing discharge of duty, assault on public servant on duty, Terrorism.	Death or imprisonment for life + Seven years imprisonment of either description + one year, or with fine, or with both + seven years or less according to the gravity of offense, fine or both + three years, fine or both + six months, fine or both + three months, or with fine + two years, or with fine or with both + death, imprisonment for life or less years.	32 (till 14/07/2015)	Challan submitted but incomplete turned down by the court	Two applied for bail, one minor-bail was rejected by Anti Terrorism Court, Three more applied in High Court, Waris Younas. (none release till 14/7/15)

Case 4. Mob attack on police, attempt to murder, etc. - FIR No. 392/2015 Police FIR Occurrence (March 15, 12: p.m.)

Under Sections	Offenses		Arrested	Status investigation	Bail
395/324, 353/186, 290/291, 427/148/149 PPC, 7 ATA	Dacoity, attempt to murder, assault on public servant on duty, Obstructing public servant, Public nuisance and continuing nuisance, mischief causing damage,	Ten years, fine or both + Seven years and fine + two years, fine or both + three months, fine + six months and fine + two years, or with fine + three years, fine or both + six months, fine or both + death , imprisonment for life or less years.	27	Challan submitted in the court	Rejected by ATC, Lahore High Court order passed, for 9 out of 10 who applied) 5 released on 10/07/15 - 5 more Applied for bail (NC) for

	armed rioting and unlawful assembly, Terrorism.				12 not clear who applied. Section 412 added.
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Case 5. Complaint by Naeem 's brother Muhammad Saleem (Lynching, etc.) FIR No. 393/2015 Occurrence March 16: (time unclear in FIR copy)

Under Sections	Offenses	Punishable by	Arrested as of date:	Status investigation	Bail
302/297, 201/148/149/290, 291, PPC, 7 ATA	Willful murder, trespass on burial place, tampering with evidence, armed rioting and unlawful assembly, Public nuisance and continuing nuisance, Terrorism.	Death, one year and, or fine, seven years or less according to gravity + three years, fine or both + six months, fine or both + three years, or with fine, or with both + death, imprisonment for life or less years.	None declared	Challan not submitted in the court	None

Case 6. Complaint by Hameed Masih, (father of deceased) accident, attack etc. - FIR No. 394/2015 (March 16) -occurrence 3:00 p.m.

Under Sections	Offenses	Punishable by	Arrested as of date:	Status investigation	Bail
322/337 G, PPC	Causing death by unlawful act, Rash and negligent driving.	Pay blood money, five years imprisonment of either description.	None	Challan not submitted in the court	Ms. Mariam Safdar, the accused secured release on bail.

Case 7., Mob attack on police party; by passers; desecrating the beard, misbehaving with women, etc. - FIR No. 395/2015 Occurrence March 16, 4:00 p.m.

Under Sections	Offenses	Punishable by	Arrested as of date:	Status investigation	Bail
354/ 427/148, 353/186/ 149,	Attacking woman to	two years or with fine + two	20	Challan submitted in	18 released on bail, one

290/291, PPC, 7 ATA, 6/ Punjab Sound System Ordinance 2015	outrage her modesty, Mischief, rioting with weapons, assault on public servant to deter from duty, Obstructing public servant from duty, Public Nuisance and continuing nuisance, Terrorism,	years, or fine, or both + three years, or fine, or both + two years, or fine or both + three months, or fine + six month or fine + death , imprisonment for life or less years , six month, fine between Rs. 25000 -100000.		the court though incomplete	Waris s/o Younas detained under FIR 391 and Shahzad s/o Majid detained under FIR 392
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**Case 8 Complaint by Ms. Mariam Safdar, attack etc. - FIR No. 400/2015 Occurrence March 16,
FIR registered March 19.**

Under Sections	Offenses	Punishable by	Arrested as of date:	Status investigation	Bail
395/355, 427/148, 149 PPC,	Dacoity, assault with intent to dishonor, Mischief causing damage, Rioting with weapons and unlawful assembly,	Four years - ten years and fine + two years, or fine, or both + o two years, or with fine, or with both + three years, or fine, or both	Challan not submitted in the court	Not submitted	None