

**United States House of Representatives
Tom Lantos Human Rights Commission
House Committee on Foreign Affairs
Washington, D.C.
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Testimony of Amjad Mahmood Khan, Esq.

Mr. Chairman and Members of the Commission:

Thank you for inviting me to submit written testimony today on the plight of several Ahmadi Muslim prisoners of conscience in Saudi Arabia and Pakistan.

I am honored to provide testimony before this body. On three prior occasions, I also provided testimony before this body on the persecution facing the worldwide Ahmadiyya Muslim Community. The fact that you have commissioned a special hearing with a particular focus on prisoners of conscience demonstrates your deep commitment to international human rights and religious freedom, and for that we commend you.

I also want to congratulate the Commission for launching the Defending Freedoms Project, in conjunction with the U.S. Commission on International Religious Freedom and Amnesty International USA, to more meaningfully explore strategies for the release of prisoners of conscience. Our Community whole-heartedly supports this project.

I am a Muslim-American attorney residing in Los Angeles. In my private practice, I litigate complex business and commercial matters for a global law firm. In my *pro bono* practice, I represent refugees escaping persecution. I studied international and human rights law at Harvard Law School and have written extensively about the global persecution of the Ahmadiyya Muslim Community and surrounding issues for prominent legal journals and national newspapers. I also volunteer as the National Director of Public Affairs for the Ahmadiyya Muslim Community USA and submit my testimony today in that capacity.

Before I delve into specific cases of Ahmadi Muslim prisoners of conscience, allow me to briefly introduce our Community and a gist of the persecution we face.

Founded in 1889, the Ahmadiyya Muslim Community is a revivalist movement within Islam and espouses the motto of “Love for all, hatred for none.” As a central tenet of its faith, the Community rejects violence and terrorism for any and

all reason. When violent extremists label their acts of terrorism as ‘jihad,’ it is the Ahmadiyya Muslim Community that is usually first and most forceful in its denunciation, focusing on both conveying true Islamic teachings to Muslims around the world as well as removing misconceptions of Islam in the West. Today, our Community is established in more than 200 countries, and its tens of millions of adherents all follow the only spiritual caliph in the Muslim world, His Holiness Mirza Masroor Ahmad, who resides in London.

The Ahmadiyya Muslim Community is arguably the most persecuted Muslim community in the world. The U.S. State Department, the U.S. Commission on International Religious Freedom and dozens of human rights non-governmental organizations have documented the systematic persecution endured by our Community at the hands of religious extremists and state institutions.

Over the past several decades, hundreds of Ahmadi Muslims have been murdered in Pakistan, and dozens more in Bangladesh and Indonesia. In 2010 alone, 99 Ahmadi Muslims were murdered in Pakistan—the deadliest year ever for the Community. In Pakistan, our Community is declared to be “non-Muslim” by constitutional amendment and is effectively barred from participating in national elections such as the one that took place last May to elect a new government. Ahmadi Muslims also face prosecution under Pakistan’s anti-blasphemy laws, which criminalize Ahmadi activities. For example, even using basic Islamic greetings can result in up to three years imprisonment. In 2013 alone, more than 20 blasphemy cases have been registered against Ahmadi Muslims (doubling the number in recent years).

This brings me to the subject of today’s hearing: some significant pending cases of Ahmadi Muslim prisoners of conscience.

SAUDI ARABIA

Names of Prisoners of Conscience:

Mr. Sultan Hamid Marzooq al-Enezi (سلطان حامد مرزوق العنزي)
Civil ID#: 1008051870

Mr. Saud Falih Awad al-Enezi (سعود فالح عواد العنزي)
Civil ID#: 1022806911

*Summary*¹:

Approximately 18 months ago, on May 14, 2012, Sultan al-Enezi, age 31, and Saud al-Enezi, age 33, both of whom are Saudi nationals, were arrested by police on the charge of apostasy for becoming members of the Ahmadiyya Muslim Community, a peaceful Islamic sect that is considered non-Muslim by Saudi clerics.

Prior to this, the al-Enezis had both been summoned by the Ministry of Islamic Affairs, which advised them to leave the Ahmadiyya Muslim Community. The communication with the Ministry of Islamic Affairs was managed by two religious clerics. Mr. Sultan and Mr. Saud regularly visited these clerics to explain why they had become members of the Ahmadiyya Muslim Community. However, their refusal to leave the Ahmadiyya Muslim Community, and return to what the clerics purported to be Islam, led to their arrest.

In early May 2012, Mr. Sultan's friend, a police officer, informed him that the police intended to arrest him and Mr. Saud due to their acceptance of Ahmadiyyat. Accordingly, on May 14, 2012, Mr. Sultan and Mr. Saud went to report to the local police station at 8:00 am and did not return back. Mr. Sultan called his wife to inform her that the al-Enezis were being detained for five days until further investigations were carried out.

Subsequent to their initial detention, the al-Enezis were told they would be charged for committing apostasy, a crime for which they could be punished with death. On account of having become Ahmadi Muslims, they were alleged to have turned their back from Islam, not believing in Prophet Muhammad and not believing in the Muslim pilgrimage of Hajj to Mecca. Both Mr. Sultan and Mr. Saud rejected these allegations and stated that they believed in the Prophet Muhammad as *Khatam-an-Nabiyyin* or "the Seal of the Prophets" as well as the fundamental pillars of Islam.

Mr. Sultan told his wife that the al-Enezis were being forced to sign a document that would indicate that the al-Enezis have agreed to leave the Ahmadiyya Muslim Community. Mr. Sultan told his wife that he would never sign any such document even if they would kill him.

Two Saudi clerics have regularly visited the al-Enezis to pressure them to extract a confession and recant their faith in writing. The al-Enezis are not allowed to talk to prisoners about Ahmadiyyat, and if they do, they will be placed in solitary

¹ For further details, see Asian Human Rights Commission, "Saudi Arabia: Ahmadi Persecuted in the Kingdom," December 27, 2013, available at: <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-247-2013> (last visited January 15, 2014).

confinement. They have neither been formally charged with any crime nor have been given any opportunity to access a lawyer.

Police have asked the al-Enezi to recant their faith in writing numerous times—something the Ministry of Islamic Affairs initiated more than two years ago—which they refuse. The case can be referred to a judge for ruling at any point, and the al-Enezi are receiving regular threats by Ministry officials that failure to recant will result in the death penalty. Police decided to keep them in jail upon refusing to recant, and more than 18 months after their arrest, they are still in detention. This despite a law stating that six months is the maximum period of detention without trial. At first, they are jailed in al-Aziziya, in the ‘Ar-‘Ar area, with limited outside contact. Now, however, their location is unclear, and the Community has no contact with them.

The al-Enezi both have families; Mr. Saud has three children. The condition of their families is equally distressing. They have no one to provide for them, and it is torturous for them not to have any information about the whereabouts of their husbands.

The Community’s myriad efforts at a quiet diplomatic solution have thus far been met with silence from the Saudi government.²

PAKISTAN

Lahore

Name of Prisoner of Conscience:

Dr. Masood Ahmad

*Summary*³:

In November 2013, police in Lahore arrested 72-year-old Dr. Masood Ahmad, a Pakistan-British dual national, homeopathic physician and member of the Ahmadiyya Muslim Community.

² On August 9, 2012, Human Rights Watch (HRW) sent a letter to His Highness King Abdullah, calling for the release of the al-Enezi, stating that as they have yet to be convicted of apostasy, the King can release them by a simple order. To date, HRW has not received a reply. On November 21, 2012, U.S. Congressional Representatives Frank Wolf and Jim McGovern – co-chairs of the Tom Lantos Human Rights Commission – sent a letter to His Highness King Abdullah urging action on this case. To date, they have not received a reply.

³ For further details, see BBC News, “Jailed British Ahmadi Masood Ahmad in Pakistan blasphemy appeal,” available at: <http://www.bbc.co.uk/news/world-asia-25498545> (last visited January 15, 2014).

Two men posing as patients visited Dr. Ahmad's clinic in Lahore and began to ask questions about religion. They used a mobile phone to secretly film him reciting verses from the Holy Qur'an. Subsequently, they called the police in Lahore to arrest Dr. Masood for committing blasphemy and "outraging the religious sentiments of Muslims." In the mind of the accusers, Dr. Masood's public recitation of the Holy Qur'an was an unlawful blasphemous act.

Dr. Masood was subsequently arrested, imprisoned and charged for offenses under Section 295-C for "posing as a Muslim." Significantly, he has been denied bail despite his age and poor health (in 2010, Dr. Masood Ahmad has had several operations to remove a tumor and is recovering from cancer).

According to the BBC, the official complaint registered is in the name of a local cleric, presumably activist Mohammad Hasan Moawwiya, whose name appears in several similar cases against Ahmadi Muslims. Mr. Moawwiya is associated with an emerging group called The Khattam-e-Nabuwwat Lawyer's Forum, an extended legal wing of Majalis Tahaffaz Khattam-e-Nabuwwat, which is a right-wing religious group that has also been associated with distributing hate literature and actively campaigning against the Ahmadiyya Muslim Community in the past. Mr. Moawwiya maintains that it is his legal and constitutional right to bring the complaint.

Dr. Masood has remained in prison without bail for approximately six weeks. In an interview with BBC from prison last month, Dr. Masood said he felt "marked" prior to his arrest and remained concerned about how his children living abroad are coping with the situation. Dr. Masood's family remains extremely concerned about Dr. Masood's health while in prison.

In Pakistan, Ahmadi Muslims can be jailed for up to three years for "posing as Muslims" and using Islamic names or epithets for their places of worship or religious rituals.

Rajanpur (Punjab)

Name of Prisoners of Conscience/Detainees:

Mr. Muhammad Sharif
Case No. 653/13

Mr. Laeq Ahmad Tariq
Case No. 653/13

Mr. Naseer Ahmad
Case No. 653/13

Summary:

On December 18, 2013, Rajanpur City Police received a First Information Report (FIR) filed by the Assistant Sub-Inspector of the Rajanpur Police for a case of blasphemy under Section 298-C of Pakistan's Penal Code against three Ahmadi Muslims and brothers: (1) Mr. Muhammad Sharif; (2) Mr. Laeq Ahmad Tariq; and (3) Mr. Naseer Ahmad. They are residents of the Inayatabad Colony in Rajanpur.

Mr. Muhammad Sharif is the head Imam of the Ahmadiyya place of worship in Rajanpur and is 70 years of age. As of today, he remains arrested and imprisoned without bail. Mr. Laeq Ahmad Tariq and Mr. Naseer Ahmad await further proceedings by the police.

The three Ahmadi Muslims were accused of preaching and propagating their Ahmadi Muslim faith by allegedly distributing a pamphlet entitled *Ahmadi aur ghair Ahmadi main kya farak hai* or "The Differences Between Ahmadis and Non-Ahmadis." According to the FIR, the distribution of a pamphlet by Ahmadi Muslims is a penal code offense in violation of Pakistan Penal Code Section 298-C.

The above-mentioned cases represent only a select number of cases involving Ahmadi Muslim prisoners of conscience in Saudi Arabia and Pakistan. In recent years, the Community has also advocated for the release of Ahmadi Muslim prisoners of conscience in Egypt, Libya and the United Arab Emirates (UAE). Ahmadi Muslims continue to face intense persecution, including imprisonment, throughout much of the rest of the Islamic world, including the Middle East (e.g., Egypt, Libya, UAE and Palestine), Central Asia (e.g., Kazakhstan and Kyrgyz Republic) and Southeast Asia (e.g., Indonesia and Malaysia).

In conclusion, let me say that the primary source of our Community's persecution is religious extremists who espouse a militant perversion of Islam. Our Community strongly believes that all such religious extremism must be cut at its root. We welcome any and all efforts by the U.S. Government to release all prisoners of conscience regardless of their religious beliefs or affiliation.

Thank you.

Biography of Submitting Party

Amjad Mahmood Khan is litigation counsel at a prominent global law firm, a post-graduate research fellow at Harvard Law School and President of the Ahmadiyya Muslim Lawyers Association USA.

Mr. Khan graduated *summa cum laude* from Claremont McKenna College in 2001 with degrees in English Literature and Government and was a member of Phi Beta Kappa and awarded “Student of the Year” as a senior. His thesis, “Fighting Extremism in Islam,” earned departmental honors. In 2004, he earned a “Juris Doctor” (J.D.) degree from Harvard Law School, where he served as Editor-in-Chief of the *Harvard Human Rights Law Journal* and as a teaching assistant to Professor Scott Brewer (Contracts, Jurisprudence). He is a former judicial clerk to the late Honorable Warren J. Ferguson, Senior Circuit Judge for the United States Court of Appeals for the Ninth Circuit.

In addition to his litigation practice, Mr. Khan devotes thousands of hours to pro bono matters. He has specific experience in asylum and refugee law, deportation defense and legal aid to disaster victims. He has first chaired over two dozen successful immigration and asylum matters and has represented hundreds of refugees escaping religious persecution. He frequently briefs the U.S. State Department on his work to defend international religious freedom in the Islamic world. He has served as an expert witness for asylum cases involving oppressed religious minorities. He has received numerous awards and accolades for his pro bono work, which includes sharing the 2012 Muslim Advocates Thurgood Marshall Award for his legal work in defense of the civil liberties of an American Muslim.

Mr. Khan is a frequent lecturer on topics concerning international religious freedom in the Islamic world, with particular expertise on international human rights law and policy. He has lectured at several leading academic institutions, including Stanford Law School, Harvard Law School, Harvard Divinity School, Carnegie Mellon University, Claremont McKenna College, University of California Berkeley, Southern Methodist University and the State University of New York at Buffalo. His writings have appeared in a variety of prominent journals and newspapers, including the *Harvard Human Rights Law Journal*, *Georgetown Journal of International Affairs*, *Richmond Journal of Global Law and Business*, *Wall Street Journal*, *Washington Post*, *Los Angeles Times*, *Christian Science Monitor* and *New York Daily News*. His interviews have appeared in a variety of prominent media outlets, including Al Jazeera and NPR. He has testified three times before the Tom Lantos Human Rights Commission at the U.S. House of Representatives about the persecution of religious minorities in the Islamic world.

For two consecutive years, Mr. Khan has been named a “Southern California Super Lawyer Rising Star” by *Law & Politics* and *Los Angeles* magazines (2012, 2013) – an honor award to 2.5% of California attorneys under 40 years of age.