

**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 testify today on the religious persecution facing the Ahmadiyya Muslim Community in South Asia.

I am honored to provide testimony before this body. On two prior occasions, I also provided testimony before this body on similar issues. The fact that you have commissioned a special hearing on the challenges facing religious minorities in South Asia demonstrates your deep commitment to international human rights and religious freedom, and for that you are to be commended.

I am a Muslim-American attorney residing in Los Angeles. In my private practice, I litigate complex business and commercial matters for an international law firm. In my *pro bono* practice, I represent refugees escaping persecution. I have studied international and human rights law at Harvard Law School (where I graduated in 2004) and have written about the persecution of the Ahmadiyya Muslim Community in Pakistan 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.

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 the Ahmadiyya Muslim 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. Indeed, the persecution of the Community is pervasive and cuts very deep.

Before recounting specific details about the persecution endured by the Ahmadiyya Muslim Community in South Asia, let me first provide you with a brief overview of the Community that may help explain why the Community continues to be a prime target of extremists who purport to represent Islam.

Overview of the Ahmadiyya Muslim Community¹

The Ahmadiyya Muslim Community is a dynamic, fast growing international revival movement within Islam. Founded in 1889, it spans over 195 countries and claims a membership exceeding tens of millions. Its current headquarters are in the United Kingdom.

The Ahmadiyya Muslim Community is the only Islamic organization to believe that the long-awaited messiah has come in the person of Mirza Ghulam Ahmad (1835-1908) of Qadian. Ahmad claimed to be the metaphorical second coming of Jesus of Nazareth and the divine guide, whose advent was foretold by the Prophet of Islam, Muhammad. The Ahmadiyya Muslim Community believes that God sent Ahmad, like Jesus, to end religious wars, condemn bloodshed and reinstitute morality, justice and peace. Ahmad divested Islam of fanatical beliefs and practices by vigorously championing Islam's true and essential teachings.

The Ahmadiyya Muslim Community is the leading Islamic organization to categorically reject terrorism in any form. Over a century ago, Ahmad emphatically declared that an aggressive "jihad by the sword" has no place in Islam. In its place, he taught his followers to wage a bloodless, intellectual "jihad of the pen" to defend Islam. To this end, Ahmad penned over 80 books and tens of thousands of letters, delivered hundreds of lectures and engaged in scores of public debates. His rigorous and rational defenses of Islam unsettled conventional Muslim thinking. As part of its efforts to revive Islam, the Ahmadiyya Muslim Community continues to spread Ahmad's teachings of moderation and restraint in the face of bitter opposition from parts of the Muslim world.

The Ahmadiyya Muslim Community is the leading Islamic organization to endorse a separation of mosque and state. Over a century ago, Ahmad taught his followers to protect the sanctity of both religion and government by becoming righteous souls as well as loyal citizens. He cautioned against irrational interpretations of Quranic pronouncements and misapplications of Islamic law. He continually voiced his concerns over protecting the rights of God's creatures. Today, the Ahmadiyya Muslim Community continues to be an advocate for universal human rights and protections for religious and other minorities. It champions the empowerment and education of women. Its members are among the most law-abiding, educated and engaged Muslims in the world.

Finally, the Ahmadiyya Muslim Community is the foremost Islamic organization with a central spiritual leader. Over a century ago, Ahmad reminded his followers of God's promise to safeguard the message of Islam through *khilafat* (the spiritual institution of successorship to prophethood). The Ahmadiyya Muslim Community believes that only spiritual successorship can uphold the true values of Islam and unite humanity. Five spiritual leaders have succeeded Ahmad since his demise in 1908. Its fifth and current spiritual head, His Holiness Mirza Masroor Ahmad, resides in the United Kingdom. Under the leadership of its spiritual successors, Ahmadiyya Muslim Community has now built over 15,000 mosques, over 500 schools, and over 30 hospitals. It has translated the Holy Qur'an into over 60 languages. It propagates the true teachings of Islam and the message of peace and tolerance through a twenty-four hour satellite television channel (MTA), the Internet (alislam.org) and print (Islam International Publications). It has been at the forefront of worldwide disaster relief through an independent charitable organization, Humanity First.

Persecution of the Ahmadiyya Muslim Community in Pakistan

With that critical background in mind, let me now discuss the rapidly deteriorating conditions for the Ahmadiyya Muslim Community in Pakistan.

For six decades, the Ahmadiyya Muslim Community has endured wide-ranging abuses in Pakistan. On May 28, 2010, the Community watched in horror as armed gunmen from the Tehrik-e-Taliban Pakistan (TTP)—a group designated as a major terrorist group by the U.S. State Department—attacked hundreds of Ahmadi Muslim worshipers gathered for Friday prayers at two mosques in Model Town, Lahore. When the dust had cleared, the gunmen had killed 86 Ahmadi Muslims in those attacks—the largest single attack against the Community ever.²

An estimated 3-4 million Ahmadi Muslims currently live in Pakistan.³ Ahmadi Muslims profess to be Muslims, but their belief is irrelevant under the law.⁴ This is because Pakistan is the only Islamic state in the world to define who is or is not a Muslim in its Constitution (Article 260). The Second Amendment to Pakistan's Constitution, passed in 1974, amends Article 260 to say:

“A person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad, the last of the Prophets or claims to be a Prophet, in any sense of the word or of any description whatsoever, after Muhammad, or recognizes such a claimant as a Prophet or religious reformer, is not a Muslim for the purposes of the Constitution or law.”⁵

This amendment explicitly deprives members of the Ahmadiyya Muslim Community of their right to self-identify as Muslims. Since the amendment's passage, over 300 Ahmadi Muslims have been killed.

As has been well-chronicled by the International Community, since 1984, Pakistan has used its Criminal Code to prohibit and punish blasphemy. Blasphemy in Pakistan broadly refers to any spoken or written representation that “directly or indirectly” outrages the religious sentiments of Muslims.⁶ Five of Pakistan's current penal code provisions punish blasphemy. These are collectively referred to as the “anti-blasphemy” laws. Over the course of 28 years, more than 1,000 individuals have been arrested under these laws.⁷ These individuals were Muslims (Sunnis, Shias and Ahmadis), Christians and Hindus.⁸ Their crimes ranged from wearing an Islamic slogan on a t-shirt to planning to build a Mosque to distributing Islamic literature in a public square to offering prayers in a Mosque to printing a wedding invitation card with Quranic verses to sending a text message perceived as critical of Islam.⁹ Their punishments ranged from fines to indefinite detention to life imprisonment to the death sentence. Although no one to date in Pakistan has been executed for blasphemy, at least 32 individuals have been killed by mobs after having been arrested for blasphemy.¹⁰

Pakistan's anti-blasphemy laws continue in full force and effect today. They incite religious extremism and silence the opinions of both Muslim and non-Muslim minorities. The U.S. State Department's recent reports on Pakistan point out how “authorities routinely used the [anti]-blasphemy laws to harass religious minorities and vulnerable Muslims and to settle personal scores or business rivalries.”¹¹ Amnesty International reports that Pakistan's anti-blasphemy laws are “a handy tool to silence debate and dissent.”¹² Human Rights Watch reports that “Pakistan's continued use of its blasphemy laws against religious minorities is disgraceful” and must be “repealed.”¹³ The U.S. Commission on International Religious Freedom described the anti-blasphemy laws as “restricting religious freedom” and fostering “vigilante violence.”¹⁴

The most notorious of Pakistan's anti-blasphemy laws is a 50-word Penal Code Ordinance (called Section 295-C):

*"Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine."*¹⁵

Based on this remarkably broad language, virtually anyone can register a blasphemy case against anyone else in Pakistan, and the accused can face capital punishment. Thus, Pakistan's anti-blasphemy laws have essentially criminalized the very existence of Ahmadi Muslims.

Two of the five anti-blasphemy laws explicitly target by name the activities of the Ahmadiyya Muslim Community.¹⁶ These two laws are part of what is known as Martial Law Ordinance XX, which amended Pakistan's Penal Code and Press Publication Ordinance Sections 298-B and 298-C. For fear of being charged with "indirectly or directly posing as a Muslim," Ahmadi Muslims cannot profess their faith, either verbally or in writing. Pakistani police destroyed Ahmadi translations of the Qur'an and banned Ahmadi publications, the use of any Islamic terminology on Ahmadi Muslim wedding invitations, the offering of Ahmadi Muslim funeral prayers, and the displaying of the *Kalima* (the principal creed of a Muslim) on Ahmadi Muslim gravestones.¹⁷ In addition, Ordinance XX prohibited Ahmadi Muslims from declaring their faith publicly, propagating their faith, building mosques or making the call for Muslim prayers.¹⁸ In short, virtually any public act of worship, devotion or propagation by an Ahmadi Muslim can be treated as a criminal offense punishable by fine, imprisonment or death.

Ahmadi Muslims account for almost 40% of all arrests under Pakistan's anti-blasphemy laws,¹⁹ and the situation grows dire each passing year. As an example, in 2009, four Ahmadi Muslim school teenagers in the Layyah District were formally charged with blasphemy for allegedly writing the name of Muhammad on the walls of a Mosque's toilet.²⁰ The teenagers (the youngest 14 years old) remained behind bars without bail for six five months.²¹ They continue to face the threat of blasphemy charges today and can be subject to life imprisonment or death. According to BBC, the charges these teenagers face were purely fabricated.²² Cases like this are not uncommon in Pakistan. In prior years, elderly Ahmadi Muslim women, mothers and infants have fallen victim to the anti-blasphemy laws.²³

Not surprisingly, having suffered under the anti-blasphemy laws for years, religious minorities in Pakistan have challenged the constitutionality of the anti-blasphemy laws under Article 20 of Pakistan's Constitution.²⁴ Unfortunately, however, the anti-blasphemy laws have withstood legal scrutiny.

Just a few years after the laws were passed, the Federal Shariat Court (the highest religious court in Pakistan) was asked to exercise its jurisdiction under Article 203D of the constitution to rule whether or not Ordinance XX was contrary to the injunctions of the Qur'an and Sunnah (practice of Prophet Muhammad). The court, in the case *Mujibur Rahman v. Government of Pakistan*, upheld the validity of Ordinance XX and ruled that parliament had acted within its authority to

declare Ahmadi Muslims as non-Muslims. Ordinance XX, the court maintained, merely prohibited Ahmadi Muslims from “calling themselves what they [were] not,” namely Muslims.²⁵

On July 3, 1993, the Supreme Court of Pakistan dismissed eight appeals brought by Ahmadi Muslims who were arrested under Ordinance XX and Section 295-C. The collective complaint in the case, *Zaheerudin v. State*, was that the 1984 Ordinance violated the constitutional rights of religious minorities. The court dismissed the complaint on two main grounds. First, the court held that Ahmadi Muslim religious practice, however peaceful, angered and offended the Sunni majority in Pakistan; to maintain law and order, Pakistan would, therefore, need to control Ahmadi Muslim religious practice. Second, Ahmadi Muslims, having been deemed to be non-Muslims by law, could not use Islamic epithets in public without violating company and trademark laws. Pakistan, the court reasoned, had the right to protect the sanctity of religious terms under these laws and the right to prevent their usage by non-Muslims. The court also pointed to the sacredness of religious terms under the *shari'a*.²⁶ The remarkable ruling further entrenched the anti-Ahmadi ordinances by giving the government power to freely punish Ahmadi Muslim religious practice as apostasy.

In light of these twin court decisions by the highest judicial bodies in Pakistan, Pakistan’s anti-blasphemy laws remain a legitimate state-approved instrument for persecution of religious minorities. Religious minorities have no further legal recourse within Pakistan to overturn Pakistan’s anti-blasphemy laws.

The persecution of the Ahmadiyya Muslim Community in Pakistan goes beyond individual arrests under Pakistan’s anti-blasphemy laws. Owing to pressure from religious extremists, Pakistani authorities have demolished, set on fire, forcibly occupied, sealed or barred the construction of over 90 Ahmadi Muslim Mosques.²⁷ They have also denied the cemetery burial of 41 Ahmadi Muslims and have exhumed after burial the bodies of 28 Ahmadi Muslims.²⁸ In addition, Pakistan’s state security forces do not adequately protect Ahmadi Muslims from attacks by extreme religious groups. For example, Asma Jahangir, former Chair of the Human Rights Commission of Pakistan, publicly noted that the Lahore police authorities failed to take adequate and sufficient measures to protect Ahmadi Muslims despite known warnings that the Tehrik-e-Taliban Pakistan (TTP) had plotted to kill Ahmadi Muslim worshippers in Model Town, Lahore on May 28, 2010.²⁹

Over the past year, religious extremists have also targeted Ahmadi Muslim professionals with impunity. In June of 2011, the All-Pakistan Students Khatam-e-Nabuwat Federation widely distributed shocking anti-Ahmadi pamphlets in Faisalabad—one of Pakistan’s largest cities.³⁰ The pamphlets explicitly encouraged the outright assassination of a select group of Ahmadi Muslim industrialists, doctors and businessmen—who were listed by name and address and labeled as “wajib ul qatl” or “worthy of being killed.”³¹ The pamphlets explicitly noted that an act of murder against an Ahmadi Muslim on the list would be deemed to be a “virtue” and a “blessing.”³² When Ahmadi Muslim leaders brought the horrific content of the pamphlets to the attention of Faisalabad police authorities, the authorities refused to investigate or intervene.³³ As a result, thousands of Ahmadi Muslims in Faisalabad currently live in a state of perpetual fear with no police protection. For example, last month the President of the Ahmadiyya Muslim Community in Faisalabad barely survived an assassination attempt by unidentified gunmen.³⁴

Similarly, in late January of 2012, some 5,000 people, including religious extremists and representatives from traders unions, gathered outside an Ahmadi Muslim mosque in Rawalpindi calling for the mosque's demolition and a ban of Ahmadi Muslim activities.³⁵ At the rally, many protesters could be heard referring to Ahmadi Muslims as "worthy of being killed." Once again, local police authorities had failed to take affirmative measures to adequately safeguard Ahmadi Muslims or their mosque.

Finally, I want to underscore two critical issues facing Ahmadi Muslims in Pakistan that are especially tragic since they uniquely affect only Ahmadi Muslims and no other religious minority in Pakistan.

The first issue concerns the right to vote in Pakistan. From 1978 to 2002, Pakistan employed a separate electorate system that put non-Muslims and Ahmadi Muslims on a separate voting list where they could vote only for minority candidates for minority seats in Parliament.³⁶ On February 27, 2002, President Musharraf passed Chief Executive Order No. 7, which eliminated the separate electorate system and reinstated a joint electorate system whereby all Pakistani citizens—regardless of their religious persuasion—could vote as equal citizens. The International Community heralded this step as a victory for Pakistan's democracy. But only four months later, in a remarkable reversal, President Musharraf passed Chief Executive Order No. 15, which explicitly stated that the "status of Ahmadis [remains] unchanged." Under this measure, Ahmadi Muslims can only vote in Pakistan if they (1) declare themselves to be a non-Muslim; (2) declare the founder of the Ahmadiyya Muslim Community to be an imposter; and (3) add their names to a separate supplementary list.³⁷ Of course, no Ahmadi Muslim should or would ever agree to these patently discriminatory conditions. As a result, Ahmadi Muslims are the only religious group in Pakistan to be excluded from the country's joint electorate system, and this legal exclusion persists even after ten years.³⁸ The disenfranchisement of Ahmadi Muslims adversely impacts all Pakistanis since Ahmadi Muslims are among Pakistan's most literate and educated citizens.³⁹

The second issue concerns Pakistan's citizenship forms and applications. The Government of Pakistan designates religious affiliation on passports. All Pakistani Muslims seeking passports or passport renewals must fill out a form in which they denounce Ahmadi Muslim beliefs and declare Ahmadi Muslims to be non-Muslim and the founder of the Ahmadiyya Muslim Community—Mirza Ghulam Ahmad—to be an imposter. In other words, the Government of Pakistan forces all Pakistani Muslims seeking passports to swear under penalty of perjury their explicit opposition to Ahmadi Muslims. Similarly, earlier this month, the National Database and Registration Authority (NDRA) of Pakistan instituted a new national identification card form with a new religious category for "Qadiani"—a derogatory term used to describe an Ahmadi Muslim.⁴⁰ In order for an Ahmadi Muslim to obtain a national identification card, he or she must either declare himself to be non-Muslim or check the "Qadiani" category.

Persecution of the Ahmadiyya Muslim Community in India

Let me now turn briefly to the persecution of the Ahmadiyya Muslim Community in neighboring India. The worldwide Ahmadiyya Muslim Community was founded in 1889 in Qadian, India, which also served as the world headquarters of the community until 1947. Today, there are

millions of Ahmadi Muslims spread all across India. Ahmadi Muslims in India have generally fared much better than their brethren across the border but are experiencing a significant rise in anti-Ahmadiyya activity in recent years. Various Indian provincial governments appear to be unable or unwilling to control the activities of radical Islamic parties, many of which have historic ties to their counterparts in Pakistan and share their anti-Ahmadiyya agenda.

In 2008, the Andhara Pradesh government denied Ahmadi Muslims permission to hold a meeting in the Andhara Pradesh province after a number of Muslim groups threatened to storm the conference if it was not cancelled.⁴¹ But while the government denied Ahmadi Muslims the right to hold a peaceful gathering, they allowed various Muslim groups to hold an anti-Ahmadi rally in Saharanpur, in which a mob was incited to attack Ahmadi Muslims.⁴² Several Ahmadi Muslim homes were attacked the next day, and six Ahmadi Muslims were severely injured as a result.⁴³ The local police had been informed of the rising tensions in the area by the Ahmadiyya community for months but they refused to intervene.⁴⁴ In June of 2009, an Ahmadi Muslim woman's body in Chennai was exhumed after she was buried in a Muslim graveyard.⁴⁵ Once again, the local government authorities caved into pressure from radical Islamic groups and allowed this callous act to be carried out.⁴⁶ No action has been taken against the perpetrators.

These are not isolated incidents. Ahmadi Muslims are being targeted all over India. There is an increasing chorus of radical voices demanding that Ahmadi Muslims be declared non-Muslim following Pakistan's example. There are demands that Ahmadi Muslims not be allowed to perform Hajj, which is one of the fundamentals of Islam.⁴⁷ Provincial governments are being forced to remove any mention of Ahmadi Muslims in school textbooks.⁴⁸ There are efforts to prevent Ahmadi Muslims from holding their annual convention in Qadian, a tradition that dated back to 1891 when the first Ahmadiyya Muslim convention was held.⁴⁹ Ahmadi Muslims are being denied access to the public square due to the pressure being exerted by certain radical religious groups that the Indian provincial governments appear unwilling or unable to control. For example, in New Delhi, local police prevented Ahmadi Muslims from holding a Qur'an exhibition after demonstrations by various hardliner Muslim organizations.⁵⁰ In a most disturbing recent development, the government of Andhra Pradesh has classified Ahmadi Muslims as non-Muslims and declared that it would not consider any properties belonging to the Ahmadiyya Muslim Community to be Muslim properties.⁵¹

Persecution of the Ahmadiyya Muslim Community in Bangladesh

Let me now turn briefly to the persecution of the Ahmadiyya Muslim Community in Bangladesh, which offers an interesting counterpoint to Pakistan and India.

Roughly 100,000 Ahmadi Muslims live in Bangladesh today.⁵² As recently as 2005, the Khatme Nabuwat (K.N.), an umbrella organization of Islamist groups dedicated to the preservation of the "finality of the prophethood" of Muhammad, had threatened the Ahmadiyya Muslim Community with attacks on Ahmadi Muslim mosques and campaigned for Ahmadi Muslims to be declared non-Muslim.⁵³ Between 2001 and 2006, the K.N. enjoyed links to the then-governing Bangladesh National Party (BNP) through the BNP's coalition partners, the Jamaat-e-Islami (JI) and the Islami Okye Jote (IOJ).⁵⁴ In 2004, the Bangladeshi government banned the publication, sale, distribution, and preservation of all books and booklets on Islam published by the

Ahmadiyya Muslim Community in Bangladesh.⁵⁵ This followed an upsurge of anti-Ahmadi protests and violence in 2003.⁵⁶ One of the worst attacks on Ahmadi Muslims took place on April 17, 2005 when a mob led by the K.N. attacked and injured at least twenty-five Ahmadi Muslims.⁵⁷ During that attack, the K.N. activists sought to place a signboard on the Ahmadi Muslim mosque in the area which stated: “This is a place of worship for Qadianis; no Muslim should mistake it for a mosque.”⁵⁸ As the K.N. activists reached the Ahmadiyya Muslim mosque, the Ahmadi Muslims, led by their chief missionary in Bangladesh, tried to prevent the incident from taking place.⁵⁹ Incensed at the resistance, K.N. activists started throwing stones at them and injured dozens of people, some seriously, including six Ahmadi Muslim women.⁶⁰ The police, instead of preventing the incident from occurring, sought to contain the situation by taking possession of the sign-board and hanging it themselves on the Ahmadi Muslim mosque.⁶¹

Since the mid-2000s, however, the situation for Ahmadi Muslims in Bangladesh has improved markedly. The Bangladesh High Court has stayed the ban on Ahmadiyya Muslim publications.⁶² In December 2008, a new government of Bangladesh, led by the secularist Awami League Party (ANP), came to power after democratic elections. In December 2006, the ANP had signed an electoral pact with an Islamist group that committed a future ANP-led government to an official declaration that the Prophet Muhammad is the last prophet—a direct challenge to the Ahmadiyya Muslim Community.⁶³ Ahmadi Muslims and liberal citizens criticized the agreement as politically expedient and inconsistent with core party principles.⁶⁴ Following this criticism and open rebellion among senior party leaders, the ANP quietly allowed the agreement to lapse after imposition of the state of emergency.⁶⁵ Fortunately, the ANP government has largely lived up to its secularist principles. The U.S. State Department has reported in recent years that “the Government acted in a generally effective manner to protect Ahmadis and their property.”⁶⁶

Nevertheless, as the U.S. State Department recognized in its most recent report on religious freedom, attacks on the Ahmadiyya Muslim Community continue to occur in Bangladesh.⁶⁷ In 2011, local authorities in the Gazipur district prevented the Ahmadiyya Muslim Community from holding its annual convention, citing concerns raised by the local population.⁶⁸ Only last November, it was reported that local law enforcement authorities in the village of Tangail prevented the Ahmadiyya Muslim Community from building a mosque in the village, in clear violation of Article 41 of Bangladesh’s Constitution, which guarantees religious freedom.⁶⁹ This denial followed a wave of attacks against Ahmadi Muslims in Tangail.⁷⁰ The attacks happened in three waves in June, August, and October. The attacks consisted of small groups entering Ahmadi Muslim neighborhoods with weapons, beating Ahmadi Muslims they encountered and vandalizing several houses before leaving.⁷¹ The authorities made no arrests, but a few local figures issued statements about the need to live in harmony.⁷²

Conclusion

I have provided only a basic sketch of the current persecution of the Ahmadiyya Muslim Community in South Asia (Pakistan, India and Bangladesh). Our Community endures significant persecution throughout much of the rest of the Islamic world, including the Middle East (e.g., Egypt, UAE, and Palestine), Central Asia (e.g., Kazakhstan and Kyrgyz Republic) and Southeast Asia (e.g., Indonesia and Malaysia). In all instances, 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.

Our Community welcomes and lauds any and all efforts to raise greater awareness about restrictions to religious freedom in South Asia, and indeed all over the world.

Thank you.

¹ Ahmadiyya Muslim Community, Introduction from Official Website, www.alislam.org (last visited on March 19, 2012).

² Zahid Hussain and Rehmat Mehsud, "Militants Attack Tiny Muslim Sect," May 29, 2011, *available at* <http://online.wsj.com/article/SB10001424052748704254004575274533917141238.html> (last visited on March 19, 2012).

³ See M. Nadeem Ahmad Siddiq, "Enforced Apostasy: *Zaheerudin v. State* and the Official Persecution of the Ahmadiyya Community in Pakistan," *Journal of Law and Inequality*, Vol. 14, 1995, at pp. 275, 279.

⁴ See Pak. Const. pt. XII, ch. 5, arts. 260(3)(a), 260(3)(b). "Muslim means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified Prophethood of Muhammad (peace be upon him), the last of the prophets, and does not believe, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or any description whatsoever, after Muhammad (peace be upon him)." Subsection (b) reads: "'Non Muslim' means a person who is not a Muslim and includes a person belonging to the Christians, Hindus, Sikh, Buddhist or Parsi community, a person of the Qadiani Group or Lahori Group (who call themselves 'Ahmadis' or by any other name) or a Bahai, and a person belonging to any of the Scheduled Castes."

⁵ See Pak. Const. Second Amendment.

⁶ Amjad Mahmood Khan, "Persecution of the Ahmadiyya Community in Pakistan: An Analysis Under International Law and International Relations," *Harvard Human Rights Journal*, Vol. 16, Spring 2003, at p. 227, *available at* <http://www.law.harvard.edu/students/orgs/hrj/iss16/khan.shtml#fnB40> (last visited on March 19, 2012).

⁷ National Commission for Justice and Peace in Pakistan (NCJP) data, quoted in "NJCP Signature's Drive Against Blasphemy Laws," *Dawn*, August 28, 2009, *available at* www.dawn.com/wps/wcm/connect/dawn-contentlibrary/dawn/the-newspaper/national/ncjps-signature-drive-against-blasphemy-laws-889 (last visited on March 19, 2012).

⁸ *Id.*

⁹ See Dexter Filkins, "Pakistan's Blasphemy Law Under Heightened Scrutiny," *Los Angeles Times*, May 9, 1998, at A1; Editorial, "Pakistan's Cruel Blasphemy Law," *New York Times*, August 30, 2001, at A20.

¹⁰ NCJP data, *supra* note 7.

¹¹ Bureau of Democracy, Human Rights and Labor, U.S. Department of State, *Annual Report on International Religious Freedom: Pakistan*, <http://www.state.gov/g/drl/rls/irf/2008/108505.htm> (last visited on March 19, 2012).

¹² Amnesty International, "Pakistan: Blasphemy Laws Should Be Abolished," August 21, 2001, *available at* <http://www.amnesty.org/en/library/asset/ASA33/023/2001/en/6bd5700e-d8f5-11dd-ad8cf3d4445c118e/asa330232001en.html> (last visited on March 19, 2012).

¹³ Human Rights Watch, "Pakistan: Pandering to Extremists Fuels Persecution of Ahmadis," May 5, 2007, *available at* <http://www.hrw.org/en/news/2007/05/05/pakistan-pandering-extremists-fuels-persecution-ahmadis> (last visited on March 19, 2012).

¹⁴ United States Commission on International Religious Freedom, *Letter from Felice D. Gaer to President Barack H. Obama*, May 5, 2009.

¹⁵ See Pak. Penal Code § 295C (part of the Criminal Law Amendment Act of 1986, which amended the punishments enumerated in §§ 298B and 298C to include death). "Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (*peace be upon him*) shall be punished with death, or imprisonment for life, and shall be also liable to fine."

¹⁶ See Pak. Penal Code §§ 298B, 298C (collectively referred to as Ordinance XX). According to § 298B:

“(1) Any person of the Qadiani group or the Lahori group (who call themselves ‘Ahmadis’ or any other name) who by words, either spoken or written, or by visible representation a. refers to, or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (*peace be upon him*), as ‘Ameer-ul-Mumineen,’ ‘Khalifat-ul-Mumineen,’ ‘Kilafat-ul-Muslimeen’ ‘Sahaabi’ or ‘Razi Allah Anaho’; b. refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (*Peace be upon him*), as ‘Ummul-Mumineen’; c. refers to, or addresses, any person, other than a member of the family (Ahle-bait) of the Holy Prophet Muhammad (*peace be upon him*), as Ahle-bait; or d. refers to, or names, or calls, his place of worship as Masjid; shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(2) Any person of the Qadiani group or Lahori group (who call themselves as ‘Ahmadis’ or by any other name) who by words, either spoken or written, or by visible representation, refers to the mode or form of call to prayers followed by his faith as ‘Azan’ or recites Azan as used by Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.”

¹⁷ See Siddiq, *supra* note 3, at pp. 288-289.

¹⁸ *Id.*

¹⁹ NCJR data, *supra* note 7.

²⁰ United States Commission on International Religious Freedom, *Letter from Felice D. Gaer to Anne C. Patterson*, May 19, 2009 (citing Layyah incident).

²¹ Ahmadiyya Muslim Community, Press Release, “Ahmadi Children Released on Bail After Nearing Six Months Imprisonment,” July 7, 2009, available at <http://thepersecution.org/press/09/pk090707.html> (last visited on March 19, 2012).

²² Ahmadiyya Muslim Community, Press Release, “Four Ahmadi school children and an adult frivolously booked and arrested by the police on false accusation of blasphemy by extremist elements,” February 2, 2009, quoting BBC report, available at <http://www.thepersecution.org/case/case009.html> (last visited on March 19, 2012).

²³ Amnesty International, Report on Pakistan, September 1996, available at <http://www.thepersecution.org/ai/amnst196.html> (last visited on March 19, 2012).

²⁴ See Pak. Const., art. 20. “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.”

²⁵ See *Mujibur Rehman v Gov’t of Pakistan*, 1985 S.D. Vol. II (Fed. Shariat Court) 382, 473 (Pak.).

²⁶ *Zaheerudin v. State*, 26 S.C.M.R. 1718 (S.Ct. 1993) (Pak.). *Zaheerudin v. State* was a 4-1 ruling led by Justice Abdul Qadeer Chaudhry, holding that Ordinance XX was in accord with statutes and judicial opinions in England and the United States that protect religious freedom; the majority erroneously cited legal precedent from both jurisdictions as false support. See also Amjad Mahmood Khan, “Legal Argument by Analogy in Transjudicial Communication: The Case of *Zaheerudin v. State*,” *Richmond Journal of Global Law and Business*, Vol. 10, No. 4, Fall 2011, available at http://rjglb.richmond.edu/archives/10.4/rjl_10-4.pdf (last visited on March 19, 2012).

²⁷ See Ahmadiyya Muslim Community, Facts and Figures on Pakistan, available at <http://thepersecution.org/facts/events.html> (last visited on March 19, 2012).

²⁸ *Id.*

²⁹ Human Rights Commission of Pakistan, Press Release, “HRCP Blasts Attacks on Ahmadis in Lahore,” May 28, 2010, available at <http://www.thepersecution.org/hrcp/hrcplahore.html> (last visited on March 19, 2012).

³⁰ Shamsul Islam, “Targeting Minorities: No Friends to Ahmadis in Pakistan,” *The Express Tribune*, June 9, 2011, available at <http://tribune.com.pk/story/185179/targeting-minorities-no-friend-to-ahmadis-in-faisalabad/> (last visited on March 19, 2012).

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ Staff, “Head of Ahmadiyya Muslim Community in Faisalabad Attacked; Two Inured,” *The Horizon*, February 21, 2012, available at <http://alufaq.com/pakistan-head-ahmadiyya-muslim-community-faisalabad-attacked-injured> (last visited on March 19, 2012).

³⁵ Amnesty International, “Pakistan Should Protect Ahmadiyya Community Against Threats of Violence,” February 2, 2012, available at <http://amnesty.org/en/news/pakistan-should-protect-ahmaddiya-community-against-threats-violence-2012-02-02> (last visited on March 19, 2012).

³⁶ See, e.g., Barbara Crosette, “Pakistan’s Minorities Face Voting Restrictions,” *New York Times*, Oct. 23, 1990, at A5; David Lamb, “Non-Muslims in Pakistan Seek a Political Voice,” *Los Angeles Times*, Jan. 13, 2002, at A9.

The persecution of Ahmadi Muslims emanates from their political disenfranchisement. Between 1978 and 2002, Pakistan used a separate electorate system for Muslims and non-Muslims. In order to cast their votes for minority candidates, non-Muslims had to register on the “non-Muslim” electoral rolls. Ahmadi Muslims, however, base their entire ideological foundation on Islam and profess to be true Muslims. Registering as “non-Muslims” demeaned their faith and compromises their ethical standards. Registering as “Muslims” resulted in severe legal consequences, including fines and imprisonment. As a result, Ahmadi Muslims were deprived of their basic freedom of conscience and could not adequately vote in Pakistan’s elections. On February 27, 2002, President Musharraf issued Chief Executive’s Order No. 7 of 2002 (Conduct of General Elections Order), which called for the elimination of the separate electoral system. Non-Muslim minorities and Ahmadi Muslims hailed the Order as a step towards democratic reform in Pakistan. After several decades, Ahmadi Muslims once again voted in large numbers. Succumbing to the pressure of religious extremists, however, President Musharraf subsequently passed a series of amendments to the original Order, which stated explicitly that the “[s]tatus of Ahmadis [was] . . . to remain unchanged” (June 17, 2002 Amendments; Section 7-B). This, in effect, kept intact a joint electoral roll for all eligible voters, Muslim and non-Muslims, except Ahmadi Muslims. As a result, Ahmadi Muslims presently are the only group in Pakistan who do not appear on Pakistan’s joint electoral rolls and cannot freely vote.

³⁷ Mahmood Ahmad and Amjad Mahmood Khan, “Apartheid in Pakistan,” *Washington Post*, January 19, 2011, available at http://onfaith.washingtonpost.com/onfaith/guestvoices/2011/01/apartheid_in_pakistan.html (last visited on March 19, 2012).

³⁸ *Id.*

³⁹ Siddiq, *supra* note 3.

⁴⁰ Asia Human Rights Commission, “Pakistan: NADRA More Muslim Than the Fundamentalists,” March 2, 2012, available at <http://alufaq.com/pakistan-nadra-muslim-fundamentalists-ahrc> (last visited on March 19, 2012).

⁴¹ Yahoo News India, “Ahmadiyya Community Denied Permission for Hyderabad Meet,” June 10, 2008, available at <http://www.persecutionofahmadis.org/ahmadiya-community-denied-permission-for-hyderabad-meet/> (last visited on March 19, 2012).

⁴² Ahmadiyya Muslim Community Press Release, “Persecution Report in Saharanpur,” August 27, 2008, available at <http://www.persecutionofahmadis.org/religious-fanatics-attack-ahmadis-houses-in-saharanpur-uttar-pradesh-india-six-persons-injured/> (last visited on March 19, 2012).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Express News Service, “Muslim extremists exhume an Ahmadi women's body from a Muslim graveyard with Police complicity,” June 8, 2009, available at <http://www.thepersecution.org/world/india/09/06/eb08.html> (last visited on March 19, 2012).

⁴⁶ *Id.*

⁴⁷ The Times of India, “Darul Uloom Asks Saudia Arabia to Ban Ahmadiyyas from Mecca Visit,” June 30, 2011, available at http://articles.timesofindia.indiatimes.com/2011-06-30/india/29720981_1_mecca-umrah-islamic-seminary (last visited on March 19, 2012).

⁴⁸ News Blaze, “Should the Mayawati Government Remove Ahmadiyya Sect from Syllabus,” August 28, 2010, available at <http://newsblaze.com/story/20100828061254isla.nb/topstory.html> (last visited on March 19, 2012).

⁴⁹ Times of India, “Ahmadiyya Convention Faces Heat,” December 25, 2009, available at http://articles.timesofindia.indiatimes.com/2009-12-25/ludhiana/28066590_1_muslims-protest-sikh (last visited on March 19, 2012).

⁵⁰ Times of India, “Ahmadiyyas Face Protest at Peace Mission,” September 24, 2011, available at http://articles.timesofindia.indiatimes.com/2011-09-24/delhi/30197440_1_ahmadiyyas-muslims-token-protest (last visited on March 19, 2012).

⁵¹ Times of India, “Ahmadiyyas to Lose Properties,” February 19, 2012, available at http://articles.timesofindia.indiatimes.com/2012-02-19/hyderabad/31077037_1_mosques-wakf-board-masjid (last visited on March 19, 2012).

⁵² Human Rights Watch, “Breach of Faith: Persecution of the Ahmadiyya Community in Bangladesh,” June 16, 2005, available at <http://www.hrw.org/reports/2005/06/15/breach-faith> (last visited on March 19, 2012).

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² See U.S. Department of State, 2008 Country Reports on Human Rights Practices, “Bangladesh,” February 25, 2009, available at <http://www.state.gov/j/drl/rls/hrrpt/2008/sca/119132.htm> (last visited on March 19, 2012).

⁶³ See U.S. Department of State, 2008 International Religious Freedom Report, “Bangladesh,” September 28, 2008, available at <http://www.state.gov/j/drl/rls/irf/2008/108498.htm> (last visited on March 19, 2012).

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ See U.S. Department of State, 2009 International Religious Freedom Report, “Bangladesh,” October 26, 2009, available at <http://www.state.gov/j/drl/rls/irf/2009/127363.htm> (last visited on March 19, 2012).

⁶⁷ See U.S. Department of State, July-December 2010 International Religious Freedom Report, “Bangladesh,” September 13, 2011, available at http://www.state.gov/j/drl/rls/irf/2010_5/168243.htm (last visited on March 19, 2012).

⁶⁸ Article, “Ahmadiyyas barred from holding Jalsa Salana,” *New Age*, February 9, 2011, available at <http://newagebd.com/newspaper1/frontpage/8133.html> (last visited on March 19, 2012).

⁶⁹ Editorial, “Government needs to act against Ahmadiyya tormentors,” *New Age*, November 15, 2011, available at http://newagebd.com/newspaper1/archive_details.php?arcid=40099 (last visited on March 19, 2012).

⁷⁰ See July-December 2010 International Religious Freedom Report, *supra*, note 67.

⁷¹ *Id.*

⁷² *Id.*