

## Let Khalid Saeed stay in Sweden

The Humanist Movement in Sweden and the International Humanist community call upon the Swedish authorities to reopen the case of Khalid Saeed from Pakistan, whose application for a residence permit in Sweden has been rejected by the Migration Board. He could now be sent back to Pakistan with his entire family. However, in his home country he faces serious physical danger since before leaving he openly declared himself to be an atheist and publicly renounced any adherence to Islam. In Pakistan, such actions are regarded as so called defamation of the Prophet Muhammad and so leave him open to trial for blasphemy, a charge that can bring the death sentence.

The Swedish Humanist Association and the umbrella organizations we belong to, the European Humanist Federation (EHF) and the International Humanist and Ethical Union (IHEU), regard defending the freedom of religion and belief throughout the world as one of their most important tasks. The right of every person to profess any belief or philosophical position, and to change it at any time -- as set down in the Universal Declaration of Human Rights -- is fundamental to democracy and a free society.

Saeed arrived in Sweden and applied for asylum in the summer of 2009, after he and members of his family had been subjected to threats and abuse in Pakistan. This summer his residence permit application was finally rejected, although the background to his case was well known, and one of the lay judges gave a dissenting opinion in the case. As an active member of an atheist society in Pakistan and of a number of secular organisations in other countries, including a grouping of ex-Muslims in Britain, Mr Saeed is a target for extreme Islamic groups in his native country, and may even be at risk of action against him by the state.

Parallel to the secular courts in Pakistan is an Islamic judicial system enforcing a religious law that provides for a mandatory death penalty for blasphemy. A report from the Swedish Foreign Department on Human Rights in Pakistan 2010 highlighted the vulnerability of people adhering to minority religions or philosophies of life. An arbitrary and informal system of justice based on Islamic law and tribal traditions are also applied in different rural areas. There are many examples that show that the risks to people dubbed "infidels" are not only theoretical but very real, whatever officials from Pakistan may claim.

(Excerpt from the report, our highlighting)

*Crimes committed against persons belonging to minorities are prosecuted more rarely than other crimes and the victims' statements do not seem to be accorded the same credibility. **The extensive police atrocities against persons belonging to minorities make them often refrain from reporting crimes to avoid contact with the police.** Pakistani law and authorities do not protect adequately persons belonging to minorities.*

*A serious problem is the law against blasphemy, frequently used for the accusations against persons belonging to minorities, and the government's inability to protect them from violence. For instance, **a governor of Punjab was assassinated, when he wanted to pursue reforms against blasphemy laws.***

*It is not by law forbidden to convert from Islam to another religion, **but Muslims can still count on social exclusion, torture resulting in death if they choose to renounce their faith in Islam.** It is forbidden for non-Muslims trying to convert Muslims to another religion. Penal Code provides the **death penalty or life imprisonment for blasphemy or defamation of Muslim holy personages or the Koran.***

*The law against blasphemy is a significant restriction of freedom of religion and freedom of expression and is often misused to settle personal vendettas. Blasphemy laws are fueling violence and discrimination against Muslims, Christians, Ahmadiyya, Hindus and others because of their faith, and legal security are major deficiencies in these cases.*

The media have recently repeatedly reported that Shia Muslim pilgrims have been killed in the country, where extreme religious violence and intolerance are ubiquitous. Khalid's atheism has been known for a long time, even more so since he came to Sweden. In addition, before he left Pakistan he was already known as a critic of Islam in opposition circles, a fact which puts him in concrete jeopardy given the country's laws and traditions and the sentiments of the overwhelming majority of its population.

It is well known that even in Sweden Muslim "apostates" are threatened. We recently learned of the imam in Rinkeby outside Stockholm who declared live on national radio: "It is every Muslim's duty to kill those who leave Islam". It is easy to understand that the situation is immensely worse in an Islamic republic like Pakistan than in secularised Sweden. In Islam, some groups are implacably hostile to apostates.

We know from previous experience that the situation in Pakistan is very serious for critics of Islam. It took our international movement, the IHEU, several years to obtain the release of the physician and human rights activist Dr. Younus Sheikh from prison in Rawalpindi, where he was on death row after being found guilty of blasphemy. We enclose the IHEU statement on the general situation for critics of Islam in Pakistan and particularly on the case of Dr Sheikh.

We believe that the immigration court in its assessment of Mr Saeed's asylum claim did not take sufficient account of his personal story. We consider that the overall legal situation in Pakistan, the record of the religious courts and the experiences of Mr Saeed himself very strongly indicate a need for protection. Guarantees from the Pakistani authorities that they will protect him cannot be considered reliable, either because they themselves may wish to arrest and charge him with blasphemy, or because he might well be in danger from autonomous groups beyond the control of the authorities.

**We urge the Swedish government to review the case of Khalid Saeed and allow him to stay in Sweden, so that both his fundamental rights and his actual freedom to express his philosophy of life are ensured. He and his family should not be placed at the risk of intimidation, reprisal or even worse in a society where intolerance towards minority views of life is pervasive and terrifying.**

We are pleased to learn that a web site in support of Mr Saeed and his family has been created: <http://eticha.com/wearekhalid/support-help>

Khalid's brother has been a member of our Association in Sweden for more than two decades, and the family has thus a long and conscientious commitment to a belief that is heavily discriminated against in Pakistan, as well as being officially opposed by the authorities.

Finally, below we would like to refer, amongst other things, to an interesting report from the United Nations' refugee agency UNHCR, and to an analysis of it by FARR (the "Privy Council of Swedish refugee groups and asylum committees"). It shows how the individual refugee's situation and personal history is not taken seriously enough by the Immigration Service. In the same way, we believe that we

cannot ignore the risk of continued persecution of Mr Saeed, if he were forced to return to Pakistan. There is no reason to assume that this risk would be minor.

Yours sincerely,

*Christer Sturmark, President of the Swedish Humanist Association*

*David Pollock, President of the European Humanist Federation*

*Sonja Eggerickx, President of the International Humanist and Ethical Union*

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(Excerpt from FARR's web site)

*UNHCR's criticisms include that there is a strong tendency to rely upon written evidence. It can lead to refusal if the applicant does not have the documentary evidence requested. According to UNHCR, the procedure is problematic and is not compatible with Swedish or international law. The major criticism is that the documentary evidence usually required is considered to be of low quality. UNHCR's proposal for improvement is that decision makers should be trained and have the tools to make decisions.*

*The report notes that there are deficiencies in the investigation of individual circumstances. Investigators often do not ask any follow-up questions when the candidates talk about violence and persecution of their families. According to the report past persecution, and persecution of friends and family, should lead to a presumption that the risk of persecution still exists. It is then up to the Immigration Service to prove that the risk of repeated persecution no longer exists on return.*

*In a majority of the cases did the Migration Board made no assessment of past persecution, or judged that affidavit was insufficient likelihood. The assessments resulted in 43.5% of the cases in rejection because the risk of persecution was not considered to exist. UNHCR reporters believe that the Immigration Service has a high threshold for what counts as persecution and that the other aspects of the definition of a refugee are not sufficiently taken into account.*

*The report identifies difficulties in analyzing the grounds for seeking asylum and if causal relationships can be established. 17% of applicants were rejected because the incident which they relied on as the basis for their flight was not deemed to be linked to refugee grounds. One example is that the applicant failed to provide evidence that an attack on his family home has been due to their religious beliefs. UNHCR argues that causation can be demonstrated by means of the general information about a country.*

References:

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[http://www.unhcr.se/fileadmin/user\\_upload/PDFdocuments/Studies-reports/QI-rapport-110909.pdf](http://www.unhcr.se/fileadmin/user_upload/PDFdocuments/Studies-reports/QI-rapport-110909.pdf)

Human rights in Pakistan in 2010:

[http://www.riksdagen.se/Webbnav/?nid=71&dok\\_id=GX12768](http://www.riksdagen.se/Webbnav/?nid=71&dok_id=GX12768)

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