

Reports on Pakistan by International Organizations/ NGO's.

Predicament of Ahmadis in Pakistan

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To the UN General assembly on freedom of Religion and human rights:----- page 2-5

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- **U.S. Department of State Reports on Human Rights Practices in Pakistan-2005**

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- **U.S. Department of State Reports on Human Rights Practices in Pakistan-1993**

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- **United States Commission on Int'l Religious Freedom**

Report on International Religious Freedom from May 2004 — **April 2005**-- page 15-17

- **United States Commission on Int'l Religious Freedom**

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- **Human Rights Commission of Pakistan**

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- **Report by Special Rapporteur:**

Report titled

“IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF rport submitted Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission on Human Rights resolution 1994/18-- 1997----- page 32-41

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A country that everyone should worry about

APR-24-2006 16:38

P.01



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No Third-9/2/06

24 April 2006

The Permanent Mission of Pakistan to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to state that the Government of Pakistan has decided to present its candidature for election to the Human Rights Council for one of the thirteen (13) Asian seats for the term 2006-2008, elections for which will be held on 9 May 2006.

In accordance with the GA Resolution A/RES/60/251 of 15 March 2006, the Permanent Mission of Pakistan has the further honour to enclose a summary of Pakistan's contribution as well as its commitments and voluntary pledges to promote human rights.

The Permanent Mission of Pakistan to the United Nations avails itself of this opportunity to renew to the Secretariat of the United Nations the assurances of its highest consideration.



The Secretariat of the United Nations
(Department of General Assembly and
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Copy to: **Ms. Alicia Santomauro**
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PAKISTAN'S CONTRIBUTION, COMMITMENTS AND VOLUNTARY PLEDGES TO PROMOTE HUMAN RIGHTS

Pakistan has decided to present its candidature for election to the Human Rights Council (HRC) for one of the thirteen (13) Asian seats for the term 2006-2008, elections for which will be held on 9 May 2006.

In accordance with the provisions of General Assembly Resolution 60/251, in particular paragraph 8, following is a digest of Pakistan's contribution, voluntary pledges and commitments to promote human rights:

Contribution at the international level

- Pakistan has consistently played an active role in the Commission on Human Rights (CHR) as well as in the relevant human rights forums, and contributed positively to the adoption of Universal Declaration of Human Rights and formulation of most of the International conventions and universal norms in the promotion of civil and political as well as economic, social and cultural rights including the right to development.
- Pakistan was in the forefront in the struggle against apartheid. Pakistan continues to promote greater international recognition of the people's right to self-determination.
- Pakistan is a part of all major global initiatives in promoting inter-cultural dialogue and harmony to facilitate universal respect of all human rights in all societies and cultures.
- Pakistan was among the six initiators of the World Summit for Children and was also one of the first countries to ratify the Convention on the Rights of the Child.
- Pakistan is a party to the International Convention on the Elimination of Racial Discrimination (CERD), International Convention on the Elimination of all forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), and is a signatory to the International Covenant on Economic, Social and Cultural Rights.
- Pakistan played an active role in the negotiations of the decision to establish the Human Rights Council (HRC). Many of the

formulations in the resolution A/60/251 reflect Pakistan's proposals and suggestions, which helped in forging international consensus.

- Pakistan looks forward to making a constructive contribution to the task of reviewing, rationalizing and improving the human rights machinery.

Contribution at the domestic level

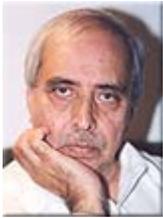
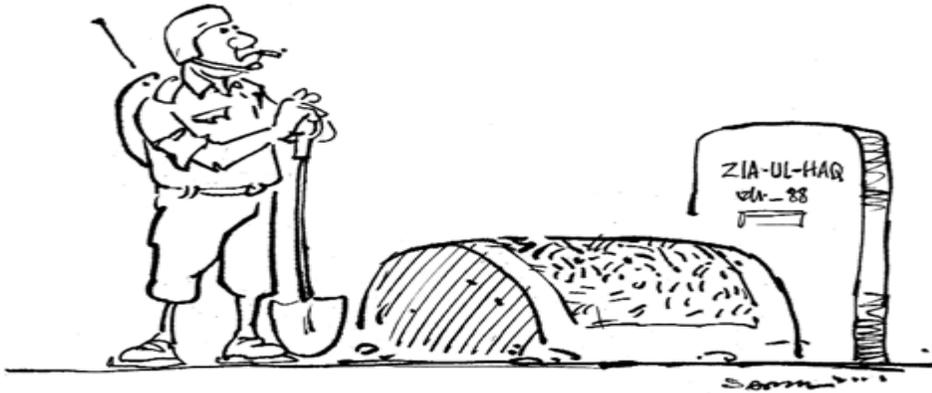
- Promotion of human dignity, fundamental freedoms and human rights, equal status and rights of the followers of all religions and prohibition of discrimination on account of religion, race, caste or creed etc are enshrined in Articles 9-29 of the Constitution of Pakistan.
- Sustainable democracy and empowerment at grass root level, through good governance, have been established at the local, provincial and national levels, with notable 33 per cent representation of women.
- Minorities in Pakistan represent 3.32 per cent of the total population. According to the Constitution of Pakistan, they enjoy equal rights and participate in the mainstream politics both through joint electorates and 5 per cent seats reserved for them in the Parliament and other elected bodies.
- Attention is being given to the social and economic emancipation of women. All forms of violence against women are punishable under the law including the infamous 'honour killing'.
- A national Plan of Action for child welfare, elimination of child labour and their rehabilitation through education and vocational training, is being implemented.

Pakistan's commitments and voluntary pledges to further advance human rights both at the national and international levels.

- Pakistan will continue to support all international efforts to achieve the universal ratification of core human rights treaties.

- Pakistan is working towards early ratification of the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and Convention Against Torture.
 - Upon the conclusion of the Parliament's ongoing consideration, an independent national human rights institution will be established with broad powers to investigate human rights violations in all aspects of its domestic constituencies.
 - Pakistan will continue to promote awareness of human rights in the society by introducing human rights component in educational curricula at all levels and mass awareness campaigns through media and civil society with particular emphasis on the rights of vulnerable groups including women, children and minorities.
 - Pakistan will actively participate in the work of the Human Rights Council (HRC), with a view to facilitate the implementation of its mandate.
-

Pakistan's Mullah takeover



Khalid Hasan The Friday Times, June 9-15, 2006 - Vol. XVIII, No. 16

It is a sign of these times of “enlightened moderation” that in this country of 150 million people, there is only one, just one, truly liberal magazine, a small monthly published in Urdu from Lahore without any advertising support whatever, its sole backers being its loyal readers, at home and abroad.

This brave little venture, the monthly *Naya Zamana*, was started seven years ago by Muhammad Shoaib Adil, whom I have never met but whose heroic commitment to liberal values in our increasingly Deobandi, mullah-infested land I greatly admire. One would have thought that a journal like this would derive its readership from the larger cities, but that is not the case at all, which does not say much for Pakistan's larger cities. Almost all its contributors reside in small, often far-flung towns. Its correspondents, who, there can be little doubt, work for it out of love not money (since it has none), are mostly based in places like Gilgit, Dera Ghazi Khan, Rahim Yar Khan, Khanpur, Laiyah, Dinga Gujrat, Mianwali, Pattoki, Loralai, Sargodha, Rajanpur, Kharan and Qila Saifullah. Recently, the editor circulated a letter saying he had been unable to interest advertisers and in order to survive, he would need either a sizeable number of his readers to become life members by making a one-time payment of Rs 10,000 or to use their influence to get the struggling publication some advertising.

In its May issue, an analysis of mullah-propelled extremism by Amir Hussaini recalls that early on in Zia-ul-Haq's draconian rule, an organised movement led by Ehsan Ali Zaheer against the Shia community and the followers of the moderate Barelvi school was launched with official connivance. Poisonous literature, much of it produced in Saudi Arabia, was circulated all over Pakistan. After Zaheer was killed by a bomb in a public meeting he was addressing, his place was taken by an unknown mullah by the name of Haq Nawaz Jhangvi, a diehard Deobandi who founded the Lashkar-i-Jhangvi. His sole target was the Shia community and within a month there was hardly a wall in the country that did not carry the

slogan ‘ *Kafir kafir Shia kafir, jo na manay wo bhi kafir* ’ (All Shias are infidels, as are those who do not believe it). The movement’s wrath was directed in equal measure at the Barelvis who were declared to be outside the pale of Islam because of the reverence they paid to saints and the fact that they celebrated Eid-i-Milad and were given to devotional music. The Sipah was also active in the so-called Afghanistan “jihad.” Once the war was over, its armed cadres descended on Pakistan, spreading their poisonous message from end to end. These forces operated with the connivance, if not the support and encouragement, of the regime. This is the dragon harvest that now infests Pakistan’s soil and which the state is unwilling, if not unable, to cut down.

It is difficult to believe and depressing to think that the Pakistan of today is the same country where in 1954, a great declaration of liberal and secular thought was produced by two distinguished judges in the aftermath of the first organised assault on the state’s secular structure by the mullahs. The document was the Report of the Court of Inquiry into the Punjab Disturbances of 1953. It is something everyone needs to read today. Gen Musharraf, instead of harping on the empty slogan of “enlightened moderation” every third day, should have the Munir Report, as it has come to be called over the years, become part of school and college courses, as well as made compulsory reading in every madrassa from Peshawar to Karachi. Between Justice Muhammad Munir, the president, and Justice MR Kayani, member, the two man-Court produced a document of such brilliant reasoning and intellectual clarity that it needs to be circulated in all Islamic lands which are dogged by bigotry and ignorance and where hostages are slaughtered and innocent people bombed in the name of Islam.

The mullahs, barring some exceptions, were dead set against Pakistan, since they considered a nation state un-Islamic. They made their first attempt to take over the new country when they set Punjab on fire by inciting riots against the Ahmediyya community. The two judges, discussing the question of the establishment of a state based on religion wrote, “No one who has given serious thought to the introduction of a religious state in Pakistan has failed to notice the tremendous difficulties with which any such scheme must be confronted.” They quoted from Allama Iqbal’s 1930 address to the Muslim League: “Nor should the Hindus fear that the creation of autonomous Muslim states will mean the introduction of a kind of religious rule in such states. The principle that each group is entitled to free development on its own lines is not inspired by any feeling of narrow communalism.”

Munir and Kayani – the report was drafted by Kayani – argued that since a demand is being made to declare all Ahmedis non-Muslims, those who are making this demand must know who a Muslim is. They wrote, “What is Islam and who is a *momin* or a Muslim? We put this question to the ulema. . . but we cannot refrain from saying here that it was a matter of infinite regret to us that the ulema whose first duty should be to have settled views on this subject, were hopelessly disagreed among themselves.” The Court asked the leading Islamic scholars and theologians of the day to “give the irreducible minimum conditions which a person must satisfy to be entitled to be called a Muslim.” No two divines agreed as to who a Muslim is, leading the Court to observe, “Keeping in view the several definitions given by the ulema, need we make any comment except that no two learned divines are agreed on this fundamental. If we attempt our own definition as each learned divine has done and that definition differs from that given by all others, we unanimously go out of the fold of Islam, and if we adopt the definition given by any one of the ulema, we remain Muslims according to the view of that *alim* but *kafirs* according to the definition of everyone else.”

Munir and Kayani also condemned the authors of the Objectives Resolution for having “misused the

words sovereign and democracy when they recited that the Constitution to be framed was for a sovereign state in which principles of democracy as enunciated by Islam shall be fully observed.” The two judges observed, “An Islamic state, however, cannot in this sense be sovereign because it will not be competent to abrogate, repeal or do away with any law in the Quran and Sunnah. Absolute restriction on the legislative power of a state is a restriction on the sovereignty of the people of that state and if the origin of this restriction lies elsewhere than in the will of the people, then to the extent of that restriction the sovereignty of the states and its people is necessarily taken away.”

The Court asked Maulana Abul Ala Maudoodi, “Will you permit Hindus to base their Constitution on the basis of their own religion?” Maudoodi replied, “Certainly. I should have no objection even if the Muslims of India are treated as *shudras* and *malishes* and Manu’s laws are applied to them, depriving them of all share in the government and the rights of a citizen.” The two judges wrote, “Nothing but a bold reorientation of Islam to separate the vital from the lifeless can preserve it as a world idea and convert the Musalman into a citizen of the present and the future world from the archaic incongruity that he is today.”

That was 1954. Is there a judge in the Pakistan of 2006 who even dares whisper what his illustrious predecessors declared in open court for the world to hear?

<http://watandost.blogspot.com/2006/06/pakistans-mullah-takeover.html>

Pakistan

The government's human rights record was poor, and serious problems remained. The following human rights problems were reported:

...
• limits on freedom of association, religion, and movement
...

RESPECT FOR HUMAN RIGHTS

Section 1

Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

...
Attacks on houses of worship and religious gatherings linked to sectarian, religious extremist, and terrorist groups resulted in the deaths of nearly 75 persons (see section 2.c.). ...

d. Arbitrary Arrest or Detention

Police force effectiveness varied greatly by district, ranging from reasonably good to completely ineffective. Some members of the police force committed numerous serious human rights abuses. Failure to punish abuses, however, created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspector general, district police officer, district nazim, provincial interior or chief ministers, federal interior or prime minister, or the courts can order internal investigations into abuses and order administrative sanctions. Executive branch and police officials can recommend and the courts can order criminal prosecution. Police failed in some instances to protect members of religious minorities—particularly Christians, Ahmadis, and Shi'as—from societal attacks (see sections 2.c. and 5).

Corruption within the police was rampant. Police charged fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Persons paid police to humiliate their opponents and avenge their personal grievances. Corruption was most prominent amongst station house officers (SHO), some of whom reportedly operated arrest for ransom operations and established unsanctioned stations to increase illicit revenue collection.

Arrest and Detention

A First Information Report (FIR) is the legal basis for all arrests. Police may issue FIRs provided complainants offer reasonable proof that a crime was committed. A FIR allows police to detain a named suspect for 24 hours, after which only a magistrate can order detention for an additional 14 days, and then only if police show such detention is material to the investigation. In practice the authorities did not fully observe these limits on detention. *FIRs were frequently issued without supporting evidence as part of harassment or intimidation. Police routinely did not seek magistrate approval for investigative detention and often held detainees without charge until a court challenged them.* Incommunicado detention occurred (see section 1.c.). When asked, magistrates usually approved investigative detention without reference to its necessity. In cases of insufficient evidence, police and magistrates colluded to continue detention beyond the 14-day period provided in the law through the issuance of new FIRs. ...

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, in practice the judiciary remained subject to executive branch influence at all levels. *Lower courts remained corrupt, inefficient, and subject to pressure from prominent religious and political figures.* The politicized nature of judicial promotions enhanced the government's control over the court system. Unfulfilled judgeships and inefficient court procedures resulted in severe backlogs at both trial and appellate levels. In nonpolitical cases, the high courts and Supreme Court were generally considered credible.

...

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Court rulings mandate the death sentence for anyone blaspheming against the "prophets." The law provides for life imprisonment for desecrating the Koran and up to 10 years in prison for insulting another's religious beliefs with the intent to outrage religious feelings (see section 2.c.). On August 7, the Punjab provincial government ordered two Ahmadi printing presses in Jhang, Punjab, shut down. Police took the editor of the Ahmaddiya community magazine *al-Fazi*, Sami Khan, into protective custody and later released him. The move followed complaints from a local Islamic leader that the publications insulted the religious sentiments of Muslims. The provincial Home Department ultimately gave permission for the presses to reopen. ...

b. Freedom of Peaceful Assembly and Association

The law provides for freedom "to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order," and freedom of association, and the government generally observed these rights, but with some restrictions.

Freedom of Assembly

While the government allowed numerous opposition rallies and demonstrations to proceed during the year, it refused permits for processions in urban areas. *Ahmadis have been prohibited from holding any conferences or gatherings since 1984* (see section 2.c.).

c. Freedom of Religion

The law states that adequate provisions shall be made for minorities to profess and practice their religions freely; [**] however, the government limited freedom of religion. Islam is the state religion, and the constitution requires that laws be consistent with Islam. All citizens were subject to certain provisions of Shari'a, such as the blasphemy laws. Reprisals and threats of reprisals against suspected converts from Islam occurred. Members of religious minorities were subject to violence and harassment, and police at times refused to prevent such actions or charge persons who committed them. The president and the prime minister must be Muslim. The prime minister, federal ministers, and ministers of state, as well as elected members of the senate and national assembly (including non-Muslims), must take an oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan" (see section 3).

...

The law declares the Ahmadi community, which considers itself a Muslim sect, to be a non-Muslim minority. Ahmadis, who claimed their population was approximately 2 million, were prohibited by law from engaging in any Muslim practices, including using Muslim greetings, referring to their places of worship as mosques, reciting Islamic prayers, and participating in the Hajj or Ramadan fast. Ahmadis are prohibited from proselytizing, holding gatherings, or distributing literature. *Government forms, including passport applications and voter registration documents, require anyone wishing to be listed as a Muslim to denounce the founder of the Ahmadi faith.* In March the government reinstated the religion column for machine readable passports (see section 2.d.). Ahmadis were frequently discriminated against in government hiring and in admission to government schools.

Complaints under the blasphemy laws, which prohibit derogatory statements or action against Islam, the Koran, or the prophets, were used to settle business or personal disputes and harass religious minorities or reform-minded Muslims. Most complaints were filed against the majority Sunni Muslim community. Most blasphemy cases were ultimately dismissed at the appellate level; however, *the accused often remained in jail for years awaiting a final verdict. Trial courts were reluctant to release on bail or acquit blasphemy defendants for fear of violence from religious extremist groups.* On January 4, President

Musharraf signed a bill into law revising the complaint process and requiring senior police officials to review such cases in an effort to eliminate spurious charges. During the year there were 3 persons convicted and 5 acquitted under the blasphemy laws and another 67 ongoing cases.

All religious groups experienced bureaucratic delays and requests for bribes when attempting to build houses of worship or obtain land. *The government prevented Ahmadis from building houses of worship.*

Societal Abuses and Discrimination

Christians and Ahmadis were the targets of religious violence. For example, on March 28, five gunmen opened fire on Christians leaving Easter services at a church in Lahore, killing one and injuring seven. The motivation for the attack, in which the police arrested two assailants, appeared to be a land dispute between local Muslims and the Christian community. In April unknown assailants kidnapped and killed Pastor Shamoon Babar and his Catholic driver, Daniel Emmanuel. Police surmised that the two men had been tortured and shot several times while bound; their bodies were left on the Peshawar road. Police suspected that Babar's non religious business activities were the motivating factor in the crime; however, the All Pakistan Minorities Alliance (APMA) believed the killings to be religiously motivated. **On October 7, unidentified gunmen opened fire at an Ahmadi worship service in Mong, Mandi Bahauddin, Punjab, killing 8 and wounding 14** (see section 1.a.).

...

Ahmadi leaders charged that militant Sunni mullahs and their followers sometimes staged marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of between 100 and 200 persons, the mullahs reportedly denounced Ahmadis and their founder, creating a situation that sometimes led to violence. The Ahmadis claimed that police generally were present during these marches but did not intervene to prevent violence.

The Ahmadi, Christian, Hindu, and Shi'a Muslim communities reported significant discrimination in employment and access to education, including at government institutions.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law provides for equality for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on these factors.

Other Societal Abuses and Discrimination

The Shi'a, Christian, Hindu, and Ahmadi communities all faced discrimination and societal violence (see section 2.c.).

** Word "freely" which appeared in the original Objective Resolution, passed by the Constituent Assembly of Pakistan in March, 1949, was **omitted** when it was made a substantive part of the Constitution of Pakistan by P.O. (Presidential Order) No.14 of 1985, Art.2 and Sch.item 2 (with effect from March 2, 1985).



<http://www.thepersecution.org/ussd/us2005.html>

Pakistan

There was no significant change in the human rights situation in 1993, with serious problems remaining in several areas. Government harassment of political opponents declined during the year, especially after the neutral caretaker government took power in July. However, repression against a Sindh-based political party continued. The arbitrary detention, arrest, torture, and other abuse of prisoners and detainees continued to be a serious problem, and there were no significant efforts to reform the police or judicial systems or to prosecute and punish those responsible for abuses. Religious zealots continued to discriminate against and persecute non-Muslims, basing their activities in part on discriminatory legislation against religious minorities. The Government did little to curb these activities. Sectarian riots between the Sunni and Shi'a communities were less intense, but religious and ethnic-based rivalries resulted in numerous murders and occasional civil disturbances. Traditional social and legal constraints kept women in a subordinate position in society, and significant restraints remained on workers' rights. The use of child and bonded labor remained widespread in spite of legislation to restrict these practices. [Para 5]

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press. Pakistanis are generally free to discuss and debate public policy issues. However, some laws restrict free speech, such as laws against bringing Islam or the armed forces into discredit or ridicule and the Shari'a bill signed by the President in 1991, which calls for promoting Islam through the mass media and the censoring of "objectionable" and "obscene" material. In addition, the Pakistan Penal Code mandates the death sentence for anyone convicted of blaspheming the Prophet Muhammad. Most of those accused of blasphemy are Ahmadis or Christians. Two persons have been convicted of blasphemy and sentenced to death. Their cases are on appeal. (See Section 2.c.) [Para 1]

c. Freedom of Religion

Pakistan is an Islamic republic with a population that is 97 percent Muslim. The Constitution requires all laws to be consistent with Islam. With notable exceptions (see below), members of minority groups may practice their own religion openly, maintain links with coreligionists in other countries, and travel for religious purposes. Conversions are permitted, but the Government prohibits proselytizing among Muslims.

Minority groups fear that the 1991 Shari'a law's goal of "Islamizing" all aspects of Pakistan's government and society may further restrict freedom to practice their religion. The religious legislation has encouraged an atmosphere of religious intolerance which has led to acts of violence directed at Ahmadis and Christians. For example, in 1993 a landlord from Sindh province bulldozed over 30 homes, a church, and a school, destroying a 30-year old Christian village, rather than wait for a civil court's order in a land dispute. No action had been taken against the landlord as of the year's end.

A 1974 constitutional amendment declared Ahmadis to be a non-Muslim minority because they do not accept Muhammad as the last prophet of Islam. (Note: See [Ahmadiyya Belief](#)). The Ahmadis, however, look on themselves as Muslims, for whom many Muslim practices are an important feature of their religion. In 1984 the Government inserted Section 298(c) into the Pakistan Penal Code which made it illegal for an Ahmadi to call himself a Muslim and banned Ahmadis from using Muslim terminology. The punishment is up to 3 years' imprisonment and a fine. Section 298(c) has been used since 1984 to harass Ahmadis. According to an Ahmadi rights organization, as of the end of 1992 at least 2,133 Ahmadis had criminal cases brought against them, most of which were still pending before the courts. New cases were brought during 1993.

Attacks on Ahmadi places of worship continued in 1993. On June 20 three youths attempted to set fire to an Ahmadi house of worship in Lahore while Ahmadi elders were praying there. The incident was reported to the police, but no action was taken.

In 1986 legislation was passed inserting Section 295(c) into the Pakistan Penal Code, making blaspheming the Prophet Muhammad a capital offense. The law was apparently aimed at Ahmadis but has been increasingly used against Christians and Muslims as well. In 1992 the Senate unanimously adopted a bill to amend the blasphemy law so that the death penalty is mandatory in cases of conviction for defiling the name of the prophet Muhammad, and in 1993 a bill was introduced to extend the law to include defiling the names of the Prophet Muhammad's family and companions. The latter bill, generally supported by anti-Shi'a groups as a means of persecuting the Shia's, had yet to be acted upon. According to a respected Pakistani human rights organization, since 1986, 107 Ahmadis have been charged with blasphemy under section 295(c) in at least 25 separate cases. As of the end of 1993, there had been no convictions. One case had been dropped, and two persons had been acquitted. At least four Ahmadis were charged with blasphemy in 1993.

Eight Christians have reportedly been charged with blasphemy. Two other Christians were stabbed to death by their accusers without formally being charged. Of those charged before 1993, Tahir Iqbal died under mysterious circumstances in jail in 1992 while awaiting trial, Gul Masih was convicted in 1992 and his appeal was still pending, and Sarwar Masih was still awaiting trial. One individual was acquitted in January but remains in fear for his life from local religious groups. Four of the eight were charged in 1993. In one case, three Christians were arrested in May and accused of writing blasphemous words on a mosque wall in violation of Section 295(c). One of those accused was Salamat Masih, a 13-year-old illiterate boy. Salamat was released on 50,000 rupees bail (\$1,666) on November 8. At year's end, the two adults remain in prison. In another case, Anwar Yaqoob Masih was charged with blasphemy following an argument with a shopkeeper over 1 rupee (less than 4 cents) worth of candy. When the shopkeeper, who was a friend of Anwar Masih, refused to press charges, a local Muslim religious leader filed the charges instead.

The most prominent case of a Muslim charged with blasphemy is that of Dr. Akhtar Hameed Khan, a noted social worker, who was charged with blasphemy in both Sindh and Punjab provinces. In 1992 charges were dropped in Sindh. However, the charges were not dropped in Punjab, and at the end of the year he remained subject to arrest in that province.

Three Muslims are known to have been charged with blasphemy in 1993. Mohammad Arshad Javed was convicted of blasphemy and sentenced to death in February, despite being found insane by two government-appointed doctors. His case has been appealed to the Lahore High Court.

In late 1992, the Supreme Court issued a ruling favorable to the Ahmadis by granting bail to members of an Ahmadi family accused of using Islamic expressions on wedding invitations. In its ruling, the Court observed that use of Islamic expressions by Ahmadis "does not create in a Muslim, or for that matter anyone else, any of the feelings of hurt, offence or provocation, nor is it derogatory to the holy Prophet Muhammad."

In 1993, however, the Supreme Court ruled against the Ahmadis in a major case regarding the constitutionality of Section 298(c). Rejecting the argument that it violated the fundamental rights of freedom of speech and freedom of religion guaranteed in the Constitution, the Court upheld the law. The judge writing for the majority found that Islamic phrases are in essence a copyrighted trademark of the Islamic religion. Therefore, use of the Islamic epithets by Ahmadis was equivalent to copyright infringement and violated the Trademark Act of 1940. The majority also found that use of certain Islamic phrases was equivalent to blasphemy. Ahmadis and some human rights monitors fear the Supreme Court judgment upholding the law will lead to more cases being brought against Ahmadis and possibly more rapid convictions.

Pakistani passports carry a designation of religion which the Ahmadis find especially vexing. Ahmadis are classified as "non-Muslims" on their passports, leading Saudi authorities to prevent them from performing the religious pilgrimage, the hajj. Despite having issued an order in 1992 requiring that a similar designation be included on the national identity card, the Government did not submit implementing legislation in 1993. Although the order has not been formally withdrawn, widespread protests in 1992 appeared to have persuaded the Government to abandon the proposal, which is a longstanding demand of fundamentalist religious parties.

Section 3

Respect for Political Rights:

The Right of Citizens to Change Their Government

The Constitution requires that the President and Prime Minister be Muslims. Members of minority religious groups are not permitted to vote in Muslim constituencies. They must cast their ballots in countrywide, at-large constituencies reserved for them in the national and provincial assemblies, an arrangement that has been widely criticized. Many Ahmadis, disputing their designation as non-Muslims, have refused to exercise this option. Minorities, especially Christians and Hindus, complain that this system of separate electorates has marginalized their voting power, allowing the local Muslim candidates to ignore them as a voting block. As a result, minority areas receive significantly less development funds and other government assistance. [Para 7].

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Religious Minorities

There is much discrimination against religious minority groups in employment and education, and several International Labor Organization bodies expressed concern in 1993 that Pakistani laws facilitate discrimination in employment based on religion. In Pakistan's early years, minorities were able to rise to the senior ranks of the military and civil service. Today, many are unable to rise above mid-level ranks. Because of the lack of educational opportunities for some religious minority groups, discrimination in employment is believed to be increasingly prevalent. Christians, in particular, have difficulty finding jobs above those of menial labor.

Officially designated as non-Muslims, Ahmadis in particular suffer from harassment and discrimination and have limited chances for advancement in the public sector. Young Ahmadis and their parents complain of increasing difficulty in gaining admittance to good colleges, forcing many children to go overseas for higher education. They complain that charges are often filed against them for the purpose of harassment or extortion and that the police will not accept their complaints when they and their property are attacked; few cases ever come to trial. Among religious minorities, there is a belief that the authorities, even if they do not prosecute them, afford them less protection under the law than is afforded Muslim citizens. There were several incidents in 1993 in which Ahmadis were physically assaulted by both police and civilians.

Many Christians continue to express the fear of forced marriage of Christian women to Muslims, although some human rights monitors believe the practice is relatively rare. Many Christians also believe they are subject to harassment by the authorities. They cite difficulty in obtaining permission to build churches and the blasphemy laws as primary examples.

http://www.thepersecution.org/ussd/us93_1.html

Excerpts from
United States Commission on Int'l Religious Freedom
Report on International Religious Freedom - May, 2005

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In carrying out its mandate, the Commission reviews information on violations of religious freedom as presented in the Department of State's [Country Reports on Human Rights Practices](#) and its *Annual Report on International Religious Freedom*. The Commission also consults regularly with State Department and National Security Council officials, U.S. Ambassadors, and officials of foreign governments, as well as with representatives of religious communities and institutions, human rights groups, other non-governmental organizations, academics, and other policy experts. It visits foreign countries to examine religious freedom conditions firsthand. The Commission also holds public hearings, briefings, and roundtables.
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Although the work of the Commission is conducted year round, the Commission compiles an annual report of its policy recommendations in May to the President, the Secretary of State, and Congress. This report covers the period from May 2004 – April 2005.

INTRODUCTION

Drawing Attention to Religious Freedom Violators

One of the Commission's chief statutory responsibilities is to make recommendations to the Secretary of State on countries whose governments have engaged in or tolerated systematic and egregious violations of the universal right to freedom of religion or belief. Under IRFA, those countries that meet the statutory criteria must be designated by the Secretary of State as CPCs. In May 2005, concurrent with the release of this report, the Commission wrote to Secretary of State Condoleezza Rice to recommend that 11 countries be designated as CPCs this year. It recommended that eight countries remain on the CPC list: Burma, China, the Democratic People's Republic of Korea (North Korea), Eritrea, Iran, Saudi Arabia, Sudan, and Vietnam. It also identified three countries not previously designated by the U.S. government: Pakistan, Turkmenistan, and Uzbekistan.

COUNTRIES OF PARTICULAR CONCERN AND THE COMMISSION WATCH LIST

Countries of Particular Concern: Commission Recommendations

Recommendations for Additional CPC Designations

In addition to the eight countries previously designated last year by Secretary Powell as CPCs, the Commission finds that the governments of Pakistan, Turkmenistan, and Uzbekistan have engaged in or tolerated particularly severe violations of religious freedom, and recommends that they be designated as CPCs this year.

- ▶ In **Pakistan**, the government does not provide an adequate response to vigilante violence frequently perpetrated by Sunni Muslim militants against Shi'as, Ahmadis, Hindus, and Christians. *Discriminatory legislation effectively bans many of the activities of the Ahmadi community. Blasphemy allegations, routinely false, result in the lengthy detention, imprisonment of, and sometimes violence against, Ahmadis and Christians as well as Muslims, some of whom have been sentenced to death.* Belated efforts to curb extremism through reform of Pakistan's thousands of Islamic religious schools appear to have had little effect thus far, and many of these schools continue to provide ideological training and motivation to those who take part in violence targeting religious minorities in Pakistan and abroad.

COUNTRY REPORTS: SOUTH ASIA

Pakistan

The response of the government of Pakistan to persistent sectarian and religiously motivated violence in Pakistan continues to be inadequate. In addition, official government policies, such as the anti-Ahmadi and blasphemy laws, frequently result in imprisonment and other violations of freedom of religion or belief. **The Commission continues to recommend that**

Pakistan be designated a “country of particular concern,” or CPC. To date, the State Department has not designated Pakistan a CPC.

Successive governments have severely violated religious freedom in Pakistan. Discriminatory legislation has fostered an atmosphere of religious intolerance and eroded the social and legal status of members of religious minorities. Government officials provide fewer protections from societal violence to non-Muslims than to members of the majority Sunni Muslim community. Perpetrators of attacks on minorities are seldom brought to justice. Belated efforts to curb extremism through reform of Pakistan’s thousands of Islamic religious schools continue to have little effect. Many of these schools provide ongoing ideological training and motivation to those who take part in violence targeting religious minorities in Pakistan and abroad. President Pervez Musharraf did ban a number of militant groups several years ago, but most of those have since reemerged, under new names, and have continued to function.

Sectarian and religiously-motivated violence, much of it committed against Shi’a Muslims by Sunni militants, is chronic in Pakistan. Ahmadis, Christians, and Hindus have also been targeted by Sunni extremist groups. In January 2005, a leading Shi’a cleric was seriously wounded by gunmen, sparking sectarian violence that killed 15. In March 2005 in Baluchistan province, the scene of recent tribal violence, a bomb killed 24 worshippers at the tomb of a Shi’a saint. Sunni Muslims are also victims of Shi’a militant groups. In the last two years, there has been an upsurge in anti-Christian violence, including fatal attacks on churches and other Christian institutions. In January 2004, a church compound that includes a Christian school for girls was bombed. On Easter 2005, gunmen attacked Christian worshippers as they emerged from services in a village church near Lahore, killing one man and injuring seven others. In April 2005, a Christian pastor and his driver were found dead in Peshawar; both had been shot, and the pastor had reportedly been mutilated. Police protection from these attacks appears ineffective, and rarely has anyone been successfully prosecuted for these crimes. Although arrests have been made, the case of the brutal murder of American journalist Daniel Pearl in early 2002, whose Jewish background was highlighted in a video of his decapitation by his Islamic extremist killers, is not yet fully resolved.

Ahmadis, who number three-four million in Pakistan, are prevented by law from engaging in the full practice of their faith. The Constitution of Pakistan declares members of the Ahmadi religious community to be “non-Muslims,” despite their insistence to the contrary. Barred by law from “posing” as Muslims, Ahmadis may not call their places of worship “mosques,” worship in non-Ahmadi mosques or public prayer rooms which are otherwise open to all Muslims, perform the Muslim call to prayer, use the traditional Islamic greeting in public, publicly quote from the Koran, or display the basic affirmation of the Muslim faith. It is also illegal for Ahmadis to preach in public, to seek converts, or to produce, publish, and disseminate their religious materials. Ahmadis have been arrested and imprisoned for terms of up to three years for all of the above acts, and they are reportedly subject to ill treatment from prison authorities and fellow prisoners. Because they are required to register to vote as non-Muslims, a policy that was reaffirmed by Pakistani government officials in February 2004, Ahmadis who refuse to disavow their claim to being Muslims are effectively disenfranchised. The one potentially positive development, the December 2004 abolition of the religion column in Pakistani passports, thereby, among other advances, enabling Ahmadis to participate in the hajj, was derailed the following March, when members of a government ministerial committee decided to restore the column. The decision reportedly came after religious parties demonstrated against the change. ***There continues to be no indication that the current government intends to institute any reforms to the anti-Ahmadi laws.***

Prescribed penalties for blasphemy include death for whoever “defiles the sacred name of the Holy Prophet Muhammad” and life imprisonment for whoever “willfully defiles, damages, or desecrates a copy of the holy Koran.” Blasphemy allegations, which are often false, result in the lengthy detention of, and sometimes violence against, Ahmadis, Christians, Hindus, and members of other religious minorities, as well as Muslims on account of their religious beliefs. The negative impact of the blasphemy laws is further compounded by the lack of due process involved in these proceedings. In addition, during blasphemy trials, Islamic militants often pack the courtroom and make public threats about the consequences of an acquittal. Such threats have proven credible, since they have sometimes been followed by violence. Although no one has yet been executed by the state under the blasphemy laws, some persons have been sentenced to death. Several accused under the blasphemy laws have been attacked, even killed, by vigilantes, including while in police custody; those who escape official punishment or vigilante attack are sometimes forced to flee the country. Others have died in police custody under allegedly suspicious circumstances. ***In December 2004, an Ahmadi was given a life sentence and a heavy fine for purported blasphemous statements.*** In January 2005, a Christian was acquitted of blasphemy charges; however, he remains in hiding due to death threats from extremists. *Following an abortive attempt in 2000 at introducing procedural reforms, the Musharraf government has made no further effort to reform, much less repeal, the blasphemy laws. Although they were amended in October 2004 with the aim of reducing the more maliciously applied charges, the procedural changes called for will not likely have a significant affect on the way the blasphemy laws are exploited in Pakistan.*

Pakistan’s Hudood Ordinances, Islamic decrees introduced in 1979 and enforced alongside the country’s secular legal system, provide for harsh punishments, such as amputation and death by stoning, for violations of Islamic law. The UN Committee Against Torture, as well as the UN Special Rapporteur on Torture, have stated that stoning and amputation do constitute inhuman or degrading treatment under international human rights standards and treaties. Although these extreme corporal

punishments have not been carried out in practice due to high evidentiary standards, lesser punishments such as jail terms or fines have been imposed. Rape victims run a high risk of being charged with adultery, for which death by stoning remains a possible sentence. In October 2003, the National Commission on the Status of Women in Pakistan issued a report on the Hudood Ordinances that stated that as many as 88 percent of women prisoners, many of them rape victims, are serving time in prison for violating these decrees, which make extramarital sex a crime and adultery a criminal offense. The Hudood laws apply to Muslims and non-Muslims alike.

The Commission's [May 2001 report](#) on Pakistan played a key role in highlighting to U.S. and Pakistan government officials the un-democratic nature of the Pakistani separate electorate system for religious minorities. In January 2002, the Pakistan government abolished the system of separate electorates.

In May 2004, Commissioner Richard D. Land testified on behalf of the Commission at a Congressional Human Rights Caucus briefing titled "[Pakistan: A Human Rights Update](#)." Commissioner Land discussed Pakistan's record on religious freedom and the Commission's recommendation to Secretary of State Colin L. Powell that Pakistan be designated a "country of particular concern."

Throughout 2004, the Commission continued to meet with representatives of the various religious groups in Pakistan, including Muslims, Ahmadis, and Christians, as well as with human rights organizations, academics, and other experts. Also in 2004, Commissioners received briefings from noted Pakistan experts on domestic developments in, and U.S. policy toward, Pakistan.

In addition to recommending that Pakistan be designated a CPC, the Commission has recommended that the U.S. government should:

- ▶ take the position that the existence and enforcement of laws targeting Ahmadis which effectively criminalize the public practice of their faith violate the right to freedom of religion guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;
- ▶ urge the government of Pakistan to implement procedural changes to the blasphemy laws that will reduce and ultimately eliminate their abuse;
- ▶ urge the government of Pakistan to take effective steps to prevent sectarian violence and punish its perpetrators, including disarming militant groups and any religious schools that provide weapons training; and
- ▶ support, in conjunction with other donors: (a) improvements in the public education system; (b) judicial reform and law enforcement training; (c) legal advocacy to protect the right to freedom of religion; and (d) educational programs in religious tolerance.

Source: <http://www.uscirf.gov/reports/12May04/finalReport.php3>

Related : [Review of the Annual Report](#)

VIII. PAKISTAN

A. Introduction

Although the government of Pakistan does not appear to be engaged in a systematic effort to persecute religious minorities, it is clearly not doing enough to adequately protect the religious freedom of all of its citizens. **Members of the Ahmadi religious community are prevented by law from engaging in the full practice of their faith.** Religious minority groups (including Christians, Ahmadis, and Hindus) complain that they are politically marginalized by a system of separate electorates, and that this system exacerbates other religious-freedom problems. The criminal laws against blasphemy are abused, resulting in detention of and sometimes violence against religious minorities as well as the targeting of numerous Muslims on account of their religious beliefs. Finally, there is a substantial amount of sectarian violence, largely targeting Shiite Muslims, committed by organized groups of religious extremists. [1]

General Pervaiz Musharraf, who took power in a military coup in October 1999, made some announcements early in his tenure that appeared to indicate that his government was going to begin to address some of these problems. Unfortunately, his government has, so far, failed to live up to many of the expectations that it had raised. *Moreover, it has been criticized in Pakistan for capitulating to, and thus emboldening, political and other societal forces that advocate policies that are antagonistic to the protection of religious freedom for all Pakistanis and the equal citizenship of all religious communities.* [2]

B. Religious Demography

The population of Pakistan is approximately 138 million. Official population statistics are based on the last completed census from 1981. A new census was conducted in 1998, but, as of the date of this report, the government has not released the results as they relate to the religious composition of Pakistan's population. Estimates place Muslims at approximately 97% of the population. Sunni Muslims predominate at 77%, while Shiite Muslims make up about 20% of the population. **According to the State Department, current estimates of the number of Ahmadis in Pakistan are between 3 and 4 million.** Christians and Hindus each constitute about 1.5 percent of the population. There are small numbers of Buddhists, Parsis (Zoroastrians), Sikhs, and followers of traditional tribal religions. [4]

C. Ahmadis

Ahmadis are followers of Mirza Ghulam Ahmad, who founded a religious community in the late nineteenth century in what was then British India. Although Ahmadis consider themselves to be Muslim, some Muslims in Pakistan hold the opposite view because of the Ahmadis' claim that their founder was a recipient of divine revelation and a prophet of God. This claim is believed by some Muslims to violate a basic Islamic tenet regarding the finality of the prophet Muhammad. **(1) This religious difference has been used in the past by certain Pakistani governments to justify a number of legal restrictions on the Ahmadis' practice of their faith.** [5]

In 1974, during the Zulfikar Ali Bhutto regime and after a number of days of debate in the National Assembly, a constitutional amendment was passed that declared Ahmadis to be non-Muslims for purposes of the Constitution and law. Beginning in 1984, a number of criminal provisions were promulgated that specifically targeted Ahmadis, essentially punishing any Ahmadi who "poses" as a Muslim. **(2)** [6]

Because the religious practices of the Ahmadis apparently are essentially the same as those of most Sunni Muslims, these legal prohibitions have the effect of a far-reaching ban on the public practice of their faith. As these laws have been interpreted and applied, it is illegal for Ahmadis to call their places of worship "mosques," to worship in non-Ahmadi mosques or public prayer rooms (otherwise open to all Muslims), to perform the Muslim call to prayer, to publicly quote from the Quran, to wear on their person the medallion carrying the Kalima which states the basic affirmation of the Muslim faith, to preach in public, to seek converts, to use the traditional Islamic greeting in public, and to produce, publish, and disseminate religious materials. **Ahmadis have reportedly been arrested for all of these acts.** [7]

The Ahmadis report that since 1984, approximately 3,000 individuals, including their current religious leader who lives in London, have been charged under anti-Ahmadi laws and/or with blasphemy or other religious offenses. As of December 2000, 11 Ahmadis were reportedly being detained under such charges, while approximately 20 others have been charged but are not in detention. The major Ahmadi religious organization has not been able to hold an official meeting since 1974. Ahmadis also report that they are prevented from advancing to high posts in the government and the military, and that they are unable to obtain government scholarships to, or sometimes even admission into, colleges and universities. In addition, Pakistani Muslims who apply for a passport must declare that they consider the Ahmadi founder to be an "imposter" and that his followers are non-Muslims. This means that Ahmadis are unable to obtain a passport or to travel abroad without violating their conscience, i.e. declaring themselves to be non-Muslim. (3) [8]

In the Ahmadis' view, the enforcement of criminal laws and other discriminatory measures against them is not primarily the result of a direct campaign of the current government or of widespread social enmity, but results from pressure by small groups of religious extremists on local government officials to initiate and prosecute cases against Ahmadis. However, the current government is criticized for not opposing the activities of these extremists or adequately supporting local officials in their efforts to resist such pressures. Recent incidents of violence against Ahmadis in October 2000 (discussed below) were attributed to the activities of these extremist groups, and to the atmosphere of intolerance that their activities - and the government's acquiescence - had created. In addition, given the alleged endemic corruption in the Pakistani legal system, the threat of prosecution under the anti-Ahmadi laws, like the blasphemy and many other laws, can be used to settle personal disputes that have nothing to do with religion. [9]

D. The Separate Electorate System for Religious Minorities

The representatives of Ahmadi, Christian, and Hindu religious communities that testified before the Commission and with whom the Commission delegation met in Pakistan were virtually unanimous in stating that this "separate electorate" system for religious minorities was the most significant problem that they faced, one that was at the root of many of their other religious-freedom problems, and thus eliminating the separate electorate was a necessary step in addressing those problems. Many asserted that this electoral system rendered religious minorities "second-class citizens" and placed them outside the mainstream of Pakistani political life; some termed it "religious apartheid." Moreover, it has the effect of completely disenfranchising the Ahmadis, as they reportedly do not participate at all in elections because they believe that to vote under the separate system is an explicit declaration that they are non-Muslims. [11]

Minority representatives consistently stated that they believed they would be better represented by Assembly members elected by the total voting population of a particular locality, even if the numerical strength of religious minorities prevented the direct election of Christian, Hindu, or Ahmadi legislators. (5) Under the separate electorate system, it is alleged that local Muslim legislators do not respond to the concerns of religious minorities in their districts, but would do so if they identified minorities as part of their constituency and had to rely on their votes. Also, religious minority representatives elected under the separate electorate are typically based in major urban centers, far away from the dynamics of local problems. Because many religious-freedom problems are asserted to be essentially local ones, such as the abusive enforcement of the blasphemy (see below) and anti-Ahmadi laws, and local intolerance, violence and discrimination, it is believed that having local representatives (regardless of their religion) who were responsive to local concerns would help prevent abuses and defuse tensions. Many minority representatives also believed that moving to a joint electorate might help set in motion a long-term political process that would ultimately reduce the enforcement of discriminatory laws and incidents of religious intolerance and violent extremism. [12]

One measure of the strength of the dissatisfaction of religious minorities with the separate electorate system is their conscious boycott of the recent phase of local elections held in December 2000. Notwithstanding what is alleged to be a promise made by General Musharraf to representatives of religious minorities to hold local elections with a joint electorate, the first round of elections for local governing councils employed a scheme of representation based on separate electorates. Acknowledging that minority communities had generally boycotted the local elections in protest against the separate electorate system, federal Minister for Local Government and Rural Development Omer Asghar Khan has reportedly asked the government and policymaking institutions to give serious consideration to introducing the joint electorate system in general elections (6). [13]

E. Abuses of the Blasphemy Laws

There appears to be widespread agreement among government officials, legal advocates, and leaders of many religious communities in Pakistan that the criminal provisions against blasphemy are being abused. The Pakistani Penal Code contains provisions dating from the British colonial period that punish words and acts intended to be injurious to religious feelings (of followers of any religion). During military rule under Zia ul-Haq, provisions were added that penalize defamation of the Prophet Muhammad (punishable by death), persons associated with the Prophet, and the Quran (7). [14]

Those who testified before the Commission and with whom the Commission delegation met in Pakistan describe the nature of these abuses in the following way. To initiate a blasphemy case, any person can file a First Information Report (FIR) at the local police station. By doing so in a public way, a crowd of angry persons can be assembled and the police will take the accused into custody, ostensibly (and at times sensibly) for his or her own safety. Once local feelings have been aroused, local officials are reluctant to release the accused before trial. The instigators of such charges (alleged to be almost always false) are reported to fall into three categories: **(1)** those who have a personal dispute with the accused that is unrelated to religion (but the blasphemy law is a convenient way to attack them); **(2)** representatives of small but active organizations characterized as "fundamentalists" and "extremists" that operate throughout the country that target "deviant" Muslims, Ahmadis, Christians, and other religious minorities for prosecution; and **(3)** local Muslim religious leaders who are either ideologically or organizationally aligned with or sympathetic to the aforementioned groups. [15]

Numerous Ahmadis, Christians, Hindus, and Muslims have been charged under the blasphemy laws. There has reportedly been an increase in recent years in abuses of the blasphemy laws against Muslim religious targets, including Sufis and Muslim religious scholars. **(8)** Blasphemy cases continue to be filed under the Musharraf government, and the [Human Rights Commission of Pakistan](#) reports that a total of 38 blasphemy cases were filed in the first 10 months of 2000 against **40 Ahmadis**, 26 Muslims, and six Christians. [16]

Many of those with whom the Commission consulted believed that abuses of the blasphemy law could be mitigated with a change in the procedure for registering, investigating, and prosecuting cases. Many believed that the proposal announced by General Musharraf in April 2000 to require an investigation and approval by the local Deputy Commissioner prior to allowing the filing of an FIR (and taking the accused into custody) would have been effective in curbing at least some of the abuses. **(10)** Others believed that the decision to move forward with a blasphemy arrest should rest with a central authority in Islamabad, because, as a local official, the Deputy Commissioner would still be subject to local pressures. Nevertheless, the government's reform proposal was withdrawn soon after it was announced, reportedly as a result of pressure from some Muslim religious groups. **An additional meaningful reform that was suggested to the Commission was that the most commonly-used blasphemy provision (i.e. Pakistan Penal Code sec. 295-A) should be removed from the list of crimes that are tried by the *special anti-terrorist courts*, where the accused has fewer procedural protections, and more restricted rights to appeal, than in normal criminal courts (11).** [18]

F. Religious Violence

In September and October 2000, there were two instances of deadly violence against Ahmadis. In both instances, Ahmadi groups were attacked at prayer and a total of 10 people were killed. In one case, the perpetrator was a local person who had a history of harassing Ahmadis - a possibly deranged individual who was known to, but not restrained by, the local authorities. He was reported to have incited an angry group of local people who subsequently destroyed the Ahmadi mosque. In the second case, the attack was carried out by a group of men unknown to the local community. Arrests have been made in at least one case. [22]

G. Commission Recommendations

3. The U.S. government in its bilateral relations with the Pakistani government should take the position that the existence and enforcement of laws targeting Ahmadis that effectively criminalize the public practice of their faith violates the right to freedom of religion guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The State Department should closely monitor the application and enforcement of laws targeting Ahmadis. The U.S. government should also urge the Pakistani government to effectively prevent discrimination against Ahmadis in government and military employment, and education. [27]

As described in detail above, laws targeting Ahmadis in effect criminalize the public practice of their faith. The existence and enforcement of these laws is a denial of religious freedom. Government officials that the Commission delegation met with in Pakistan expressed the view that the Ahmadis were free to practice their faith, as long as they did not claim to be Muslims. Without regard to the veracity of that view, such a condition is not consistent with the freedom to manifest one's religion or belief. Few question that Ahmadis sincerely consider themselves to be Muslim. When individuals sincerely refuse, as a matter of conscience, to accept a government determination of the character of their faith, it is a violation of religious freedom to expose those individuals to criminal penalties or to withhold important government benefits (such as a passport) from them. The U.S. government should express this concern to the Pakistani government and, in that connection, closely monitor the application and enforcement of laws targeting Ahmadis. In addition, regardless of the Ahmadis' status as Muslims or non-Muslims as far as the Constitution of Pakistan is concerned, or that community's acceptance of that decision, there can be no

legitimate justification for the official discrimination to which they are reportedly subject. The U.S. government should therefore urge the Pakistani government to take effective steps to prevent discrimination against Ahmadis. [28]

4. The U.S. government should urge the Pakistani government to implement procedural changes to the blasphemy laws that will reduce and aim at ultimately eliminating their abuse. The State Department should monitor the application and enforcement of the blasphemy laws. [29]

Abuse of the blasphemy laws is a problem that successive Pakistani governments have identified as such, but have yet to address in an effective manner. (14) As a result of this failure, Muslims (particularly non-Sunni Muslims), Christians, Ahmadis, and others have been charged as criminals, tried in special anti-terrorist courts, and punished for the public expression of their religious beliefs and because of their religious identity. In addition, private citizens are using the Pakistani legal system as a weapon of intolerance and discrimination, and to settle personal disputes - a problem not limited to the blasphemy laws. The U.S. government should urge the Pakistani government to take effective steps to reduce abuses of the blasphemy laws, including procedural reforms that will limit, and eventually eliminate, those abuses. In order to draw the attention of the Pakistani government to particular instances or patterns of abuse, the State Department should continue to actively monitor the application and enforcement of the blasphemy laws. Some representatives of religious minorities in Pakistan have expressed the view that public, international attention given to individual blasphemy cases can be counter-productive and potentially lead to violence. The State Department should take this concern into consideration in choosing the most effective way to advocate with the Pakistani government on this issue. [30]

1 There are two separate groups of Ahmadis: the Qadiani group (Qadian, in India, was the place where Ahmadis were concentrated before partition) and the Lahori group. The Qadianis believe that the founder of the movement was essentially a prophet of God. The Qadianis are by far the larger of the two groups, and they have adherents all over the world. Their spiritual leader is currently in London. The Lahori group, smaller in number and generally living in the area around Lahore, do not consider the founder of the Ahmadis to be a “prophet (nabi)” as such, but a “reformer (mujaddid).” Despite this distinction, the Lahori group is subject to the same legal restraints as the Qadianis and they report the same problems.

2 In 1984, Sections 298-B and 298-C were added to the Pakistan Penal Code. Section 298-B prohibits Ahmadis from using certain descriptions and titles that are references reserved to the Prophet Muhammad in either spoken or written form, with any other person. It also prohibits Ahmadis from calling their place of worship masjid or their call to prayer an azan. Section 298-C prohibits Ahmadis “from calling themselves Muslims or posing as Muslims; from referring to their faith as Islam; from preaching or propagating their faith; from inviting others to their fold and from insulting the religious feelings of Muslims.”

3 One of the declarations on the passport application in the case of Muslims reads: “*I consider Mirza Ghulam Ahmad Qadiani to be an imposter nabi [i.e. prophet] and also consider his followers whether belonging to the Lahori or Qadiani group to be non-Muslim.*”

5 Some in Pakistan argue that if the joint electorate fails to produce adequate representation for religious minorities, additional Assembly members can be selected or appointed; however, in their view, the principle of the joint electorate should not be sacrificed to achieve this result.

6 The Dawn, January 2, 2001. As a result of the “conscious boycott” of minorities in Pakistan all the non-Muslims who filed their nominations for the contest were returned unopposed in 16 to 18 districts. The number of those returning to these councils without contest is 383 in the Punjab, 96 in Sindh, 31 in (NWFP) North West Frontier Province and three in Baluchistan Provinces. The total number of seats in these provinces is 550, 205, 135, and 67, respectively. Electronic correspondence from Father James Channan, Lahore.

7 Offenses in the Pakistan Penal Code touching on blasphemy include performing acts or uttering words intended to outrage or wound the religious feelings of others (secs.295-A and 298); blasphemy against the Prophet Muhammad (sec. 295-C); defiling a copy of the Quran (sec.295-B); and making derogatory statements concerning other Muslim holy personages (298-A).

8 Sufi figures arrested under the blasphemy laws include Shaykh Muhammad Yusuf Ali and Ahmed Gohar Shahi. Shaykh Yusuf Ali was convicted of defiling the name of Prophet Muhammad. In January 2001, the Supreme Court of Pakistan refused on technical grounds to hear his bail petition. Ahmed Gohar Shahi is the leader of a Sufi sect called Anjuman Sarfrosch-e-Islam. He was convicted in absentia because in one of his publications he claims that his face appeared on the Kaaba of Mecca. Gohar Shahi fled to England, allegedly because of the blasphemy accusation against him. Several of his followers are currently in jail for or charged with blasphemy law violations. Dr. Yunus Shaykh, an Islamic scholar was arrested in October 2000 because of statements he made about the Prophet Muhammad and his early wives. Pakistani government officials with whom the Commission delegation met cited Dr. Shaykh's case as an example of abuse of the blasphemy laws. 

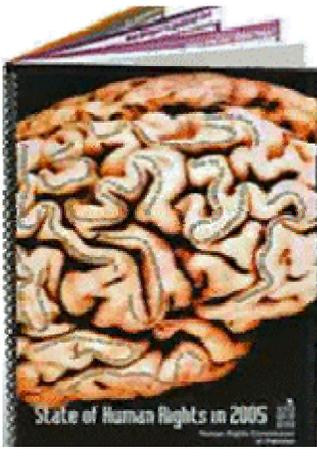
10 Some hoped that if effective procedural reforms were implemented, enforcement attempts would dwindle and the laws would fall into disuse, as they have in certain European countries that still have blasphemy laws on the books. 

11 In its meeting with the minister for Religious Affairs, the Commission delegation was told that the official Council on Islamic Ideology was considering a proposal to amend the blasphemy laws to include a specific punishment for intentionally filing false charges because filing such charges is contrary to the injunction of Islam. Apparently, there is already a similar provision that applies to all offenses in the Penal Code. This existing provision has reportedly not helped to reduce the types of abuses described above. 

14 The Dawn, 14 January 2001. 

[End of Document]

Source: <http://www.uscirf.org/reports/01May01/pakistan.php3>



Excerpts from "State of Human Rights in 2005" Human Rights commission of Pakistan

Introduction

Lack of respect for basic democratic rights; increased ruthlessness in crushing dissent; a disturbing determination to keep governance secret and the emergence of dangerous new trends, such as the 'disappearances' of more and more people across the country marked the human rights environment during the first eight months of 2005 and the last two of 2004.

...

The worsening climate of intolerance aggravated the situation for non-Muslim citizens. Ahmadis faced the worst discrimination and remained effectively disenfranchised. HRCP continued to demand the joint electorate be fully restored. There was also an increase in attacks on minority places of worship, with the impunity available to culprits encouraging only more such outrages across the country. The misuse of blasphemy laws, and in at least one instance the murder of an accused man by a frenzied mob, highlighted the dangers presented by the growing bigotry and hatred in society.

NOTE: HRCP's annual report has been finalised a few months earlier than usual, in response to requests made to HRCP from various organizations and individuals within and outside the country. It covers the period between November 1st, 2004 and August 31st 2005. Our next report will cover events that took place during the remaining period of 2005 and upto August 31, 2006.

Kamila Hyat
Editor

Highlights

■ **Freedom of thought, conscience and religion**

- ▶ Attacks on non-Muslim citizens across the country increased. Such attacks came in the form of 'fatwas', attempts to burn down places of worship and the abduction or harassment of members of minority communities.
- ▶ **Ahmadis remained effectively disenfranchised and faced continuing violence and discrimination.**
- ▶ Over 100 people died in sectarian violence across the country, including unrest that persisted for months in the Gilgit and Skardu areas.
- ▶ Expanded intolerance in society was demonstrated by the continued accusations under blasphemy laws, and the murder of an accused person in Nowshera by a frenzied mob.

- ▶ There were some positive developments, including the decision to allocate land in Lahore as a funeral site for the city's Hindu community.

Rule of Law

Administration of justice

Cases on religious grounds

Against Ahmedis

| Sr. Name /s | Distt. / City | U/S | P.S. | Date of occurrence | Allegation | Arrest/ Jail | Remarks |
|--|----------------------|--------------------------|----------------|--------------------|---|--------------|--|
| 01. Ijaz Ahmad, Latif, Iqbal Ahmad, Yasin | Vehari/Chak No. 21-B | 298/C | Machiwal | 22-02-2005 | Preaching | Arrested | |
| 02. Akbar Ahmad | Multan | 298/C | Seetal Mari | 21-5-2005 | Preaching | No | Living abroad |
| 03. Razaq | Jhang / Shorekot | 295/A 298/C | Shorekot City | 29-03-2005 | Preaching | No | Teacher suspended from job. |
| 04. Rana M. Ashraf | Sialkot Pasrur | 295/C | Kararwala | 03-03-2005 | Insulted the Holy Prophet (PBUH) | | |
| 05. Mubarik Ahmad | Umerkot | 298/C | Shah di puli | 10-3-2005 | Preaching | No | Granted bail before arrest by H. C. |
| 06. Sanaullah, Nasir Ahmad, Younas, Sultan, Javed Ahmed, Mushtaq Ahmed, Ishfaq Ahmad, Zafarullah, M. Nawaz | Bahawalpur | 295/C | Sadar Hasilpur | 17-06-2005 | Insulted the Holy Prophet (PBUH) | | |
| 07. Sultan Ahmad, A. Sami Khan, Agha Saifullah, Khalil Ahmad, Qamar, Khurshid Ahmad, Fareed Ahmad, Naveed Qamar Ahmed, Mehmood, Aziz Ahmad, Mansoor Ahmad, Syed Mubashar Ahmad, A. Manan, Kausar | Jhang, Chanab Nagar | 298/C 298/B 16 MPO | Chanab Nagar | 15-08-2005 | Preaching and used Islamic expressions. | Arrested | Accused person are publishers and printers of different magazines. Police sealed the press (later on the press was de-sealed). |

Fundamental freedoms

Freedom of thought, conscience and religion

... It is the will of the people of Pakistan to establish an order ... wherein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality

Constitution of Pakistan

Preamble

Subject to law, public order and morality (a) every citizen shall have the right to profess, practise and propagate his religion; and (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

Article 20

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 18

No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

No one shall be subject to discrimination by any state, institution, group of persons, or person on the grounds of religion or other belief.

UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
Articles 1(2) and 2(1)

Across the country, attacks on religious minorities increased. The attacks came in the form of ‘fatwas’ threatening non-Muslims with death, in the form of attacks on temples, churches and other places of worship and in the form of the increased kidnapping of members of minority communities.

Even more disturbing than the attacks themselves was the failure of authorities to act under applicable laws against the culprits. This policy spurred on further intolerance, despite official claims to the contrary, and increased feelings of insecurity among non-Muslim citizens. The material included in some text-books contributed towards the bias against religions other than Islam, while *a minor amendment made in the blasphemy law late in 2004, requiring police to investigate any incident before arresting anyone for blasphemy, was frequently ignored.* Minority communities remained vulnerable to charges of blasphemy, while demands from Christian leaders that charges of blasphemy also be extended to attacks on the religion or religious personalities central to faiths other than Islam went unheeded.

Social and economic discrimination continued. *The Ahmadis, who faced persecution under specific laws, were the worst affected, facing multiple threats to life and property.* There was also increased evidence that Ahmadis, and indeed all non-Muslims, were increasingly denied equal access to jobs and education. In more and more cases, blasphemy laws, to which members of minority communities were especially vulnerable, were used to settle property, monetary or personal disputes.

Discrimination by State

Acts of discrimination by the State and its agencies most severely affected the rights of non-Muslims.

While the joint electorate was, according to the Election Commission of Pakistan (ECP), restored for the local government polls, in practice lists for minority voters were maintained separately. *The listing of Ahmadis on a separate list, a move the community leaders protested since it categorised them as non-Muslims, meant Ahmadis boycotted polls, and the community was, as such, effectively disfranchised. ... In March, the* column requiring passport holders to state their religion was restored in Pakistani passports, amid strong protests from minority rights groups, and also other citizens. These groups argued that by including a column on religion in passports, the document in fact became a certificate of religious belief, and a possible ground for discrimination. The column on religious belief had been eliminated when new, machine-readable passports were introduced in 2004, as part of measures to bring travel documents in line with internationally-set standards. The elimination of the column drew fierce criticism from religious parties, and also members of the Pakistan Muslim League (PML), the largest party within the ruling coalition. The party’s president, Chaudhry Shujaat Hussain, was among those who assured religious leaders it would be restored. A five-member ministerial committee, headed by Defence Minister Rao Sikander Iqbal, early in the year advised the column be reintroduced with a decision to his effect adopted by the federal cabinet a few weeks later. It was also decided the religion of the holder would be stamped onto passports that had already been issued without the column.

The Hasba Bill, passed in July in the NWFP, setting in place a ‘Mohtasib’ (ombudsman) to curb maladministration and guard public morality and etiquette in the province and to ensure Islamic values were respected, was also perceived by minority communities as a potential tool for further harassment. In August, the Supreme Court — after a constitutional reference filed by President Pervez Musharraf — ruled that some clauses of the controversial Bill were unconstitutional, and advised the NWFP Governor not to sign it.

Leaders of minority communities pointed out that while National Assembly seats had been increased from 200 to 332, the reserved seats for minorities had not been increased. They demanded that the ten reserved seats be increased in proportion to the population growth of minority communities, and also sought improved representation for non-Muslims in government service.

Various incidents were reported during the year of attacks on the holy places of minorities, on members of these communities or of attempts to incite hatred against them. The State remained a silent witness in almost each case, with this impunity available to perpetrators encouraging other outrages **[See sections on Ahmadis, Hindus and Christians]**.

Growth of intolerance and curbs on religious freedoms

...
In its report for 2004, released in May, the US Department of State committee on international religious freedoms observed police in Pakistan often failed to act against those guilty of harassing or inflicting violence on members of minority groups. It also noted provisions of the penal code prohibited Ahmadis from engaging in any Muslim practices, including using Muslim greetings, referring to their places of worship as mosques, reciting Islamic prayers, and participating in the Haj or Ramadan fast. Ahmadis were under these laws prohibited from proselytizing, holding gatherings, or distributing religious literature. Government forms, including passport applications and voter registration documents, required anyone wishing to be listed as a Muslim to denounce the founder of the Ahmadi faith. Ahmadis were frequently discriminated against in government hiring and in admission to schools.

☛ Ahmadis

As in previous years, Ahmadis faced the worst discrimination, both by State and by other actors in society.

Laws specific to Ahmadis prevented the community from calling themselves Muslims, calling their places of worship mosques, worshipping in a mosque or other public place, reciting publicly from the Holy Quran or making any other affirmation of the Muslim faith to which they professed they belonged. The threat of blasphemy remained particularly severe for the community. Ahmadis remained effectively disfranchised, while the sealing of their places of worship in several incidents added to the hardships faced by the community. **[See also section on Intolerance in Society]**.

Some of the worst incidents reported during the year were as follows:

- In Lahore, in January, Dr. Mansur Ahmad Waqar was targeted apparently by anti-Ahmadi religious extremists. His clinic was burned down and equipment and records destroyed. Despite Dr Mansur's claims of an arson attack, no case was registered by police and no investigation conducted.
- Another Ahmadi doctor, Dr Mubashair Ahmad, survived an alleged murder attempt in May in the Gujrat District, where he was attacked by four armed men outside his clinic at night. The incident was reported to the police.
- In February, an Ahmadi youth, Nasim Ahmed, enrolled at an educational institution in Lahore, became embroiled in a heated discussion with some of his classmates. Subsequently, he was allegedly poisoned by these class-mates and survived only after being rushed to hospital. His family claimed that after this incident, Nasim Ahmed suffered acute depression and was admitted to a mental institution. Approximately two months later, local Muslims arrived at his home and told his parents that he had in fact converted to Islam. They accused them of wrongfully confining their son in the mental institution. This led to a court hearing. The court dismissed the case. In the immediate aftermath of the hearing, local Muslims tried to kidnap Nasim Ahmad, but failed after police intervened to protect the family. They were subsequently forced to shift out of Lahore.
- Abdur Razzaq suffered a severe beating in March, in the town of Kakki Nau in Jhang district. He was also charged under Sections 295, 295A and 298C of the Pakistan Penal Code for converting to the Ahmadi faith. Razzaq, according to reports, had converted, and then enraged a local cleric by urging him to study the Ahmadi faith.
- On April 21, 2005, three Ahmadis were sentenced to death after being convicted of killing Muhammed Amir, alleged to be an anti-Ahmadi extremist and his son, Shabbir Hussain, in Gujrat in 2003. Ahmadi organizations maintained evidence produced at the trial was falsified.
- In June, a sessions judge in district Sialkot ordered the sealing of an Ahmadi place of worship in Khiva Bajwa, Sialkot, on the appeal of a local cleric. Hearings into the matter were continuing, but Ahmadis feared the building could remain sealed for months or even years, as had happened in similar cases in the past.
- Munir Ahmad, a recent convert to the Ahmadi faith, was brutally murdered in Rahwali in the Punjab in July 2005. He was reportedly stabbed multiple times by his nephews who stormed his house and also chopped off Mr. Ahmad's

wife's hand. Their daughter also sustained injuries in the attack. In another case of conversion, this time in the Leiah district, Mohammed Imran was beaten up by his family for changing his faith. His father subsequently disinherited him.

[In early October, eight Ahmadis were killed and 20 injured when four gunmen on motorcyclists entered a place of worship in village Mong, near Mandi Bahuddin, and opened indiscriminate fire on those present].

Ahmadis were repeatedly prevented from holding public meetings in Rabwah (renamed Chenabnagar), while complaints of discrimination in admissions to educational institutions, in employment and in promotions came in through the year. Ahmadi publications in Jhang were temporarily banned during the year. Handbills and pamphlets distributed in various cities urged consumers to boycott items produced by Ahmadi manufacturers, while evidence of the deep-lying bias against the community was also reflected in some Press and television reports.

Victims of blasphemy laws

As in previous years, Muslims most often fell victim to blasphemy laws, which were used with increased frequency as a means to settle personal or monetary scores.

There was no evidence that a minor amendment made in the blasphemy laws in October 2004 had any impact in preventing its misuse. Under the amended law, the police was required to investigate allegations before charging and arresting anyone, but this in most cases did not happen, as in Nowshera in June when a Christian was charged with blasphemy on the basis of accounts provided by children.

It was also obvious that police made no efforts to protect people accused of blasphemy. In one of the worst incidents reported during the year, Ashiq Nabi, of village Spin Khak in Nowshera, *was killed by a mob of villagers after remaining on the run for several days* in April. After charges of blasphemy, and the issuing of a .fatwa. by a local cleric in April, he and his family had feared he would be killed. The charges against Nabi, who a HRCF fact-finding team comprising leading lawyers, activists, journalists and reserachers, found suffered mental ill-health, stemmed from an incident during a quarrel with his wife. Nabi was accused of hurling the Holy Quran to the floor. His wife, apparently the sole witness to the incident, denied this. Nabi himself was reported to have repeatedly sought forgiveness after he was forced to flee his home and hide in fields for days. The HRCF team, that visited Spin Khak in May, days after the mob killing, found many people seemed uncertain of the facts but had been spurred on by the mob frenzy that developed after the issuance of the 'fatwa'.

In August, an anti-terrorism court in Karachi sentenced Younis Sheikh, 40, to death for writing a book titled 'Shaitan Maulvi' (Satanic cleric). Sheikh had been arrested early in 2005 under blasphemy laws. It was alleged some of the contents of the book were blasphemous.

In a study by the Justice and Peace Commission of the 647 blasphemy cases reported in the media since 1988, it was noted that nearly 90 cases were against Christians. This was despite the fact that Christians accounted for less than three percent of Pakistan's estimated 162 million population — 95 per cent of whom were Muslim. Calls from HRCF and other organizations to scrap blasphemy laws or at least introduce major amendments to prevent their abuse as a means of harassment and intimidation, went unheeded.

Recommendations

1. *All laws that discriminate against minorities and provide legal sanction for such discrimination must be scrapped. These include the continued separate electoral lists. A single list for all voters must be put in place, as a means to end discrimination and the growing sense of social divide. The column on religious belief should also be eliminated from passports, as it can serve no useful purpose while acting as a potential tool of harassment.*
2. *The increased threat to the life and welfare of minority groups by militants, and the growing discrimination they face, cannot be tackled by expanding policing alone. Holistic policies, aimed at upgrading the declining status of non-Muslims and tackling the issue of intolerance and militancy through broad-ranging reforms, need urgently to be put in place to avoid a further loss of life.*
3. *Ahmadis should be granted the right to profess and practise their faith, as equal citizens of the country. Specific laws against them should be done away with while acts of discrimination by authorities must be halted.*
4. *Those guilty of violence against minority communities or of instigating others to carry out attacks, whether through sermons, pamphlets, posters or any other means, must be acted against under relevant laws. The failure*

to penalise those carrying out such acts is encouraging attacks on minority communities and their places of worship. Minority groups must be given the full protection of the law.

5. *Those accused under blasphemy laws must be protected both within and outside jails. The basic flaws in the law have not been resolved through the amendment made in October 2004. Capitulating to pressure from those threatening violence and failing to make essential changes in the law can only encourage the forces of obscurantism.*
6. *The judiciary at all levels, district administrations and law enforcers must be made aware of the need to protect minority groups under the law and avoid falling victim to prejudices against them. The hasty registration of cases frequently encourages orthodox groups to initiate further such action and thus worsening the situation for minorities.*
7. *Sectarian violence must be curbed by enforcing laws against the keeping of arms, stopping the training of militants and checking the growth of bias based on religious belief.*
8. *In view of the increasingly dangerous situation in the country, efforts must be made to build an environment of greater tolerance. Incorporating material on the rights of minorities in school curriculums, providing more public space to the various schools of Islamic thought adhered to by many in the country, that are opposed to the orthodox interpretations imposed by militant groups and encouraging debate and discussion at all forums can all form a part of such a strategy. Material in text-books that is in any way biased against religions other than Islam or promotes one Muslim sect over the other, must be removed.*
10. *Forced conversions and undue pressure on members of minority communities to convert, must be halted. All citizens of the country, regardless of belief, also need to be protected from discrimination, intimidation or harassment of all kinds.*

Freedom of expression

Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restriction imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court or commission of or incitement to an offence.

Constitution of Pakistan
Article 19

Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Universal Declaration of Human Rights
Article 19

Restraints on Press freedoms

...

In August, Jhang police confiscated copies of a daily newspaper, 'al-Fazl' and a monthly magazine and sealed two printing presses belonging to members of the Ahmadi community in Rabwah (renamed Chenabnagar), apparently on the grounds of preventing the spread of religious hatred. The presses were handed back to the owners a few days later and publication resume

Human Rights Commission of Pakistan

Excerpts from State of "Human Rights in 1997"

These extracts, to some extent, describes the situation of Ahmadi Muslims in Pakistan. Please read them and judge the mental & moral level of the opponents of Ahmadi Muslims.

1. **These are only a few cases which were known** to "Human Rights Commission of Pakistan". Ahmadis charged under the blasphemy law **295-C** (The law that only prescribes death punishment) for reciting Kalima Tayyaba "La Elaha Illalah Muhammad ur Rusoolullah" i.e. There is none worthy of worship except Allah and Muhammad is His messenger" & verses of the holy Quran. The same when recited by other Muslims is considered as part of worship.

a) "Eleven fresh cases were initiated against 32 members of the Ahmadiya community during the year under blasphemy and related laws. Two of them - *including a 16-year old boy* - were booked under 295-C (and other sections). The case of this boy, Anis-ur-Rahman, of Sanghar (Sindh), throws light on the methods adopted by Ahmadi-baiters to prey on their victims. An anti-Ahmadi activist, Mulla Hamadi, sent one of his pupils to talk to Anis about the Islamic kalima. Anis said the Ahmadis followed the same kalima. A few days later the man, alongwith three other persons (obviously to act as witnesses) approached Anis and again discussed the kalima. Soon they started protesting that Anis was violating the law by reciting the kalima. They went to the police to register FIR and when the police hesitated to do so for several days a demonstration was organized. Eventually a case under *blasphemy and terrorism* was registered against Anis." [Page 71 & 72]

b) "Advocate Atiq Ahmed Bajwa, a former president of the Vehari Ahmadiyya community, was traveling in his car when he was chased by a bearded gentleman on a motorbike. *He had 18 bullets pumped into him*. His driver too was killed. Five years earlier he had been charged and arrested under blasphemy law for reciting the holy Quran but was able in the end to obtain release." [Page 140]

2. **Another Case under blasphemy, a sheer cruelty**

"The court's intervention was rarely favourable to the Ahmadis, and when it was, it was not always effective. The additional sessions judge of Sheikhpura in December 1997 sentenced Abdul Qadeer, Muhammad Shahbaz and Ashfaq Ahmad to *25-year imprisonment and Rs. 50,000 fine each* under the blasphemy law. They were originally charged, nine years ago, with derogatory remarks (according to complainant) against holy personages of Islam - which, under Section 298-A, carried a maximum punishment of 3-year imprisonment or fine or both. *Six years later the magistrate decided that it was in fact blasphemy* against the Prophet which, under section 295-C, carried death penalty." [Page 139]

Under detailed report of the same case it is mentioned that:

"...A case under sec. 298-A PPC was registered the same day. For six years the case was heard by a magistrate. When the proceedings were near conclusion a petition was made on behalf of the complainant party to raise the charge to 295-C PPC. The magistrate referred the case to a court of sessions. In May 1997 the sessions judge sent the case back to the magistrate with the opinion that sec. 295-C was not applicable. The magistrate again referred the matter to the sessions judge (a different one) who agreed to the application of sec. 295-C, and his view prevailed. The defence efforts to get the case quashed by superior courts failed and on Dec 2, 1997, the additional sessions judge gave his judgment. In his judgment the ASJ recalled the order of the magistrate to the effect that instead of falling under sec. 298-A PPC the offence fell under sec 295-C which was punishable with death or imprisonment for life. (*Under sec. 295-C the only sentence prescribed is death.*) The judge noted that the record had proved the presence of 'certain hot-headed and emotional Muslims amongst the complainant side, who aggravated the situation.' This lessened the gravity of the offence and was a mitigating circumstance that persuaded the court not to award death sentence. The defendants had denied the charges against them and termed the prosecution case as false and concocted. According to them the family of Shahbaz and Ashfaq belonged to the Ahl-i-Hadith sect before converting to Ahmadiyat in 1984-85 (a few years before the alleged occurrence). The complainant and two prosecution witnesses belonged to Ahl-i-Hadith and had acted out of malice after having failed in their attempts to persuade the defendant's family to renounce the Ahmadi creed, they had maintained." [Page 70 & 71]

3. **Some Other examples of cruelties against Ahmadi Muslims**

a) "In Khushab a case registered four years ago against the medical officer of the government hospital in Noorpur Thal had accused him of preaching Ahmadiyah at an iftar party and converting one person, *During investigation, the complainant had the police add the charges of blasphemy and disturbance of the peace (295-C and MPO-16)*, The doctor, Mohammed Akhtar Majoka, was arrested, then released on bail. The complainant appealed for cancellation of the bail. The LHC (Lahore High Court) dismissing the application wrote; **"There is nothing on the record to justify the addition of these offences. There is no word in the FIR attracting the ingredients of Section 295-C PPC. This prima facie was done without any legal basis."** Dr. Majoka then went to the sessions court to ask that the charge against him under 295-C now be dropped, but his petition was dismissed. The additional sessions judge proceeded to frame charges against him both under 298-C (an Ahmadi preaching his faith) and 295-C." [Page 139]

b) "Dr. Saeed Ahmad of Chak 61/RB Faisalabad was arrested under 298-C. When he applied for bail the **magistrate told him that he could even be charged with 295-C**. On appeal the sessions judge too rejected his bail." [Page 139]

c) "Malik Mohammad Iqbal, an Ahmadi of Narang Mandi, had married a Muslim cousin. His in-laws belatedly realising the inadequacy of the match had him arrested for preaching his faith (298-C) and for wrongful relations with their daughter (Hudood Ordinance). The sessions court rejected his bail application, but later, in April 1997, LHC accepted it, when he had been six months in detention."

d) "In another case of conversion, in Hafizabad, Muhammad Ashraf Janjua found himself disinherited from family property and, on his father's complaint, arrested for preaching his faith."

e) "Wasim Ahmad of Faisalabad, held on the same charge, was also refused bail."

f) "In Sanjwal, Naseer Ahmad got his bail but he got transferred to Wah Cantt, had his marriage declared void, and received daily threats to his life." [Page 139]

g) **"Dr. Saeed Ahmad of Faisalabad was accused of preaching Ahmadiyah (298-C) in April, but the magistrate also added the charge of blasphemy (295-C) and the doctor remained in jail without trial and without bail."** [Page 139]

h) "Rana Irsal Ahmad was jailed in late 1992 on a charge of blasphemy but released by the high court three months later. The pursuit of him continued. *His brother was murdered, he himself escaped a murder attempt, his father was abducted, beaten up and left for dead.* Late in 1997 his case was transferred to a special court under the **Anti-Terrorism Act**." [Page 140]

i) "A century old Ahmadi place of worship in Dalmial in Chakwal was ordered by the civil magistrate into the custody of Muslims." [Page 140]

j) "Bashirul Haq and Bashir Ahmad of Patoki, Kasur, Were charged under sections 295-A and B for hanging an inscription of Kalima Tayyaba (i.e. There is none worthy of worship except Allah and Muhammad is His messenger) in their shops. The magistrate granted them bail, but when the locals raised an outcry he canceled it." [Page 140]

k) "When an Ahmadi in Mansehra went to the court complaining of his house having been raided, his dish antenna broken up, and the Ahmadi graves desecrated, the complaint was dismissed, and following it there was much rejoicing in the streets mocking the Ahmadi." [Page 140]

l) "If a court verdict is favourable there were ways of defying it, as mullah Allah Yar Arshad of Rabwah showed. He was asked to vacate an illegally occupied property. But on the bailiff's arrival he collected a crowd, caused a medley and even created a fire. The police then intervened. Meanwhile the mullah had the mosques in nearby Chiniot announce that the Ahmadis in Rabwah had attacked Muslim homes, set some on fire, and even burnt the holy Quran. The media too splashed that 'news'. The original issue got buried." [Page 140]

m) "Dr. Nazeer Ahmad of Dhonki in Wazirabad was kidnapped from his home and his **dead body** discovered the next day. *He was reputed to give free treatment and medicine - even meal and bus fare - to the poor population of the area who thronged to his small clinic.* This was seen by those unhappy with his popularity as a ploy to attract simple people and convert them to Ahmadiyah." [Page 140]

4. Ahmadis put behind the bars for four years for saying "Asalam-o-alaikum", (i.e. Islamic words of greeting that means 'Peace be upon you')

“Two Ahmadis, Bashirul Haq and Javed, facing trial since 1993, however, did get relief from the supreme court and were granted bail. Before passing its order the court asked the state counsel whether Queen Elizabeth (who was then on a visit to Pakistan) would be arrested for saying ‘Assalam-o-Alaikum’. (The use of Islamic epithets by Christians, Hindus, agnostics, etc., is not an offence, their use by Ahmadis is.)” [Page 71]-----

<http://www.thepersecution.org/hrcp/hrcp05.html>



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News

AMNESTY INTERNATIONAL

Public Statement

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Pakistan: Killing of Ahmadis continues amid impunity

Amnesty International fears that the perpetrators of Friday's attack on an Ahmadi mosque may go unpunished and attacks will continue unless the Pakistan authorities respond quickly to bring the perpetrators to justice and take steps to protect Ahmadis against future attack.

The continued violence against the Ahmadiyya community in Pakistan has again been illustrated in an attack on worshippers in a mosque in the village of Mong, near the town of Mandi Behaaddin in Punjab Province, on 7 October 2005. Eight people were killed and at least 18 injured in the attack.

Police have reported that three masked men approached the mosque on a motorcycle before entering the mosque and attacking those gathered for Friday prayers. Witnesses report that the men then escaped on the motorcycle leaving eight people injured, many people crying and covered in blood.

Police investigations of previous targeted killings of Ahmadis in Pakistan have been slow or have not taken place at all. In many cases the perpetrators have not been brought to justice. Amnesty International believes that the government's consistent failure to investigate attacks and killings of members of religious minorities fails to discourage further human rights abuses against such groups. The right to freedom of religion, as laid down in the Pakistani constitution and in international human rights law, must be made a reality for all religious minorities in Pakistan.

Over the years Amnesty International has been informed of numerous targeted killings of Ahmadis, usually carried out with impunity. In some cases, the targeted Ahmadis themselves were subjected to criminal charges. In one incident in October 2000, eight Ahmadis were murdered in the village of Ghatialian, Sialkot district, in an incident similar to that of 7 October 2005. In October 2000 gunmen opened fire on Ahmadis while they were gathered at a mosque for worship. Five Ahmadis who witnessed the attack and reported the incident to the police, along with 21 other Ahmadis, were arrested and charged. They are still serving life sentences for what Amnesty International believes to be false charges. None of the gunmen have ever been arrested or brought to justice.

Background

Ahmadis are considered heretical by orthodox Muslims in Pakistan but see themselves as Muslim. The Ahmadiyya community was declared non-Muslim in Pakistan in 1974 and a number of laws were subsequently passed which made it a criminal offence for Ahmadis to profess, practice and preach their faith. Dozens of Ahmadis have been charged with offences, including calling for prayers, preaching their faith or calling their place of worship a 'mosque'. Several have been charged with blasphemy under section 295C of the Pakistani Penal Code (PPC), which carries the mandatory death sentence. So far all death sentences for blasphemy have been overturned by the higher judiciary.

Amnesty International has appealed to successive governments of Pakistan to abolish the laws relating to religious intolerance which effectively criminalize any exercise of the right to freedom of religion by Ahmadis and the blasphemy law under section 295C PPC.

Source : <http://www.amnestyusa.org/news/document.do?id=ENGASA330282005>

United Nations High Commissioner for Human Rights

Excerpts from Report titled

“IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission on Human Rights resolution **1994/18**”

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-

Introduction

1. In this addendum, the Special Rapporteur devotes chapter I to the communications transmitted to three Governments before the fiftieth session of the Commission on Human Rights and also to the replies received from eight Governments concerning communications transmitted during the same period, in so far as that information was not published in the preceding reports. In chapter II, the Special Rapporteur considers the replies received from Governments in 1994 to his letter of 21 April 1994 addressed to all States with a view to gathering any new information and any other relevant details falling within the framework of his mandate on religious intolerance.

I. SPECIFIC INCIDENTS IN VARIOUS COUNTRIES (PRIOR TO THE FIFTIETH SESSION OF THE COMMISSION ON HUMAN RIGHTS) EXAMINED BY THE SPECIAL RAPporteur

2. The Special Rapporteur reports, in particular, on the communications addressed to the Governments of China, the Islamic Republic of Iran and Pakistan in 1993. With regard to the Islamic Republic of Iran and Pakistan, the Special Rapporteur had decided in his previous report (E/CN.4/1994/79) not to refer to the communications transmitted if the Governments concerned had not been granted the minimum two-month period needed to undertake the necessary investigations and to reply to the allegations.

3. In 1993, the Special Rapporteur had also communicated to the Chinese Government allegations which were both general and detailed and for which the period allowed for replies had been found to be less than two months. The Chinese Government had sent a first reply concerning the general part of the allegations (see E/CN.4/1994/79), but had not replied to the detailed part of the allegations relating to a series of individual cases requiring longer investigations. This chapter reflects the detailed replies concerning those allegations.

4. The Special Rapporteur received the reply of the Pakistani authorities dated 8 February 1994, as well as that of the Chinese authorities which was communicated to him during his visit to China. On 14 January 1994, the Special Rapporteur also sent an urgent appeal to the Iranian Government, which replied on 15 February 1994.

5. Moreover, in 1994, after the finalization and presentation of the report to the fiftieth session of the Commission on Human Rights, the Special Rapporteur received the replies of the Governments of Australia, Cuba, Greece, Myanmar and Spain concerning the communications transmitted in 1992 and 1993.

PAKISTAN

19. In a communication dated 8 November 1993, the Special Rapporteur addressed the following comments to the Government of Pakistan:

“According to the information received by the Special Rapporteur, the Islamization of Pakistan legislation, which dates back to the 1980s, has severely undermined the exercise of religious freedom and led to serious abuses, in particular abuses committed against the religious minorities of the country.

The attempt by the Pakistan authorities to mention religious affiliation on the identity card of every Pakistan citizen is reported to be another source of concern. It is alleged that when 2 million of these new identity cards had been printed during 1992, further printing was partially suspended in November 1992, in the face of strong opposition from many minorities, including the Christians, and that the provincial parliament of Sind also opposed it.

The Special Rapporteur has been informed that the freedom of movement of certain religious dignitaries has been hampered. It is reported that they have been prevented from going to various regions of Pakistan, on the pretext that their presence or their statements would inflame sectarian feeling or would be liable to cause acts of violence or disturb public order. As a result, more than 50 preachers, zakirs and other eminent persons were allegedly unable to go to various places in the Punjab and the North-West Frontier region during the Muharram celebration. In June 1992, some 30 ulema were reportedly forbidden entry to Jhang and a number of others were denied access to Sialkot. The following month, some 20 ulema were prevented from going to Muzaffargarh, and a dozen more were not allowed to go to Larkana.

In addition, the 10 or so appeals lodged by the Ahmadi community for the restoration of their rights and freedoms as guaranteed by the Pakistan Constitution were reportedly dismissed by the Supreme Court in a judgement of 3 July 1993 in which the Court gave as its interpretation that article 20 of the Pakistan Constitution, relating to religious freedom, was subject to the law, public order and morality. By a majority, the Court allegedly specified that this article was subject to ‘Islamic law’.

This decision is said to have been the culmination of a long period of discrimination against members of the Ahmadi minority dating back to a constitutional amendment of 1974, which stated that this minority was ‘non-Muslim’ and was forbidden to engage in Islamic activities. The scope of this constitutional amendment was reportedly reinforced later by Ordinance XX of 1984, which made amendments to the Pakistan Penal Code, and to sections 298 B and 298 C, in particular, by referring explicitly to the Ahmadis and by prohibiting them from declaring themselves to be Muslims and from using Muslim practices in their worship or in the teaching of their faith. Any breach of these laws is reportedly punished by a sentence of up to three years’ imprisonment and a fine. On 7 July 1991, article 295 A of the Penal Code was reportedly amended by Ordinance XXI, which increased the maximum period of imprisonment imposed for outrage against religious views from 2 to 10 years.

Many Ahmadis have reportedly been prosecuted under article 298 C of the Pakistan Penal Code for using expressions that include Muslim epithets and verses of the Koran with the intention of passing the Ahmadis off as Muslims, as well as the call to prayer, the actual prayers, the customary greetings, the inscriptions on houses or tombstones and the patterns on invitation cards or cards announcing marriages.

In 1986, the amendment to article 295 C of the Pakistan Penal Code made it possible to sentence any person guilty of directly or indirectly slandering the name of the Prophet Muhammad to life imprisonment and even to capital

punishment, as well as the payment of a fine.

In spring 1991, the Supreme Court, inspired by the Shariah, reportedly issued a decree, which was subsequently ratified by the Senate, declaring that anyone deemed to be guilty of blasphemy under article 295 C of the Penal Code would henceforth be sentenced to death, without any possibility of appeal. Capital punishment thus allegedly became mandatory from 1 May 1991. During the period under review, the laws on blasphemy reportedly built up an atmosphere of religious intolerance in the country and even encouraged acts of violence, against the Ahmadi and Christian minorities in particular.

It is alleged that, in 1992, more than 150 complaints were lodged against members of the Ahmadi community for violations concerning the use of Koranic verses in their private correspondence and that the persons concerned received sentences ranging from a few months to two years. In addition, 718 persons were allegedly prosecuted for offences involving the inscription of the kalima (profession of faith), 729 others for having recited the azan (call to prayer), 91 for having offered the namaz (prayer) and some 10 others for having read the Koran. At least three teachers, in Islamabad and in Dunyapur, in the district of Lodhran, reportedly lost their posts because they were Ahmadis. It is alleged that, in one instance, the teacher was asked to resign his post because he was not entitled to teach the Koran and that, in another, he was allegedly harassed by the management of the school, boycotted by his pupils and denied admission to the canteen, before being relieved of his responsibilities; the third instance was that of a teacher who was denounced to the police for having taught her faith in her school and declared guilty of having breached sections 298 C and 295 C of the Penal Code. At present, she therefore risks the death penalty. It is further reported that 11 Ahmadi places of worship were partially demolished, a dozen tombs were desecrated and some 20 burials according to Ahmadi rites were forbidden.

Other cases reported to the Special Rapporteur in which persons belonging to the Ahmadi minority are alleged to have been persecuted are described below:

On 20 July 1992, after the death and burial of a prominent Ahmadi esteemed by all the members of his village, a mullah allegedly came five days later and demanded that the dead man be exhumed. The villagers protested and won their case, after the district judge discovered that the five signatures collected by the mullah for carrying out his design had been obtained by threats.

On 29 July 1992, a lawyer, Ateeq Ahmad Bajwa, amir of his district in Vihari, allegedly used Islamic expressions referring to the Prophet Muhammad in statements made during a press conference and again before the Bar Association. He was denounced to the police by a neighbour and, after obtaining bail, he was thrown into prison in Multan.

In the village of Nasirabad, in the district of Muzaffargarh, the members of the Ahmadi minority were allegedly attacked by opponents. After being berated by the police who came to the rescue, the opponents resumed their attacks against the Ahmadis with even greater force, beating and robbing some of them. Others left the scene and took refuge in neighbouring villages, fearing denunciation by their neighbours or arrest on false grounds.

For the ninth consecutive year, the celebration of the 'Jalsa Salana', which is the assembly established more than 100 years ago by the founder of the Ahmadi movement, was allegedly forbidden by the Pakistan authorities.

Starting from January 1993, 104 members of the Ahmadi minority, most sentenced to life imprisonment under section 298 C of the Pakistan Penal Code for having used certain traditional Islamic inscriptions on the walls of their houses or in their announcements of marriage, allegedly had their sentences reviewed under section 295 C and commuted to capital punishment.

Like the Ahmadis, the Zikris are reportedly still being harassed with a view to declaring them non-Muslims. It is alleged that many Zikris whose faith dates back to the sixteenth century and advocates abstinence, seclusion, contentment and invocation of the holy names of Allah, have been prevented by the authorities from organizing their annual processions and rites at the end of Ramadan, in Turbat, in the coastal area of Baluchistan. The present campaign against this minority is reportedly also racially based and reveals fundamentalist intransigence at work in Pakistan society.

Other Pakistan citizens, who are Muslims, were allegedly affected by the laws on blasphemy. According to the information received:

Akhtar Hammed Khan, an eminent writer and sociologist, 81 years of age, who is known for his commitment to the deprived people of Orangi in Karachi, launched a pilot development project on their behalf. Some aspects of the project seeking to offer real estate loans on favourable terms to the population and to improve the condition of women through education and access to employment and to family planning, apparently went down badly with local businessmen and the orthodox Muslim authorities.

This eminent sociologist, it is alleged, was first charged with blasphemy, after being reported by a former employee who had been dismissed in 1988, in connection with an interview given to an Indian journalist, the article concerning which was never published. The matter was dropped by the Karachi police for lack of sufficient evidence. On the other hand, extracts from the so-called article have been published in the weekly organ of the conservative Jamaat-i-Islami party.

On 14 May 1990, similar accusations based on the above-mentioned article were made against Mr. Khan by a religious leader from Multan and confirmed on the basis of sections 298 A, 295 B and 295 C of the Pakistan Penal Code. Mr. Khan was arrested a few months later and held briefly before being released.

The third accusation of blasphemy stemmed from a children's nursery rhyme entitled 'The Lion and Anaq', which was published by the Oxford University Press in 1989. According to the person who lodged the complaint against Mr. Khan on 19 March 1992, the nursery rhyme made particular reference to the Holy Prophet and to the fourth caliph, thus insulting the Prophet and Islam. Although the High Court of Sind granted Mr. Khan release on bail, in the meantime his home was searched on several occasions. Libellous articles and tracts were published about him in the press or distributed to the population by the religious leaders. He was then again arrested and held for short periods without any arrest warrant, despite being supported by several publishers, influential Pakistan citizens or human rights groups.

Abdullah Malik, a former journalist and well-known writer active in political life, was the victim of a smear campaign carried out recently by the press, denouncing the accounts of his pilgrimages to Mecca during the last 20 years as blasphemous, ridiculing the writer and calling him the 'Salman Rushdie' of Pakistan.

Lastly, it is reported that several Pakistanis of the Christian faith or converts to Christianity were also victims of the blasphemy laws. In the cases mentioned by the Special Rapporteur in his report in document E/CN.4/1992/52, namely those of Naimat Ahmer, Tahir Iqbal and Gul Masih, the following information should be added regarding the latter: he professes the Catholic faith, and comes from Sargodha, a town 200 miles from Islamabad with a sizeable Christian minority. Gul Masih was the first person sentenced to death in Pakistan for blasphemy since the penalty became mandatory in 1991.

It is alleged that on 10 December 1992, during a discussion between Gul Masih and his Muslim neighbour Mohammed Sajjad Hussain, near a public fountain, which had become poisoned because it was in poor working order, his neighbour claimed that Gul Masih had insulted the plumber in charge of the fountain, who is also a Muslim, and made disparaging remarks about the Prophet Muhammad. Later that day, Gul Masih's neighbour returned to see him and demanded that he withdraw his remarks, which he refused to do.

During the days following this dispute, Sajjad Hussain was encouraged by a maulvi (a learned teacher of Islamic law) belonging to an orthodox Islamic organization which is apparently seeking to make Pakistan a Sunni State by removing all non-Sunni Muslims from Government posts, to lodge a complaint against Gul Masih, on the basis of section 295 C of the Penal Code. The dispute continued for several days, and implicated Gul Masih's brother, a political opponent of the maulvi mentioned above.

Finally, it is reported, Sajjad Hussain lodged a complaint against Gul Masih and his brother Basih, accusing them both of blasphemy. Both men were arrested during the night of 14 December 1991 and imprisoned. Basih was released six weeks later after Muslim neighbours had testified that he had no part in the above-mentioned dispute. The trial of Gul Masih began in November 1992, solely on the basis of the testimony given by Sajjad Hussain, and the judge of Sargodha, Khan Talib Hussain Baloch, sentenced Gul Masih to death by hanging and to a fine of 5,000 rupees - a sentence which will be executed if upheld by the Supreme Court.

It is further alleged that, since his conviction, Gul Masih has been held in solitary confinement. An appeal has been lodged with the Supreme Court, emphasizing that the evidence of Gul Masih's guilt was insufficient and that he had not been given the benefit of the doubt and that capital punishment was therefore unjustified.

It is also reported that Bhatti Sarvar, a young 21-year-old Pakistan Christian, working side by side with Pastor Liagat Paisar of the Pentecostal Church of Philadelphia, was accused by four Muslims, who did not witness the events complained of, of burning a copy of the Koran at his uncle's home on 19 June 1992. In fact, on the day in question, the accused had gone to visit his relatives in his native Punjab. His children had been left in the care of his uncle and his wife and, in their absence, had lit a fire in the house which had burnt a few books nearby. The children managed to put out the fire and throw the burnt books out into the street.

It is further alleged that, when she returned home, the aunt found her house surrounded by a mob of angry Muslims, chanting slogans against her family and the Christian community of Sarghar, accusing them of burning and desecrating the Koran. Although the book which was the object of the complaint was never found, the following week Bhatti Sarvar was finally handed over to the police by his family because they feared that his detractors would end up killing him.

On the day when he appeared before the chairman of the municipal committee, 11 representatives of the local Christian community and some 100 Muslim leaders, together with a vociferous crowd of about 2,000 Muslims congregated in the hall, demanding that Bhatti Sarvar should be hanged. Since his arrest, he has reportedly been due to appear at 11 hearings without a defence lawyer because the attempts made by his family to secure the services of four lawyers in Sarghar have been unsuccessful. Bhatti Sarvar was apparently preparing to plead guilty, despite the fact that the charges against him were false, in order to spare his family any unduly unpleasant consequences. Christians from the province of Sind were preparing to collect money to pay a lawyer from outside of Sarghar who would agree to defend the victim.

It is also reported that three young Christians, Rehmat Masih, Manzoor Masih and Salamat Masih (the latter only 11 years of age) were arrested for having scrawled defamatory inscriptions on the walls of the Ratta Dhotran village mosque on 9 May 1993 - this despite the fact that two of them are illiterate - and that since then they are thought to have been held at the Gujranmala central prison, in the province of Punjab. These three young people, who were charged under section 295 C of the Penal Code, cannot be released on bail and risk capital punishment. It is also stated that these arrests occurred at a time when there were feelings of hostility and friction between Muslims and members of the Christian minority; the families of the victims were harassed, and a Christian church was attacked. To date, local lawyers have been reluctant to defend the accused.

Lastly, it is alleged that the Hindus, another religious minority in Pakistan, have suffered serious violations of their right to freedom of religion, following the desecration and destruction of the Babri Mosque in India in December 1992. Over 120 Hindu temples and 2 Sikh gurdawaras (places of worship), as well as the same number of homes and shops, were sacked by the crowd. Some 600 families have been the victims of these attacks and scores of deaths have occurred. Furthermore, there has been a resurgence of hostility against the Hindus in Pakistan, who complain of various forms of discrimination, harassment and forced conversions to the Islamic faith.”

20. On 8 February 1994 the Government of Pakistan addressed the following information to the Special Rapporteur:

“Report on the state of the case concerning Mr. Gul Masih

1. Gul Masih, a resident of Chak No. 46/NB, Sargodha district, was accused of having made remarks defiling the sacred name of the Holy Prophet. Sajjad Hussain, the son of Rakim Bakhsh (the complainant), resident of the same village, reported the matter to the Police Station, Satellite Town, Sargodha, and criminal proceedings were therefore brought against Gul Masih under section 295 C of the Penal Code of Pakistan. After investigation by the police, the case was tried by the judge of the Sargodha Court of Additional District and Session. Mr. Gul Masih was found guilty and sentenced to death, and also fined Rs 5,000. However, the death sentence was not confirmed by the High Court. The accused has appealed to the Lahore High Court.

2. It may be mentioned that Gul Masih was convicted by the judge of the Sargodha Court of Additional District and Session after due process of law and in accordance with the provisions of the penal laws of Pakistan. All citizens of Pakistan, irrespective of their religious beliefs, are subject to the same laws and are treated equally in accordance with the laws of the land.”

21. On 14 February 1994, the Government of Pakistan sent the Special Rapporteur its comments on the above-mentioned communication of 8 November 1993 (see para. 19):

“1. The following articles of the Constitution of Pakistan safeguard the interests of the minorities in the country:

Article 20

Subject to law, public order and morality, every citizen shall have the right to profess, practise and propagate his religion and to establish, maintain and manage religious institutions.

Article 21

No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than this own.

Article 22

(1) No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship if such instruction/ceremony or worship relates to a religion other than his own.

(2) In respect of any religious institution there shall be no discrimination against any community in the granting of exemption or preferential treatment in relation to taxation.

(3) (a) Subject to law, no religious community or denomination shall be prevented from providing religious instructions for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination; and

(b) No citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.

Article 27

No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth.

Article 36

The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provisional services.

2. These provisions clearly indicate that the Constitution provides full protection and equal treatment to the minorities and there is no bias, for or against, on the basis of colour, race or religion.

3. The Ahmadiyya issue has a century-old history. The problem arose when a group of persons led by Mirza Ghulam Ahmad denied the finality of Prophet Muhammad (Peace Be Upon Him) which, after the unity of God, is a fundamental tenet of Islam. Its denial led to violent agitations against the Ahmadiyya community in 1953 and in 1974. The matter was deliberated upon in the legislature and the consensus of the nation was arrived at in the shape of an amendment in the Constitution through a unanimous vote of the National Assembly in 1974. This amendment had two objectives, viz.:

(a) To safeguard the religious sentiments of Muslims (the overwhelming majority of the population);

(b) To protect the Ahmadis from any adverse reaction arising from what had historically been regarded as a repudiation of a fundamental belief of the Muslims.

4. Undoubtedly, the controversy between the Ahmadis and Muslims continues to be emotive, but strong statements made by individuals in a religious context are not to be taken as the policy of the Government of Pakistan. The complaints and concerns of the Ahmadiyya community are based evidently on presumption rather than fact. The allegation concerning persecution of Ahmadis is totally baseless.

5. The Ahmadis, as a non-Muslim minority, have been accorded all the rights and privileges guaranteed to minorities under the Constitution and laws of Pakistan. The Government has taken the necessary legislative and administrative measures so as to maintain sectarian peace.

6. The exercise of a right is never absolute. The International Covenant on Civil and Political Rights, while proclaiming the freedom of religion or belief in article 18, stipulates in paragraph 3 of the same article that:

Freedom to manifest one's religion or belief may be subjected to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

7. The condition is repeated in paragraph 3 of article 1 of the Declaration on the Elimination of All Forms of

Intolerance and Discrimination Based on Religion or Belief.

8. Ahmadis in Pakistan enjoy full civil rights including the right of political franchise. In Pakistan, a system of separate elections for each religious community has been adopted to ensure that all minorities are represented in the legislatures. The Ahmadis, like other minorities in Pakistan, have full freedom of expression under the law and this is evident from the fact that they have the largest number of publications brought out by any minority in Pakistan.

9. There is no discrimination against them as regards their employment opportunities in Pakistan. Many members of the Ahmadi community hold important positions in the services of Pakistan, both civil and military. Not a single Ahmadi has been removed from government employment on the grounds of his religious beliefs. Anyone familiar with the true situation in Pakistan can bear testimony that there does not exist any plan or campaign, official or otherwise, to persecute the Ahmadi community. Despite that, individual instances do exist, and these are then dealt with in accordance with the law.

10. As regards the mentioning of religion in the national identity cards, no decision has been taken by the Government. This is merely a proposal which has been submitted to the Government for consideration. This proposal has not been accepted and there are no indications that it would be accepted in the future.

11. Blasphemy laws apply equally to all Pakistanis, irrespective of religion. They pertain to all the revealed religions - Islam, Christianity and Judaism - and their Prophets. At present two persons - a Christian and a Muslim - are facing trial under this law: a Christian for alleged blasphemy against Prophet Muhammad and a Muslim for blasphemy against the Prophet Jesus Christ.

12. The blasphemy laws in Pakistan are not directed against the Christians or any other religious group and are also not in conflict with the fundamental freedoms. The common law reflects the will of the majority of the people. Pakistan being predominantly an Islamic society, it has to be ensured that the persons considered holy by the Muslims are not disgraced in Pakistan. Since the religious beliefs carry emotional attachment with it, in the absence of any law on the subject, the outraged emotional people take the law in their own hands which cannot be allowed at any cost.

13. As for some of the cases mentioned in the communication, Mr. Akhtar Hamid Khan was granted bail before arrest by Chief Justice of Lahore High Court on 14 April 1992, and his case was transferred from the Court of District and Sessions Judge Multan to the Court of District and Sessions Judge Sahiwal, where it is under trial.

14. Tahir Iqbal was admitted in Central Jail, Kot Lakhpat, Lahore on 9 December 1990, as an under trial prisoner in case FIR No. 297/90, dated 7 December 1990, under section 295 B, Pakistan Penal Code, for defiling the Holy Quran. The under trial prisoner died on 20 December 1992, in the Central Jail hospital, Lahore. As required under rule 751 of Pakistan Prison Rules, a Judicial Inquiry was conducted by a Magistrate 1st Class for determining the causes of death in jail. The Medical Officer opined the cause of death of said prisoner as 'cardio-pulmonary arrest'. However, he was of the view that the exact cause of death could not be determined without a post mortem. However, the mother of the deceased did not agree to the post mortem and insisted that the dead body of her son be handed over for burial.

15. Gul Masih, a resident of Chak No. 46/NB, District Sargodha was accused of having used derogatory remarks and defiling the sacred name of the Holy Prophet. Sajjad Hussain s/o Rahim Bakhsh (complainant) resident of the same village reported the matter to the Police Station, Satellite Town, Sargodha and a Criminal Case under section 259 C, Pakistan Penal Code was therefore registered against accused Gul Masih. After investigation by police, the case was tried by the Court of Additional District and Sessions Judge, Sargodha. Mr. Gul Masih was found guilty and sentenced to death along with a fine of Rs 5,000. However, death sentence was not confirmed by the High Court. Presently his appeal is pending in the Lahore High Court.

16. It may be mentioned that Gul Masih was convicted by the Court of Additional District and Sessions Judge, Sargodha, after due process of law and in accordance with the provisions of the penal laws of the land. All citizens of Pakistan, irrespective of their religious beliefs, are subject to the same law, and are treated equally in accordance with the laws of the land.

17. As for the case of Salamat Masih, Rehmat Masih and Manzoor Masih, as reported by the Punjab Government, Salamat son of Allah Ditta is an accused in Case FIR No. 56/93 U/S 295-C Police Station Ladha, District

Gujranwala. Salamat Masih accused along with co-accused M/S Rehmat Masih S/O Nanak Masih and Manzoor S/O Noor Masih were seen writing blasphemous inscriptions on the wall of a mosque in village Ratta Dhotran. The eye-witnesses include the Pesh Imam of the Mosque and two other persons of the locality, one of whom lodged an FIR at the Police Station Ladha. After preliminary investigation, the Police arrested the three accused persons and proceeded in the matter in accordance with the laws of the land. The accused were found guilty during investigation by Police and the case, therefore, was sent up for trial in the Court of Additional District and Session Judge, Gujranwala.

18. All the accused were lodged as under trial prisoners in District Prison Gujranwala under the orders of the trial court. Accused Salamat Masih, a minor, was detained in the juvenile section of the same prison. He was not kept with adults. The accused Salamat Masih has been granted bail in this case by the Court of Session, Gujranwala and was released from jail on 13 November 1993.

19. Brief facts of Niamat Ahmer's case are that on 6 January 1992, at 10 a.m., Razzaq Masih and Hanooke Gil went to the Office of District Education Officer (D.E.O.), People's Colony, Faisalabad to see Niamat Ahmer. Niamat Ahmer and his companions were scheduled to meet the D.E.O. in connection with his transfer. Niamat Ahmer went to use the nearby toilet. After some time his companions heard loud cries. They rushed towards the toilet and saw one Farooq Ahmed, son of Noor Muhammad, caste Sheikh, resident of Chak No. 242/RB, inflicting knife blows upon Niamat Ahmer. The accused along with bloodstained knife was caught by Razzaq Masih and Hanooke Gil. Niamat Ahmer succumbed to his injuries then and there. The motive attributed to the occurrence was that the deceased allegedly used derogatory remarks against the Holy Prophet (Peace Be Upon Him) during his period of service as a teacher.

20. A murder case was registered at the request of Waqar Ahmer, brother of Niamat Ahmer, resident of 727/F Gulistan Colony, Faisalabad. After the necessary investigation the accused was arraigned on 20 January 1992, and the case is pending trial in court.

21. The above incident was an isolated action of an individual fanatic who is facing trial in the court and the allegations/fears of religious persecution against Christians in Pakistan are unfounded.

22. As Pakistani citizens, members of the Christian community have the right to profess their religion, and to establish, maintain and manage their religious institutions. They also have due representation in the National Assembly. They enjoy full freedom of opinion and expression, as is available to the other citizens of the country and, like all other Pakistanis, they also have the liberty to seek remedy from the courts under article 199 of the Constitution of Pakistan. Courts in Pakistan, like in any other democratic country, are free, and cases are decided in accordance with the laws of the land.

23. As regards the allegations of discrimination against Hindus and the destruction of some Hindu temples in Pakistan, it may be pointed out that the charges of discrimination against Hindus or any other minorities are unfounded. The unfortunate incident of destruction of some Hindu temples in Pakistan was the result of a popular backlash that followed in Pakistan after the demolition of the historic Babri Mosque in India. The fact that the demolition of Babri Mosque was a pre-planned wilful act has been documented by Mr. Kuldeep Nayyar, a prominent Indian journalist, who in the 8 December 1992 issue of the Nation wrote that 'India's Intelligence Bureau had informed Prime Minister Narasimha Rao, one week in advance that Babri Mosque was going to be demolished but still the Indian Government simply did not do anything to protect the Mosque'.

24. The spontaneous and popular backlash in Pakistan (and in other Islamic countries) was a direct response of emotionally outraged Muslims to the demolition of the Babri Mosque, which in no way was condoned by the Government. In Pakistan, the damage to the Hindu temples was condemned by all religious, political and other leaders of opinion, unlike in India, where political parties like the Bhartiya Janata Party (BJP) and the Shiv Sena applauded the demolition of the Babri Mosque. Pakistan Government took immediate steps and committed itself to the repair of the damaged temples, work on some of which has already been completed and the other temples are being repaired. As opposed to the immediate action taken by the Government of Pakistan the pledges by the Indian Government to reconstruct the Babri Mosque have yet to be fulfilled.

25. It is reiterated that the Government of Pakistan is fully committed to protect and safeguard the legitimate rights and interests of all minorities living in Pakistan.”

II. CONSIDERATION OF GENERAL INFORMATION ON THE IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

22. On 21 April 1994, the Special Rapporteur sent all States a note verbale drawing their attention to Commission on Human Rights resolution 1994/18 and inviting Governments to communicate any new information falling within that mandate, as well as any other observations they might wish to formulate on the subject.

23. The Rapporteur has received replies from the following 19 Governments: Argentina, China, Croatia, Ethiopia, Greece, Guyana, Indonesia, Jamaica, Luxembourg, Monaco, Morocco, Philippines, Qatar, Romania, Spain, Sri Lanka, Sudan, Sweden and Venezuela. Given the modest number of replies and the variety of the information, the Special Rapporteur decided to compile the texts in the report by country rather than to present an analytical summary by subject, for which more complete and more specific information from more countries would have been required.

24. Furthermore, in cases of particularly long replies, such as that of the Sudan, given the constraints involved in publication, the Special Rapporteur summarized the information. In addition, when the information concerned States and/or individuals, the Rapporteur decided not to reproduce it, but to treat it confidentially, as an allegation.

25. Most of the replies from Governments referred to Constitutions, relevant laws and regulations, to the right to religion and traditions related to the question of freedom of religion or belief; to legal measures taken to combat intolerance and discrimination in that regard; and to government policies.

26. The information communicated deals primarily with the following subjects:

- (a) Protection and promotion of the right to freedom of thought, conscience, religion or belief and related human rights, such as freedom of expression, information, assembly, association and equality before the law;
- (b) Protection and promotion of the right to manifest one's religion or belief in worship, observance, practice and teaching; of the right to peaceful assembly and association in connection with a religion or belief; of the right to teach a religion or belief in places suitable for those purposes; and of the right to observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (c) Prevention and elimination of discrimination on the grounds of religion or belief and, in particular, protection against discrimination in the areas of education, access to public posts, employment, the practice of a profession, and marriage;
- (d) Legal measures for dealing with offences related to religious beliefs or feelings and protection of the places, ceremonies and traditions linked to religion or belief;
- (e) Conscientious objection to military service;
- (f) Education, including in particular the religious education of children and adults, and provisions and practices in that field; and
- (g) Legal restrictions on the above-mentioned rights. <http://www.thepersecution.org/un/ohchr150405.html>

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Jan Eliasson Foreign Minister of Sweden and President UN General Assembly was asked a question by a Member of Swedish Parliament Ann-Mari and also asked for a written Response. The ruling Party of Sweden Social democratic Party Parliament Group issued the press release to the news media/newspapers:

Ahmadiyya Muslim situation in Pakistan, Bangladesh and Indonesia

Addressing the Swedish Minister for Foreign Affairs, Mr. Jan Eliasson, Swedish Member of Parliament Ann-Marie Fagerström raised a strong Human Rights issue in connection with Ahmadiyya Muslim situation in Pakistan, Bangladesh and Indonesia, and asked him to outline the measures the Swedish government was taking to address this issue. She said: "Recent reports from the above countries as well as from the Human Rights Watch, Amnesty International, Human Rights Commission and a 2005 Swedish Human Rights report indicate that these countries are blatantly violating United Nations Convention regulations on Human Rights. People are being murdered on the street because of their religious beliefs and the affected families get no help from the authorities. Mosques and other property owned by minorities are being seized by the authorities with no regard for Human Rights. Discriminatory laws exist in Pakistan that go against the grain of the United Nations requirements on Human Rights. The Swedish government can no longer be passive onlookers and must, along with the powerful European Union, state that the recent developments are unacceptable. I have taken up this issue with the government on several occasions and have been told that measures to alleviate the situation would be undertaken in conjunction with the EU. However, nothing has been done in this connection and the suffering continues unabated. What measures does the Minister for Foreign Affairs intend to take to enable the Ahmadiyya Muslims to practice their religion and to safeguard their Human Rights?"

The Minister for Foreign Affairs gave the following reply:

Ann-Marie Fagerström has asked me what measures I intend to take to enable the Ahmadiyya Muslims to practice their religion and to safeguard their Human Rights.

The reports about the treatment of Ahmadiyyas in Pakistan, Indonesia and Bangladesh are of great concern. Persecution for religious convictions is unacceptable. Human Rights and Democracy are central tenets of Swedish Foreign Policy. The government is engaging in continuous dialogue with the countries that Ann-Marie Fagerström mentions. In particular, our development assistance to Bangladesh and Indonesia stresses the importance of promoting Human Rights and Democracy in those countries. Additionally, the government is acting bilaterally with the EU to stress the importance of guaranteeing freedom of religion, and in Indonesia, has on many occasions urged the Indonesian government to safeguard minority groups. The National Indonesian Commission for Human Rights has, in collaboration with Raoul Wallenberg Institute, imparted Human Rights training to officials in the Indonesian Justice Department. In the European Union's Annual Agenda on Human Rights, the freedom of religion situation in Pakistan has been taken up. On several

occasions the Ahmadiyya situation has come under discussion. Sweden has no bilateral development assistance program for Pakistan, but the European Commission's development program is to be conducted with an eye on Human Rights and Democracy. In Bangladesh, the question of religious freedom and Human Rights has been addressed during a high level EU visit in January 2006.

This question was also treated bilaterally during Minister Carin Jämtins' visit to Bangladesh in the spring of 2004. Several Bangladeshi individual Human Rights organizations have been provided with Swedish aid. It is necessary to monitor developments affecting Ahmadiyyas in all three countries. Officials of the Ministry of Foreign Affairs have met with delegations from the Swedish Ahmadiyyas last spring and are in constant contact with their representatives. We will continue to work bilaterally with the EU in order to protect freedom of religion and for freedom of religion to be fully respected by the international community, which includes Bangladesh, Indonesia and Pakistan.”

June 28, 2006

The End

Socialdemokraterna

3 juli 2006

För ytterligare information:

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Ahmadiyya-muslimernas situation i Pakistan, Bangladesh och Indonesien

Riksdagsledamot Ann-Marie Fagerström har ställt en fråga till utrikesminister Jan Eliasson med anledning av Ahmadiyya-muslimernas situation i Pakistan, Bangladesh och Indonesien.

Frågan bifogas nedan:

Senaste rapporterna från respektive länder och även från Human Rights Watch, Amnesty, FN, Human Rights kommission och rapporten från Sverige om mänskliga rättigheter från 2005 påpekar särskilt att det finns särskilda grunder för att länderna bryter mot FN:s konvention om mänskliga rättigheter.

Människor har blivit mördade på öppen gata på grund av religiös tillhörighet och berörda familjer får ingen hjälp från myndigheter. Moskéer och egendom som tillhör församlingarna har blivit konfiskerade av myndigheterna. Regeringarna i dessa länder tar ingen hänsyn till de mänskliga rättigheterna. Det finns särskilda lagar i framförallt Pakistan som går stick i stäv med FN:s krav på mänskliga rättigheter.

Vi kan inte längre stå passiva och titta på. Den svenska regeringen måste nu tillsammans med EU kraftfullt markera att vi inte accepterar den utveckling som nu sker.

Vid flera tillfällen har jag tagit upp denna fråga med regeringen och fått svaret att åtgärder ska vidtas tillsammans med EU. Dock har ännu ingenting hänt och lidandet fortgår.

Vilka åtgärder avser utrikesministern vidta för att Ahmadiya muslimerna ska kunna få utöva sin religion utan att få sina mänskliga rättigheter kränkta?

Svar från utrikesministern:

Svar på fråga 2005/06:1821 av Ann-Marie Fagerström (s) Ahmadiyya-muslimernas situation i Pakistan, Bangladesh och Indonesien

Ann-Marie Fagerström har frågat mig vilka åtgärder jag avser att vidta för att Ahmadiyya-muslimerna skall kunna få utöva sin religion utan att få sina mänskliga rättigheter kränkta.

De rapporter som vittnar om behandlingen av Ahmadiyyas i Pakistan, Indonesien och Bangladesh är mycket oroande. Förföljelse på grund av religiös övertygelse är oacceptabelt. Mänskliga rättigheter och demokrati är helt centrala frågor inom den svenska utrikespolitiken. Regeringen tar i de länder Ann-Marie Fagerström nämner upp mänskliga rättigheter i den löpande dialogen med respektive lands regering. I Bangladesh och Indonesien handlar dessutom en stor del av vårt utvecklingssamarbete om att främja mänskliga rättigheter och demokrati.

Regeringen agerar såväl bilateralt som genom EU för att framföra vikten av att religionsfriheten garanteras. I Indonesien har regeringen såväl bilateralt som i samverkan med EU-länderna vid ett flertal tillfällen uppmanat den indonesiska regeringen att vidta åtgärder för att förebygga motsättningar och skydda utsatta grupper. Den nationella indonesiska kommissionen för mänskliga rättigheter har i samarbete med Raoul Wallenberg-institutet utbildat tjänstemän i det indonesiska justitiedepartementet i mänskliga rättigheter.

I EU:s årliga demarcher om MR-situationen i Pakistan har frågan om religionsfrihet tagits upp. Vid flera tillfällen har situationen vad gäller Ahmadiyyas varit föremål för dessa uppvaktningsrapporter. Sverige har inget bilateralt utvecklingssamarbete med Pakistan men Europeiska Kommissionens utvecklingssamarbete inriktas bl.a. på mänskliga rättigheter och demokrati.

I Bangladesh har frågan om religiösa minoriteters mänskliga rättigheter tagits upp vid EU-besök på hög nivå, senast i januari 2006. Frågan har även behandlats bilateralt, bl.a. i samband med statsrådet Carin Jämtins besök i Bangladesh våren 2004. Flera bangladeshiska enskilda organisationer som arbetar med mänskliga rättigheter ges svenskt stöd.

Det är nödvändigt att fortsätta att följa utvecklingen vad gäller Ahmadiyyas i samtliga tre länder. Tjänstemän på Utrikesdepartementet har tagit emot en delegation från en Ahmadiyya-församling i Sverige förra våren och står i kontinuerlig kontakt med representanter från församlingen. Vi kommer att fortsätta arbeta såväl bilateralt som genom EU för att säkra att religionsfriheten till fullo respekteras internationellt, inklusive i Bangladesh, Indonesien och Pakistan.

28 juni 2006

Jan Eliasson

The trouble with Pakistan

Jul 6th 2006 From *The Economist* print edition

A country that everyone should worry about

TERRORISM has many sources and claimed justifications, but if it can be said to have a centre, it lies in the training camps, *madrassas* and battlefields of northern Pakistan and south-eastern Afghanistan. There the Taliban and their ally, al-Qaeda, were both formed. From there, in hellish diaspora, *jihadis* have fanned out across the globe. Add to that Afghanistan's lawlessness and ability to produce vast amounts of opium, not to mention Pakistan's wretched history of venal democrats and clumsy dictators, and its lamentable record on nuclear proliferation, and it is clear why what happens in those two places is of huge importance to the rest of the world. From neither place is there much good news.

The West has invested a huge amount in Pakistan's General Pervez Musharraf, who seized power in October 1999. This newspaper was prepared to give him a chance on condition that he acted swiftly and firmly to rein in extremism and sort out the economy, and then returned to barracks. He failed to do any of that. After September 11th 2001, however, he was recast as a provider of relative stability in a dangerous neighbourhood, and an essential ally in the "war on terror". Money was showered upon him; he was feted in Washington, DC, and London. Only gradually has it started to dawn on his admirers that, in the past five years, he has not done much to make Pakistan a less dangerous place.

A destroyer of democracy

True, the economy has improved quite a bit since 2001—and not just because of all that donor money. But promises, made even before September 11th, to bring the country's most radical *madrassas* under control have not been kept. The training camps that Pakistan's powerful Inter-Services Intelligence (ISI) agency has long tolerated because of their usefulness against India and in Afghanistan still exist, though they have been told not to mount any operations for now. The most dangerous outfits, such as Lashkar-e-Toiba (the Army of the Pure), have been banned, only to reappear under new guises. Not until 2004 and under the most intense American pressure did Pakistan arrest Abdul Qadeer Khan, the scientist who had cheerfully sold nuclear secrets to anyone prepared to pay.

But perhaps the most damning criticism of General Musharraf is that he continues to do grave damage to the long-term political health of Pakistan (see our [survey](#)). In his seven long years in office, he has insinuated the army into every nook and cranny of Pakistani public life, weakening institutions that were feeble already, emasculating its political parties and reducing parliament to a squabbling irrelevance. He has sacked judges when it suited him, created and dismembered parties at his own convenience, rigged a referendum on his presidency and used Pakistan's constitution to write his own job description. None of this bodes well for a post-Musharraf future—which could arrive at any moment given the enthusiasm of his enemies for trying to kill him.

Like a previous "caretaker" dictator, General Zia ul-Haq, who held power for 11 years before being killed, General Musharraf has been unable to resist the temptation to play politics with Islam, even if, unlike Zia, he has also had some success at purging fundamentalists from the top ranks of the army. He has forged a disparate group of Islamic political parties into a

block that has helped him outmanoeuvre the democratic opposition; these Islamists are pushing hard for the extension of *sharia* law.

And then there's Afghanistan

It would not be fair to blame Pakistan for everything that is going wrong in Afghanistan. The government of Hamid Karzai is weak and corrupt; because of the West's continued failure to live up to its promises, much of the country, outside the big cities, is in the grip of bandits and warlords. But Pakistan's contribution to Afghanistan's chronic insecurity should not be underestimated. Both the Taliban and the remnants of al-Qaeda are able to take refuge on Pakistani soil, which makes the job of the soldiers from Western countries who have been struggling to eliminate them for the past five years much more difficult. The Taliban, after all, were in part a creation of Pakistan's ISI, which saw in them a way to establish a friendly state on their western flank, a vital strategic consideration for an organisation that sees itself as locked in perpetual conflict with India to its east.

General Musharraf, by contrast, contends he is doing all he can to root out Taliban fighters from their sanctuaries in the tribal areas, and Pakistan has lost more than 600 soldiers fighting there. Even so, say the critics, it could try much harder, especially given the size of its army. And as for al-Qaeda, none of General Musharraf's protestations can hide the fact that Osama bin Laden is generally reckoned to be holed up on Pakistani soil. Lesser terrorists such as Khalid Sheikh Mohammed, the planner of the September 11th attacks, have been caught and handed over by the general, but Mr bin Laden goes on evading capture.

The danger is that Afghanistan may now, thanks to Pakistani meddling and Western neglect, gradually revert to what it was before September 2001: a state partly captured by the most dangerous Islamists. Belatedly waking up to this threat (see [article](#)), Britain is leading NATO into risky action in Afghanistan's southern provinces, a swathe of territory where the Kabul government's writ is ignored and where a record-breaking crop of poppies was recently harvested. With a remit that has been altered to war-fighting at short notice, inadequate numbers and an apparent lack of enough helicopters and armoured support, these soldiers are taking politically painful casualties. There is a risk that the will of the politicians back home to go on fighting will swiftly fade.

An unstable, nuclear-armed Pakistan, intertwined with a chaotic and Taliban-dominated Afghanistan: it is not a settling prospect. It has all happened before, of course. The result was September 11th, swiftly followed by a terrorist outrage in Delhi that came close to provoking full-scale war between Pakistan and also-nuclear India. What will happen next time?

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