

# INDIVIDUAL BRIEFING

## Mohammad Ismail

### Pakistan



**Humanists**  
INTERNATIONAL



**Name:** Mohammad Ismail

**Nationality:** Pakistani

**Age:** 65

**Charges:** “Hate speech” and “cyber terrorism”

**Current Status:** On bail

Mohammad Ismail is a human rights defender and the Secretary of NGOs Forum Pakistan. He is also the elderly father of the award-winning human rights activist Gulalai Ismail, who founded the charity Aware Girls in 2002. Gulalai was forced to flee to the United States in 2019 after being persecuted for speaking out against sexual assaults and disappearances carried out by the Pakistani military. In her absence, her family continues to be harassed and intimidated by local authorities. The Ismail family has collectively endured invasive surveillance, threats and intimidation since May 2019– with their home raided by armed military multiple times. Professor Ismail was abducted and arbitrarily detained in October 2019, and although currently on bail, he remains at risk of arrest and serving a lengthy detention period based on multiple spurious charges. Professor Ismail is suffering from health problems, including hypertension, heart and kidney problems, and his detention will likely exacerbate them.

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## Timeline

**23 May 2019.** Professor Ismail’s daughter, Gulalai, is charged with “anti-state and hate speech” under the Penal Code and Sections 6/7 of the Anti-Terrorism Act for protesting the rape and murder of a 10-year old Pashtun girl, after which she was forced into hiding.<sup>1</sup>

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<sup>1</sup> <https://www.amnesty.org/download/Documents/ASA3313482019ENGLISH.pdf>

**25 May 2019.** Police raid the family home of Mohammad and Gulalai Ismail in Islamabad. At around 4 am, a large contingent of armed police in at least 8 vehicles ransack their home and threaten the family.<sup>2</sup>

**4 July 2019.** The family home is raided three times by a large number of armed men. Police question Gulalai's brother and arbitrarily detain the family driver who was held at an unknown location for around 8 hours before being released. The family believes that the driver was targeted and tortured due to his association with Gulalai.<sup>3</sup>

**12 July 2019.** Professor Ismail has a First Investigative Report (FIR) registered against him, along with his wife and daughter. The FIR accuses them of taking funding from "foreign countries", aiding "terrorist organizations" and working for terrorist organisations under the guise of their social work.

**24 October 2019.** Professor Ismail petitions the Peshawar High Court to quash the charges against him. After the hearing he is abducted by unidentified men outside the court. These individuals are later identified as members of the Federal Investigation Agency's Cyber Crime Wing in Peshawar.

**25 October 2019.** Professor Ismail attends court and a judge orders his pre-trial detention on charges brought in a new First Information Report (FIR). He is taken into custody on the charge of "hate speech and spreading false information against Government institutions" under Section 10 and 11 of the Prevention of Electronic Crimes Act, 2016 on the basis of posts on his social media pages. If convicted, he could face up to 7 years in prison. He is given fourteen days in judicial custody, which is further extended when his first bail application is rejected on 4 November 2019.<sup>4</sup>

**4 November 2019.** Professor Ismail is denied his first application for bail.

**25 November 2019.** Professor Ismail is granted conditional bail on 25 November by the Peshawar High Court, after having spent one month in pre-trial detention. He remains at risk of a lengthy prison sentence and re-arrest as the trumped-up charges against him under the draconian Anti-Terrorism Act and Electronic Crimes Act have not been dropped.<sup>5</sup>

**20 April 2020.** Professor Ismail is summoned for a court hearing after the Federal Investigation Agency files an appeal to revoke the conditional bail that was granted to him on 25 November 2019. Neither Professor Ismail or his lawyer were formally notified of the hearing, nor have they been given a reason for why the Court accepted the appeal to revoke the conditional bail. Professor Ismail was made aware of the hearing only after a fellow human rights defender got news of the court hearing and relayed the information to him. However, after reaching the Peshawar High Court on 20 April 2020, he was informed

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<sup>2</sup>[https://www.frontlinedefenders.org/sites/default/files/pakistan\\_-\\_ua\\_-\\_threats\\_to\\_gulalai\\_ismail\\_family\\_-\\_8\\_july\\_2019.pdf](https://www.frontlinedefenders.org/sites/default/files/pakistan_-_ua_-_threats_to_gulalai_ismail_family_-_8_july_2019.pdf)

<sup>3</sup>[https://www.frontlinedefenders.org/sites/default/files/pakistan\\_-\\_ua\\_-\\_threats\\_to\\_gulalai\\_ismail\\_family\\_-\\_8\\_july\\_2019.pdf](https://www.frontlinedefenders.org/sites/default/files/pakistan_-_ua_-_threats_to_gulalai_ismail_family_-_8_july_2019.pdf)

<sup>4</sup> <https://tribune.com.pk/story/2087149/1-gulalai-ismails-father-arrested-fia-spreading-hate-state/>

<sup>5</sup> <https://www.amnesty.org/en/documents/asa33/1514/2019/en/>

that the date for the hearing had been postponed. Muhammad Ismail and his lawyer are yet to be informed of the date for the next court hearing.<sup>6</sup>

**COVID-19 Context.** Prisons in Pakistan are notoriously overcrowded and those in detention face a heightened risk of contracting the virus. The prison population currently stands at over 77,000 individuals, with prisons operating at a 130 percent occupation rate, and poor ventilation, insufficient beds and limited access to medicines, hygiene and sanitary products only add to the risk of infection. Such detention conditions greatly increase the potential spread of the virus.<sup>7</sup> Recognising this risk, the provincial governments of Sindh and Khyber-Pakhtunkhwa have announced measures such as early release for many prisoners.<sup>8</sup> The Supreme Court also approved an order allowing concessions to be granted to prisoners in vulnerable groups, including those “who are 55 years and older”.<sup>9</sup> To force Professor Ismail to attend court and to potentially detain him during this time poses an extreme and unnecessary risk to his health and arguably violates his right to life. At 65 years of age and with pre-existing health conditions, including hypertension, heart and kidney problems, he clearly falls within the category of people who are extremely vulnerable to Covid-19.

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<sup>6</sup><https://www.frontlinedefenders.org/en/case/muhammad-ismail-father-woman-human-rights-defender-gula-lai-ismail-abducted-peshawar>

<sup>7</sup> <https://www.amnesty.org.uk/urgent-actions/prisoners-across-pakistan-risk-covid-19>

<sup>8</sup> <https://www.hrw.org/news/2020/03/19/pakistan-prisoners-risk-covid-19>

<sup>9</sup> <https://www.geo.tv/latest/281414-supreme-court-overturms-high-courts-orders-in-prisoners-release-case>