

RELIGIOUS FREEDOM IN PAKISTAN

HEARING
BEFORE THE
TOM LANTOS HUMAN RIGHTS COMMISSION
HOUSE OF REPRESENTATIVES

ONE HUNDRED AND ELEVENTH CONGRESS
FIRST SESSION

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HUMAN RIGHTS IN PAKISTAN

THURSDAY, OCTOBER 8, 2009

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The Commission met, pursuant to call, at 11:01 a.m., in Room 2325, Rayburn House Office Building, Hon. Frank R. Wolf [cochairman of the Commission] presiding.

Mr. WOLF. We will begin the hearing now. We don't know when the votes will begin.

I want to welcome the witnesses that we have here today on this very, very important issue. And I am looking for the witness, Mujeeb Ijaz, a human rights advocate representing the Ahmadiyya Muslim community. Also, Amjad Mahmood Khan, Los Angeles attorney, frequent lecturer on human rights law; and Nina Shea with the Hudson Institute, who has testified before the committee many, many times. Your full statements will be in the record.

Nina, perhaps maybe you should go first; and then we can--what is the order? Has there been a particular order?

Oh, yes. Excuse me. Nina and then that way.

I recognize Mr. Smith and then, after that, Mr. Pitts.

Mr. SMITH. Thank you, Chairman Wolf; and thank you for convening this very important and very timely hearing on religious freedom in Pakistan.

Just 3 weeks ago, I had the extraordinary privilege of meeting the Pakistani Minister of Minorities Affairs, Shahbaz Bhatti. He is the first cabinet level official to be appointed in Pakistan to protect the rights of the minorities, as envisioned under the 1973 Pakistan constitution. Minister Bhatti earned his position through years of determined advocacy on behalf of minorities of Pakistan.

Before he was appointed to his current position--and he was also elected--Mr. Bhatti survived three assassination attempts and was imprisoned for speaking out against the blasphemy law that is used to discriminate and even justify violence against minorities, particularly Christians; and under a prior government he was prevented from traveling internationally because he was informing the outside world

about the persecution of Christians and others in Pakistan.

The Minorities Minister was in Washington, D.C., to receive an award from the U.S. Commission on International Religious Freedom; and I would note parenthetically the U.S. Commission on International Religious Freedom was part of legislation that was created by legislation authored by our good chairman, the International Religious Freedom Act. Mr. Wolf was the prime sponsor of that legislation. And he got that award for championing the rights of minorities in the Islamic state.

His current activities certainly make him deserving of such an award. Mr. Bhatti has initiated a program for interfaith harmony and plans to visit madrasas, Islamic religious schools, together with a team of imams to speak to students about religious freedom issues. He is planning an interreligious conference that he hopes will result in the adoption of a declaration of equality of religions, and the minister is reaching out to provide help to individuals as well. He has established a 24 hour hotline anyone can call to report a case of religious persecution.

Perhaps the most daunting task that Mr. Bhatti is undertaking is the repeal of the blasphemy law which punishes any offense against religion and anyone trying to convert others. Mr. Bhatti claims that this law is a tool in the hands of extremists.

In my meeting with him, the minister gave me a firsthand account of the violence that occurred in early August in the Punjabi city of Gojra as a result of the blasphemy law. The unrest started when members of a banned Muslim organization accused Christians in the city of defiling the Quran, an accusation that Mr. Bhatti says was false. This led to hundreds of radical Muslims burning the homes of Christians and killing at least six Christians, including four women and a child.

Minister Bhatti and the Pakistani government need, I would suggest, the moral support of the United States to pursue their efforts to establish religious harmony in the country. It is in our own interest to provide such support not only for the primary cause of promoting human rights but also to ensure the stability of this very important ally by establishing a tolerant society that precludes militancy and terrorism.

As an expression of this support, I, together with a few other colleagues, including Mr. McGovern, who is also the co-Chair of this committee, have introduced H.Res. 764, which emphasizes the importance of interreligious dialogue and the protection of religious freedom in Pakistan.

The resolution proposes several concrete measures to ensure respect for religious freedom. It calls for the strengthening of institutions crucial to Pakistan's democratic development, support for exchange programs with the United States, and the establishment of textbook and curriculum standards that promote respect for diverse religious beliefs. The resolution stresses the importance of protecting the religious freedom of all Pakistanis, preventing religiously motivated and sectarian

violence, and the punishment of the perpetrators of such violence. Finally, H.Res. 764 urges the government of Pakistan to repeal its blasphemy law and to review other legislation that restricts religious freedom or that constitutes discrimination on the basis of religion or belief contrary to international human rights standards.

Steps are being taken to achieve these goals. Just last week, the House joined the Senate in approving a tripling of current aid to Pakistan to \$1.5 billion per year over the next 5 years for democratic, social, and development programs, including the promotion of religious freedom and the protection of ethnic and religious minorities.

I was pleased to see that Mr. Bhatti was able to join Pakistani President Zardari during his meeting with Pope Benedict XVI last Thursday, during which the Pope emphasized the need to overcome all forms of discrimination based on religious affiliation in Pakistan with the aim of promoting respect for the rights of all citizens.

And last in the month, the Pakistani President publicly stated that his government will ensure that the blasphemy law is not misused and some sectors of the Pakistani press recently called for the law's repeal.

But more voices and efforts are necessary. The passage and debate of H.Res. 764 will be an important contribution to this end, and this hearing certainly will amplify those concerns as well.

I thank you, Mr. Chairman, and I yield back.

Mr. WOLF. Mr. Pitts.

Mr. PITTS. Thank you, Mr. Chairman, for holding this important hearing; and welcome to our distinguished witnesses.

This issue of religious freedom in Pakistan is extremely important. Blasphemy laws have led to increasing acts of religious intolerance against religious minorities in Pakistan, thousands of whom have had cases filed against them, often on the basis of false accusations and with little recourse to justice.

On June 30, 2009, Sardar Masih was attacked by a group of men while returning from the fields on his tractor in Kasur's district, Bahmani Wala Village, when he requested that another man move his motorbike so he could pass. Shortly after Masih returned home, the men followed him there, attacked his family, leaving several wounded. Moreover, the following day, on July 1st, upon receiving a call for violence from a local mosque, the attackers joined with a large mob of Muslim villagers and attacked Christian homes in Masih's village, looting and attacking those at home.

On August 1, 2009, a mob of 1,000 Muslims attacked the Christian community in the village of Gojra, following what the government later declared was

a false accusation of blasphemy. At least eight people were burned to death, while more than 50 homes and a church were also burned. According to the government, members of a pro-Taliban and al Qaeda link group were arrested for planning the attack, which was incited following a call from a local mosque.

The same blasphemy calls incited another mob of Muslims, also responding to a call from a mosque in the village of Korian, to attack local Christian homes, burning 60 them and forcing nearly all of the Christians to flee the village.

Coordinated attacks like these are deeply troubling. I was glad to learn that the government of Pakistan has condemned the attacks and that some within Pakistan are working to repeal the blasphemy laws that are being used by extremists to justify the violence.

Religious freedom is one of the most fundamental human rights, and those who threaten that right or engage in violations of that right must be exposed and brought to justice. I look forward to hearing from our distinguished panel of witnesses regarding what steps we can take to support the efforts of local communities to repeal these harmful blasphemy laws and strengthen religious freedom in Pakistan.

Thank you, and I yield back.

Mr. WOLF. I want to thank both Mr. Smith and Mr. Pitts. In fact, my time in Pakistan, the first time, was with Mr. Pitts; and I want to associate myself with both of those comments.

I also met with Mr. Bhatti when he was here, and I am going to actually be with him this weekend.

And I think both what Mr. Smith and Mr. Pitts said--I mean, the blasphemy law and to be persecuting people because of their faith we want a great relationship with Pakistan, but I think this is just unacceptable. And there is much more you could say, but I think maybe Mr. Smith and Mr. Pitts said it. And it is an encouraging sign to see that he is in the cabinet, that he is in the government.

So, with that, let me just--and I thank both of them for their comments.

STATEMENTS OF NINA SHEA, DIRECTOR, HUDSON INSTITUTE'S CENTER FOR RELIGIOUS FREEDOM; AMJAD MAHMOOD KHAN, ESQ.; MUJEEB I. IJAZ, HUMAN RIGHTS ADVOCATE, REPRESENTING THE AHMADIYYA MUSLIM COMMUNITY

Mr. Wolf. Nina, we will turn it over to you first.

STATEMENT OF NINA SHEA

Ms. SHEA. Well, thank you, Mr. Chairman, for holding these crucially important hearings; and thank all three of you--Congressmen Smith and Pitts, as well as Chairman Wolf--for your--you have been stalwart champions of human rights for all peoples for many, many years.

These are timely. The new Pakistan aid bill that passed Congress last week will be undermined if Pakistan continues to promote religious intolerance and extremism through its criminal justice system, particularly through its criminalization of blasphemy and apostasy.

Pakistan now enforces some of the world's strictest anti blasphemy laws. They oppress religious minorities, disfavored Muslims and others. They impede interfaith harmony by fostering religious demagoguery and mass hysteria; and they sanction and stoke religious extremism and violence, empowering militants to exert a degree of control over civil society, as we saw in the recent Gojra case that has already been mentioned.

Under Pakistan's law, any individual can bring blasphemy charges against another, relying only on circumstantial evidence that is often a bare accusation, with no requirement to prove intent and with oral testimony often weighted in the claimant's favor. These laws can carry a life sentence or a death penalty for the convicted. Even in cases of acquittals, defendants must endure a harrowing ordeal of detention under poor, even life threatening conditions during a multi-year judicial process. Extremist groups and vigilantes engage in witch hunts to murder the accused either before, during, or after adjudication.

While no one has yet been officially executed under the blasphemy laws since the 1980s, over 30 accused have been killed, some after they have been acquitted. Someone accused of blasphemy in Pakistan, whether or not a conviction ensues, typically cannot return safely home and is forced to flee.

For the co-religionists and families of those accused of blasphemy, government action can be one of their smaller problems. An even greater threat to them is indiscriminate extra-legal attacks, sometimes by vigilantes and sometimes by the police themselves. Lynch mobs, whipped up by accusations of blasphemy, have assaulted thousands of innocent people and attacked their houses of worship, homes, businesses, and entire villages. Often, the police and security forces fail to take

effective action to protect those under attack.

It should be noted that these draconian measures apply only to purported blasphemies against Islam, not against any other religion. Apart from the unfairness of protecting the reputation of one religious group but not others, criminalizing insults to Islam presents other basic problems of fairness and due process as well.

First, there is a definitional problem. As severe as these laws are, they are vaguely worded; and there is no black letter law in the Quran or other authoritative Islamic sources that defines blasphemy. So Islamic scholars and judges vary on what exactly constitutes blasphemy. So this vagueness undermines due process and chills free speech.

Then there are evidentiary problems. One of them is that the testimony of a non-Muslim is given reduced weight in a court of law or if not ignored altogether. Therefore, the testimony of a single Muslim is sufficient to convict a non-Muslim without any further evidence.

At present, the blasphemy laws continue to be employed against political adversaries, personal enemies, business competitors, and unpopular minorities, especially religious minorities. The U.S. Commission on International Religious Freedom reports the laws, quote, are often used to intimidate reform minded Muslims, sectarian opponents, and religious minorities, or to settle personal scores.

Sometimes cases are even brought against those who may be mentally ill. Children as young as 10 years old have been charged under the laws.

About half of those arrested under the blasphemy laws are Sunni or Shiite Muslims, especially those who challenge entrenched ideas and especially reformers. But the vastly disproportionate number of accusations are leveled against religious minorities, Ahmadis, Christians, and Hindus.

My distinguished co-panelists will address the Ahmadis. So let me just quickly address some of the Christian cases. There are many, many of these cases.

And one of the most brutal attacks, as has been mentioned, occurred just 2 months ago in Punjab, resulting in at least seven Christians being burned alive and over 50 houses torched. That was in Gojra. And the Independent Human Rights Commission of Pakistan found that the Gojra riot was preplanned and that the police had information that an attack was brewing but did nothing to prevent it. It found that announcements had been made from mosques the previous night calling upon people to, quote, make mincemeat of local Christians for the blasphemous acts--or alleged blasphemous acts of desecration of the Quran.

There are credible reports that extremist groups linked to al Qaeda were involved. And after Gojra, the Christian community has held protests, including

closing all Christian schools nationwide for 3 days to demand an investigation. And just this week, just a few days ago, Gojra villagers rejected U.S. embassy food packets as a sign of protest, demanding that there be justice in their case. Because, in so many past cases, justice has failed them.

On June 30, road rage turned into another violent mob attack, following a minor traffic dispute between a Christian and a Muslim. This was also in Punjab, in the village of Bahmani. A mob of 600 people attacked several hundred Christian homes with petrol bombs. They torched cars and stole valuables. Again, it was instigated by a local mosque which used a loudspeaker system to accuse the Christians of blasphemy and whipped the crowd into a frenzy.

One of the things that has happened in the wake of that is a committee of six Christians and Muslims have met to deal with the issue and try to smooth relations through dialogue.

Since Gojra, several reports have been made of Muslims tearing out pages of Quran and leaving them on church property, including at the Associated Reformed Presbyterian Church in another Punjab village on September 4th. This was an apparent attempt to ignite more religious violence. In these cases, dialogue has helped ease the crisis.

And this is--I am very happy to note that House Resolution 764 does support this kind of dialogue, as does Minister Bhatti, whom I also had the honor of speaking with when he was here.

Nevertheless, the cases continue. There was the most recent example of persecution that I am aware of stemming from a blasphemy case that occurred last month when a 22 year old Christian man, Robert Danish in Sialkot Village, also in Punjab, was accused of desecrating the Quran by his Muslim girlfriend's mother who had disapproved of the relationship. He was then found dead in police custody on September 15th a few days after his arrest. According to area Christians, he had been tortured to death, although officials say he committed suicide.

The blasphemy allegations led to calls from mosque loudspeakers to punish Christians, prompting the mob to attack a church building and beat several of the 30 families forced to flee their homes. The police opened fire on mourners at his funeral as the mourners tried to take his casket to another site.

There are many hundreds of these individual cases; and time does not permit me to go into them, to describe them all. But they often revolve around land disputes or business competition, settling of debts, car debts, and a subjective sense of offense on the part of a Muslim.

I do want to mention the fact that Shi'a, Sufis, and Sunni reformers are defendants in over half the cases, prosecuted under the anti-blasphemy laws. And

adherents of the Deobandi School of Islam, from which the Taliban sprang and which has been increasing its strength throughout much of Pakistan, have been carrying out a largely underreported violent campaign against Pakistani Shi'as and Sufis.

There are probably dozens of these cases that entail Pakistani educators who have been accused of blasphemy by their students. And one prominent case of Dr. Mohammad Shaikh, a university professor who taught at the medical college in Islamabad, is a perfect example. He was trying to engage his students in a discussion of the Islamic prophet, Muhammad, in grappling with issues of modernity; and he was accused by one of them of blasphemy.

The radical Movement for the Finality of the Prophet, well known for pursuing what it regards as blasphemers, usually Ahmadis, filed a criminal case against him and that began his ordeal where even his lawyers were harassed with fatwas of apostasy. He was sentenced to death in 2001. He spent 2 years in solidarity confinement; and then he was finally, in 2003, acquitted. And then he fled to Europe.

There are many other cases that we have documented of Muslims who have challenged, for instance, stoning, the punishment of stoning, who have been charged with blasphemy and given life sentences.

So I will conclude by saying that the Pakistan support of anti-blasphemy laws forged the goal of our new legislation. President Zardari has taken some helpful steps, including the appointment of Minister Shabazz Bhatti; and, as a member of the Commission on International Religious Freedom, I am very proud to have participated in the presentation of an award to him. He is extremely courageous and dedicated.

The government officials, such as the President, have vowed to review or reform the anti-blasphemy laws. The governor of Punjab, where most of these cases against the Ahmadis and the Christians take place, has actually called for their repeal. The U.S. must make it a priority in supporting this effort.

Thank you.

[The statement of Ms. Shea follows:]

Thank you, Mr. Chairman, for holding these timely and important hearings that go to the very heart of religious freedom and its denial in Pakistan. Just last week, Congress unanimously passed legislation authorizing \$7.5 billion over five years to support civilian social and economic development in Pakistan. The foreign policies that this bill aims to advance will be undermined if Pakistan continues to promote religious intolerance and extremism in its criminal justice system, particularly through its criminalization of blasphemy and apostasy.

Pakistan now enforces some of the world's strictest anti-blasphemy laws. Such laws oppress religious minorities, disfavored Muslims and others. They impede inter-faith harmony by fostering religious demagoguery and mass hysteria. And, they sanction and stoke religious extremism and violence, empowering militants to exert a degree of control over civil society.

Under Pakistan's law, any individual can bring blasphemy charges against another, relying only on circumstantial evidence that is often a bare accusation, with no requirement to prove intent, and with oral testimony often weighted in the claimant's favor. These laws can carry a life sentence or the death penalty for the convicted. Even in cases of acquittals, defendants must endure a harrowing ordeal of detention under poor, even life-threatening conditions during a multi-year judicial process. Extremist groups and vigilantes engage in witch hunts to murder the accused either before, during or after adjudication. While no one has yet been officially executed under the blasphemy laws, since the 1980s over 30 accused have been killed, some after they had been acquitted. Someone accused of blasphemy in Pakistan, whether or not a conviction ensues, typically cannot safely return home and is forced to flee, leaving behind family, friends, businesses, and property.

For the co-religionists and families of those accused of blasphemy, government action can be one of their smaller problems. An even greater threat to them is indiscriminate, extra-legal attacks, sometimes by vigilantes and sometimes by the police themselves. Lynch mobs, whipped up by accusations of blasphemy, have assaulted thousands of innocent people and attacked their houses of worship, homes, businesses and entire villages. Often the police and security forces fail to take effective action to protect those under attack.

Archbishop Lawrence John Saldanha, the head of Pakistan's Catholic Church, recently denounced Pakistan's blasphemy laws as an "instrument of creating hatred, abuse of religion and law."

It should be noted that these draconian measures apply only to purported blasphemies against Islam, not against any other religion. Apart from the unfairness of protecting the reputation of one religious group and not others, criminalizing insults to Islam presents other problems of basic fairness and due process, as well.

First, there is a definitional problem. As severe as they are, Pakistan's vaguely worded statutes fail to define blasphemy clearly. Interpreting what falls under Pakistan's antiblasphemy laws is essentially a theological question and, since there is no black-letter definition of the crime in the Quran or other authoritative Islamic sources, it is one that remains unsettled. Islamic scholars and courts vary in their judgments of what exactly constitutes blasphemy. This vagueness undermines due process and chills free speech.

Then, there are evidentiary and procedural problems with the blasphemy laws. In some cases, defendants are convicted although no evidence has been introduced to support the accusation -- in fact in some cases it could be considered blasphemy to introduce such evidence. Often the cases entail no more than the complainant's word against that of the defendant.

The definitional vagueness and low evidentiary standards invite many serious abuses of the law, which can be used against anyone, but are particularly a danger to non-Muslims, since their testimony can be given reduced weight in a court of law, if not ignored entirely.

The government has considered amending the blasphemy laws to establish heavy penalties in the event of false accusations, but currently the testimony of a single Muslim is still sufficient to convict a non-Muslim. In 2005, in response to international pressure and in order to prevent further unwarranted blasphemy accusations, Pakistan's government enacted a law requiring senior police officials to probe all blasphemy charges before filing formal complaints. In view of the number of new blasphemy cases, this measure appears to be grossly inadequate.

At present, the blasphemy laws continue to be employed against political adversaries, personal enemies, business competitors, and unpopular minorities, and especially religious minorities. The U.S. Commission on International Religious Freedom (USCIRF) reports that the laws "are often used to intimidate reform-minded Muslims, sectarian opponents, and religious minorities, or to settle personal scores." Sometimes cases are even brought against those who may be mentally ill. Children as young as ten years old have been charged under the laws.

About half of those accused under the blasphemy laws are Sunni or Shiite Muslims, especially those who challenge entrenched ideas. But a vastly disproportionate number of accusations are leveled against religious minorities. Ahmadis and Christians, comprising 3% and 2% of the population respectively, have taken the brunt of the intimidation and punishment fostered by false blasphemy charges; Hindus, at 2%, also suffer disproportionately.

Pakistan's government asserts it does not have exact numbers of people charged under blasphemy laws, and other sources offer contradictory estimates. However, these sources provide some clues as to the scale of accusations and arrests. According to the US State Department, in the four years leading up to 2002, some 55 to 60 Christians a year were charged with blasphemy. According to data collected by Pakistan's Catholic National Commission for Justice and Peace, from 1986 to August 2009, at least 964 people were accused under these laws. Of these, 479 were Muslims, 119 Christians, 340 Ahmadis, 14 Hindus and ten of unknown religion. This Commission also reports that in the first six months of 2005, 60 people in Punjab alone suffered from blasphemy accusations: of these, 53 were charged. In 2005, 80 Christians were in prison accused of blasphemy. In that same year, 39 Ahmadis remained in detention awaiting trial on blasphemy charges alone and 11 were serving time.

Law Professor David Forte, in his seminal 1994 analysis of Pakistan's blasphemy laws, concluded: "The law against blasphemy raises the xenophobic fear of a tribal society against outside religions, it saps the legitimacy of competing traditions within Islam, it stills political dissenters, and undermines the very basis for democratic government."

The National Commission for Justice and Peace pointed to another effect that has risen to prominence in recent years. It observed that some forms of extremism are also rooted in Pakistan's anti-blasphemy laws:

"Extremism has its roots in the model of the state and religiously discriminatory policies. The establishment and the elected governments have failed to change laws such as blasphemy (Sections 295 B, C and 298 A, B, and C of Pakistan Penal Code) that provide severe punishments for 'offenses' of offering insult to holy personage, the book and prophet of Islam. The government of Pakistan has to think beyond military solution – the situation requires an overhauling of the entire state system – a socio political reforms package."

* * *

In 1947, independence leader Muhammad Ali Jinnah pledged that Hindus, Christians, Parsis or Zoroastrians, and other religious minorities would enjoy equality with the Muslim majority. Unfortunately, Pakistan has not embraced pluralism. In fact, in the past six decades Pakistan has moved away from many of its founders' principles. Successive governments have subjected much of Pakistan's public life to the vision of religious extremists, as shown in the following cases involving Pakistan's laws against blasphemy.

Ahmadis

Ahmadis, viewed by Pakistan's government as Muslim heretics, have long endured severe persecution in Pakistan. Their mosques have been burned, their graves desecrated, and their very existence criminalized. Ahmadis are often attacked, their literature is frequently seized, and they are barred from being buried in Muslim graveyards or from going to Mecca. Ahmadis are among those disproportionately victimized by blasphemy or related charges. According to the heroic Pakistani human rights defender Asma Jahanjir, who heads the National Human Rights Commission, since 1984, 107 Ahmadi have been killed and 719 arrested on blasphemy charges; 12 Ahmadis have been killed in 2009 so far. Their attackers are rarely prosecuted or punished, and police complicity in attacks is ignored.

Because my two distinguished co-panelists will testify in detail on the Ahmadi situation, I will only briefly summarize some of the examples of persecution they face.

According to the US State Department, since 1999, 316 Ahmadis have been formally charged in criminal cases, including blasphemy cases, because of their religion. Their offenses include wearing an Islamic slogan on a shirt, removing anti-Ahmadi stickers, planning to build an Ahmadi mosque in Lahore, and distributing Ahmadi literature in a public square. For example, in July 2002, Zulfikar Goraya was arrested and charged for “posing as a Muslim,” based on greeting cards he had sent out that included a Quranic verse and Islamic salutations. And in October 2006, police charged Mohammed Tariq with blasphemy for allegedly tearing off anti-Ahmadi stickers inside a bus. There are hundreds of such incidents.

In addition, before Pakistani Muslims (non-Muslims are exempt) can obtain a passport, they are required to formally denounce the Ahmadis in writing, as show, below:

23. DECLARATION FOR MUSLIMS ONLY

I, _____ s/o, d/o, w/o _____
(Name of applicant) (Name of father or husband) aged _____ adult Muslim, resident of _____ hereby solemnly declare that:

A. I am a Muslim and believe in the absolute and unqualified finality of the Prophet hood of Hazrat Muhemmed (peace be upon him) the last of the Prophets.

B. I do not recognize any who claims to be a prophet in any sense of the word or any description whatsoever, after Hazrat Muhemmed (peace be upon him) or recognize such a claimant as a prophet or a religious reformer as Muslim.

C. I consider Mirza Ghulam Ahmad Qadiani to be an impostor nabi and also consider his followers whether belonging to the Lahori, Qadiani or Mirzai groups, to be non-Muslims.

(Signature of the applicant)

Christians

Examples of Christian persecution under the anti-blasphemy laws and in the environment that these laws foster are plentiful.

One of the most brutal attacks against Pakistani Christians triggered by blasphemy accusations took place just two months ago in Punjab, resulting in at least seven Christians being burned alive and over 50 houses torched. It began at a wedding on July 30, in the village of Korian, home to around a hundred Christian families. A Muslim mob, armed with guns and explosives, used trucks to break through walls and gasoline to start fires. Two days later, similar rumors of blasphemy were directed against the neighboring town of Gojra. A fact-finding report by the independent Human Rights Commission said the Gojra riot was pre-planned and the police had information that an attack was brewing but did nothing to prevent it. It found that announcements had been made from mosques the previous night calling upon people to make "mincemeat" of local Christians for their "blasphemous" acts of desecration of the Quran. There are credible reports that extremist groups linked to al Qaeda were involved. After Gojra, the Christian community has held protests, including closing the country's Christian schools for three days, to demand an investigation. This week, Gojra villagers rejected US embassy food packets as a sign of protest.

The Gojra incident is not an anomaly. Other violent rampages against both Christian and Ahmadi communities have taken place over the past two decades, such as that which occurred in 1997 in the predominantly Christian village of Shanti Nagar. That attack too was triggered by speeches on mosque loudspeakers, falsely accusing the Christians of having burned a copy of the Quran. Despite the presence of 300-400 police, a mob tens of thousands-strong burned 326 houses and 14 churches.

On June 30, 2009, road rage turned into another violent mob attack. Following a minor traffic dispute between a Christian and a Muslim, a mob of some 600 people attacked some hundred Christian homes with petrol bombs, torched cars, and stole valuables in the Punjab village of Bahmani. The attack was instigated by a cleric in a local mosque who accused the Christians of blasphemy after the Muslim in the traffic incident said that the Christian involved had blasphemed. A committee of six Christians and Muslims met to deal with the issue and smooth relations between the two communities.

Since Gojra, several reports have been made of Muslims tearing out pages of the Quran and leaving them on church property, including at the Associated Reformed Presbyterian Church in another Punjab village on September 4, 2009, in apparent attempts to ignite more religious violence. In these cases dialogue has helped ease the crises.

Nevertheless, since Gojra, blasphemy prosecutions against Christians have continued. A 22 year old Christian man, Robert Danish, in Sialkot village, also in Punjab, was accused of desecrating the Quran by his Muslim girlfriend's mother, who had disapproved of the relationship. Danish was found dead in police custody on September 15, a few days after his arrest; according to area Christians, he had been tortured to death, though officials say he committed suicide. The blasphemy allegation led to calls from mosque loudspeakers to punish Christians, prompting a mob to attack a church building and beat several of the 30 families forced to flee their homes. Sialkot police opened fire on mourners at his funeral as they tried to take his casket to another site.

There have been many hundreds of individual cases of blasphemy prosecuted in the courts, often accompanied by extra-judicial violence.

One that received considerable attention concerned Ayub Masih (*Masih is a common Christian surname in Pakistan referring, in Arabic, to the Messiah*). After a dispute with a Muslim neighbor in 1996, Masih was accused of speaking favourably of Salman Rushdie, author of *The Satanic Verses*, who himself had been condemned to death by a fatwa from Iran's Ayatollah Khomeini. On November 6, 1997, one of the complainants, Mohammad Akram, shot and wounded Masih outside the court. Despite eyewitness testimony, the police refused to register a complaint against Akram. Many of the Muslim defense lawyers and judges in the case also received death threats. On April 27, 1998, a court in the Punjab town of Sahiwal sentenced Ayub to death for alleged blasphemy, based solely on the complainants' statement. Eventually, Ayub's lawyer was able to prove that Akram had used the conviction to force Ayub's family off their land and to acquire control of it himself. After a six year ordeal behind bars, Ayub was acquitted by the Supreme Court, which ordered his immediate release from the high-security cell in the Multan New Central Jail where he had been awaiting execution. Faced with ongoing death threats, Ayub quietly left Pakistan in 2002.

In an especially peculiar accusation, Aslam Masih of Faisalabad, an illiterate Christian man in his mid 50's, was arrested in November 1998 on charges that he had dishonored the Quran by hanging verses from the book in a charm around a dog's neck. Court testimony indicates that some local Muslims resented seeing a Christian as a successful farmer and so refused to pay him for animals he had sold them. Subsequently, they stole all of his animals and filed a blasphemy case. Some locals then beat him and handed him over to police custody, where he faced further abuse. When his case was finally heard nearly four years later, a mob gathered outside the courtroom while the prosecution produced only hearsay evidence against him. Nevertheless, he was found guilty in May 2002 and given two life-sentences. He was often placed in solitary confinement and regularly beaten by other prisoners; he became traumatized and suffered memory loss. After four and a half years in prison, during which his family was allowed to visit him only three times, on June 4, 2003, Aslam was finally acquitted by the Lahore High Court.

On April 1, 2001, police in the Sialkot District, Punjab, registered a blasphemy case against Pervez Masih, who was then jailed. The charge against Pervez, who owned a private school, was filed at the behest of Mohammad Ibrahim, owner of a nearby, less successful, private school. Police beat Masih with rifle butts, kicked him until he almost lost consciousness, and demanded that he convert to Islam. He was tortured and imprisoned in a 6- by 4-foot cell, in which daytime temperatures sometimes soared above 122 degrees Fahrenheit.

Another Christian, Younis Masih, 29, was arrested and charged with blasphemy in September 2005 near Lahore, after locals told police he made derogatory remarks against Islam and the Muslim Prophet Muhammad. Shahbaz Bhatti, then head of the All Pakistan Minorities Alliance, who now serves as Minister of Minority Affairs in the Pakistan government, explained Masih's offense: Younis

had told Bhatti that dozens of Muslims attacked him when he asked them not to sing loudly because his nephew had died, and his body was still lying at home. On May 30, 2007, Younis Masih was sentenced to death. His appeals continue.

On November 11, 2005, Yousuf Masih, a Christian, won several thousands rupees in a card game with his Muslim neighbor. The neighbor subsequently informed the police that Yousuf had set fire to a copy of the Quran. On February 18, 2006, the neighbor withdrew the charge and Yousuf was released on bail. However, by this time, local Muslim clerics had called on their followers to “avenge the insult.” An infuriated mob of over 2,000 attacked the town’s minority Christian community, set fire to three churches, and vandalized a Catholic convent and a Christian elementary school.

In July 2009, Imran John, a Christian living in Faisalabad, was accused of having desecrated the Quran. While cleaning his fruit and vegetable shop, Imran had collected waste paper and burned it in the street. A nearby shop-owner accused him of burning pages of the Quran, and called this to the attention of other Muslims, who proceeded to beat and torture Imran. Saved by police intervention, Imran was then detained and formally charged with blasphemy.

Hindus

Hindus in Pakistan have also suffered as a result of blasphemy allegations. One example took place in July, 2001. A Hindu, Ram Chand, who lived in Chack, Bahawalpur district, was constructing a bathroom floor for Mohammed Safdar. Safdar accused Chand of defiling the name of the Prophet by carving it on a brick, and took the brick to the head of the village. Deeply offended by this, local Muslims attacked homes and other property belonging to Hindus; they also beat Hindu women and children. Meanwhile, the police arrested Chand and his son, Ram-Yazman, charging them with blasphemy. Local Muslims reacted to these charges even more vindictively, blocking the road for several hours and demanded that all Hindus be expelled from the area. Police arrested twenty Muslims for attacking Hindus.

On April 9, 2008, in the Karachi Korangi Industrial Area, factory employees beat to death a Hindu coworker, Jagdesh Kumar, after he allegedly made blasphemous comments against Islam. Factory guards attempted to save Jagdesh by taking him into protective custody, and a small contingent of police responded to the incident, but they did little to intercede. Later, the Karachi police superintendent suspended the police officers after it was determined that they did not take appropriate action.

Sunni, Sufi and Shiite Muslims

While charged proportionally less than religious minorities, Shia, Sufis and Sunni reformers are defendants in over half the cases prosecuted under Pakistan’s antiblephemy laws. Adherents of the Deobandi school of Islam, from which the Taliban sprang, and which has been increasing its strength throughout much of Pakistan, have been carrying out a largely under-reported violent campaign against Pakistani Shias and Sufis.

Mohammed Yousuf Ali, of Lahore, a Sufi mystic, was charged with blasphemy based on accusations that he claimed that he was a prophet. Ali denied the charge and several of the prosecution witnesses admitted that they did not fully understand what he was actually teaching. Nevertheless on August 5, 2000, he was convicted of blasphemy and sentenced to death. Ali was kept in Kotlakpat Jail in Lahore under poor conditions, and he became ill, developing difficulty in speaking and in using his fingers. He was denied adequate access to medical treatment.

Probably dozens of Pakistani educators have been accused of blasphemy by their students. One is Dr. Mohammad Younas Shaikh, a university professor who taught at the medical college in Islamabad. In 1990, he had formed a humanist organization called "The Enlightenment," a society of like-minded Pakistanis who discussed Islam in a modern context. On October 2, 2000, in response to a student's question, Shaikh said that, before he was 40, Muhammad was neither a prophet nor a Muslim, since there was at that point no Islam. Shaikh insists that his intention was not to ridicule or reject the prophet. On the contrary, like many Muslims grappling with issues of modernity, he engaged with his

students on questions of interpretation. That night one of the students complained to a cleric that the doctor had blasphemed. The Movement for the Finality of the Prophet, well-known for pursuing those it regards as blasphemers (usually Ahmadis), filed a criminal complaint against the doctor and sent a mob to the college and the local police station, threatening to set them on fire. Dr. Shaikh was arrested for blasphemy. He says, "Even my solicitors were harassed with a fatwa of apostasy and they were threatened with the lives of their children." In 2001, he was found guilty and sentenced to death. Dr. Shaikh spent two years in solitary confinement before he was finally acquitted on November 21, 2003. He fled to Europe.

On July 7, 2002, during mosque prayers, Faraz Jawad, an American Navy Engineer who was visiting his family in Jaranwala, raised objection to the imam's political speech, which cursed the Pakistani government and Americans. Jawad said to the imam, "Instead of cursing America, you should teach us Islam." The imam, Hafiz Abdul Latif, demanded those in the mosque to kill Jawad on the spot since he was an American and, as such, an enemy of the Muslims. Jawad managed to escape from the mosque with his relative Mohammed Naeem. In response, dozens of people attacked Naeem's house, armed with iron rods, sticks and other weapons. Naeem called the police, who dispersed the mob, but only after promising the rioters that Jawad would be charged for committing blasphemy. Jawad contacted the US Embassy at Islamabad, which intervened. Police subsequently charged the imam and 12 villagers for their violent actions.

On July 30, 2007 the Anti-Terrorism Court of Karachi, led by Judge Syed Saghir Hussain Zaidi, sentenced author Younus Shaikh to life imprisonment for blasphemy. The judge claimed that Shaikh had written "a book against the Islamic laws deviating from the teachings of the Quran. The accused had negated the punishment of *Rajam* (stoning to death in the case of adultery) in his book." Najam Sethi is the chief editor of one of Pakistan's most respected English newspapers, *Daily Times*, and a recipient of the Committee to Protect Journalists' International Press Freedom award. He is well known for his paper's stance against Islamic extremism. In July 2008, he received death threats, including a picture of a man whose throat had been slit, for publishing a cartoon of Umme Hassan, the director of a radical women's madrassa, teaching her students to wage jihad. Hassan, as well as local clerics from the Red Mosque, condemned the cartoon as blasphemous and in so doing, according to Mr. Sethi, "have provoked people to kill me and my staff."

* * *

Pakistan is now working to universalize its anti-blasphemy laws. On behalf of the Organization of the Islamic Conference, it has pushed for the past decade for the UN to adopt an international ban on defaming religions. This measure would curb the freedom not only of Danish cartoonists but also of scholars, dissidents, religious reformers, human rights activists, religious minorities and anyone at all anywhere in the world who challenges prevailing interpretations of Islam. The cases above show how dangerous such a ban would be. As the USCIRF concluded about Pakistan's UN resolution: "The backers of the resolution claim that their aim is to promote religious tolerance, but in practice such laws routinely criminalize and prosecute what is often deemed – capriciously by local officials in countries where such laws exist – to be "offensive" or "unacceptable" speech about a particular, favored religion or sect."

A key U.S. policy goal is to help Pakistan, a country of great strategic importance, eliminate the threat to it from religious extremism and related instability. Pakistan's support of anti-blasphemy laws – both national and international – thwarts this goal.

President Asif Ali Zardari has taken some helpful steps, including the appointment of the first cabinet-level official on religious minorities, Minister Shahbaz Bhatti, who has been a courageous champion of religious freedom for over ten years. In the glare of publicity surrounding the Gojra attacks, Pakistan's government has vowed to review or reform the anti-blasphemy laws. The governor of Punjab, site of many of the minority cases, has called for their repeal. The U.S. must make a priority of supporting this effort. It serves both our human rights ideals and our national security interests to do so.

Mr. WOLF. I thank you, Nina.

There are five votes. And the first is 15, which we are probably down about 8 minutes. So probably roughly 30 minutes of votes.

Out of respect for the witnesses, it is probably better for us to recess; and we will come back, rather than breaking you up. Let us recess. We will be back hopefully by about 10 of. Thank you.

[Recess.]

Mr. WOLF. Sorry for the delay. Just votes. So I apologize.

Why don't you go ahead, and we will proceed.

STATEMENT OF MUJEEB I. IJAZ

Mr. IJAZ. Thank you, Mr. Chairman.

Mr. Chairman, thank you for the opportunity to testify on behalf of the Ahmadiyah Muslim community regarding the discriminatory laws in Pakistan that specifically target 8 million of its citizens, of which 4 million are Ahmadis.

In 1989, 21 members of this Human Rights Commission, led by its current namesake, the esteemed and distinguished Tom Lantos, co-authored the following statement as part of a three page letter to the late Prime Minister Benazir Bhutto:

Under the martial law era of President Zia ul Haq, discrimination against the Ahmadis worsened. Calling the Ahmadis imposters, liars, and heretics, the President vowed to ensure that the cancer of Ahmadism would be exterminated. Despite the peaceful nature of the Ahmadis and their strong tradition of scholarship and leadership, they have promulgated the now infamous Ordinance 20, legalizing official repression against the community by outlawing their rights to practice their religion in Pakistan and by making the offense punishable by imprisonment and death.

The world is replete with examples of discrimination and oppression, but the examples in history that leave the most indelible scars are the acts of intolerance and repression that somehow manage to become official policy of government. The good news is that history shows us that bad policy will eventually find agents of reform. The question is who and when, and I respectfully submit that it should be us and it should be now.

Since 1984, the Pakistani government endorsed laws that persecute the minority religious groups as sanctioned by the anti-blasphemy laws. The laws are used by extremists to silence alternative views to their own by promoting persecution of anyone that does not conform to their concepts and doctrines. Because of the government's legalized oppression of minorities, the average Pakistani cannot question the clergies' doctrines, even if they call for violence in the name of religion, for fear that they become labeled as blasphemers. The nightmare scenario is to be tagged as a blasphemer and end up in prison, face police brutality, judicial indifference, social boycott and, in many cases, death at the hands of vigilantes. One such example of more than 1,000 registered cases of blasphemy is Tahir Iqbal, a Christian convert from Islam, who was poisoned to death in jail after being accused of blasphemy in 1992.

What we all want is Pakistanis to fix Pakistan. Time and again I am reminded by representatives of the House that I meet that the United States cannot get involved in religious discord and matters of religion in other countries. I submit to you today that the anti-blasphemy laws are not primarily about religion. The laws are designed by extremists to exert control over society.

And this is my central point. The war we face in Afghanistan and Pakistan is not about the 1,000 or 10,000 extremists that we fight. It is about the control they exert on the tens of millions of citizens that are moderate and are afraid to speak up for themselves. Remove the anti-blasphemy laws, establish rule of law that restores equal rights for all, and you will find in time an empowered Pakistani society ready and able to fix what ails Pakistan.

Allow me to briefly introduce my community, the Ahmadiyya Muslim community. AMC was founded in 1889 by Mirza Ghulam Ahmad of Qadian, India. Ahmad claimed to be the promised messiah awaited by Islam, among other religions. In the 19th century, he penned over 80 books and tens of thousands of letters categorically rejecting terrorism in any form, endorsing a separation of church and state, and providing a rational interpretation of Quranic verses in Islamic law.

Today, AMC spans 195 countries, with membership that exceeds tens of millions. The U.S. chapter was established here in 1921 as the first American Muslim organization. Its journal, The Muslim Sunrise, which I brought a copy of today, is among the oldest periodicals here in the United States for Muslim American matters. AMC has built over 12,000 mosques, 500 schools, and 30 hospitals, providing free services in 195 countries. Notable Ahmadis include Sir Zafrulla Khan, the first Foreign Minister of Pakistan, President of the U.N. General Assembly, and also President of the International Court of Justice in Hague; and Dr. Abdus Salam, the first Muslim Noble Laureate for Physics in 1979.

In short, Ahmadis are professional, moderate, educated, peaceful, law abiding, and ever ready to serve humanity, subscribing to the international slogan: "Love for All and Hatred for None".

I would like to provide you with three historical accounts that give us a picture of what has gone on between Afghanistan and Pakistan, one in 1900, the other in 1953, and, finally, a current day example:

On May 22, 1900, the promised messiah, Ahmad, published a booklet in Punjab, India, that contained an alternate view to the concept of Jihad prevalent among Muslim clerics of the time. The expose, called "The British Government and Jihad", stated, the traditions prevalent among Muslims of attacking the people of other religions, which they call Jihad, is not Jihad of divine religious law. Rather, it is a grievous sin and a violation of the clear instructions of God and his prophet. Can a religion be from God if it teaches that you can enter paradise by killing his blameless and innocent creatures?

Ahmad specifically invited the King of Kabul to gather his religious scholars and establish the truth of Jihad. Unfortunate for all Afghans then and now, the King refused this invitation. The same year, a chief member of the King's court, who was also the wealthiest man in Kabul, came to hear about the many books of the messiah. He decided to learn more and dispatched Kabul's most noble religious scholar to meet

the messiah in Qadian, Indian. Within a short time, both men had joined AMC serving to convert a tribe in Khost. This act brought about a great influence of nonviolence in Afghanistan to counter the Mullah's established views. And, unfortunately, by the order of the King of Kabul citing crimes of blasphemy and opposing the government's definition of Jihad against the British, both noblemen were put to death. In the ensuing years, nine more Ahmadis were killed; and this formed the basis of the Taliban and al Qaeda policies today that are present in Afghanistan.

I relay this early incident in Ahmadi history to illustrate that our founder's mission to reform Islam was born at a time and place that was exactly central to the largest problem facing the world in this new century. His mission was to convince the opposing forces determined not to allow a moderate society a chance to explore the ideology of nonviolence. The Afghan King legalized oppression and sanctioned persecution to such an extent that normal civil society had no chance to speak up for right versus wrong.

We fast forward to Pakistan in 1953, just 6 years after it was formed; and we find an example in which Pakistan withstood extremism. In 1953, martial law was declared in Punjab, Pakistan, by the federal government due to riots that claimed the lives of hundreds of citizens. To get to the bottom of the violence, the federal government called for a commission to hold hearings that would document the events that led to the near collapse of civil society. In these hearings, it was ascertained that the mullah leadership of Punjab had organized all Muslim sects in violence against one common enemy, the Ahmadis with the aim to destabilize and overthrow the federal government.

The commission compiled an extensive report that condemned the actions of the mullahs as against the interest of the State of Pakistan. The ringleader of the mullahs was sentenced to life imprisonment, sending a clear sign to extremists that the government would deal with instigators of violence harshly.

The mullah's efforts to control society failed; and the federal government stood by its principles that the founding father, Muhammad Ali Jinnah, provided. The judicial branch apprehended those that were against the interest of Pakistan and honored Pakistan's soul as the society capable of defending rule of law.

In today's current society, Pakistan has a 25 year history since the adoption of the 1984 anti-blasphemy laws. To demonstrate the impact on today's society of this law, I wish to call to your attention a hate rally that occurred on April 11th this year where government employees and Muslim clerics joined hands and professed the following, and I quote:

The Ahmadis progress cannot be stopped until the imposition of the death penalty for apostasy. Initially, Britain supported the Ahmadis, and now the U.S. is protecting them. If the government succumbs to U.S. or British pressure and attempts

to revise the constitution or provide relief to the Ahmadis, then an all-out war will be launched against the government. Remove Ahmadis from all important positions, keep strict vigilance on Ahmadis anti-Islamic activities overseas. They should be stopped by force.

The event was advertised on several 30 foot billboards on the streets of Lahore bearing the seal of the government of Punjab, inscribed with an Urdu slogan that said "friendship with Ahmadis is tantamount to disrespect to the holy prophet". Speakers included the mullahs and senior government officials, including the President of the PML N league in Punjab, the Federal Minister of Religious Affairs, and the Provincial Minister of Religious and Minority Affairs. Their remarks were heard by more than 20,000 locals over the 2 day event.

Today, Ahmadis are excluded from voting in general elections, they cannot run for public office, they cannot hold annual gatherings, and are asked to declare Ahmad as an imposter in government issued passports. Contributing to this open disenfranchisement is the ever present fear that bad things happen to Ahmadis. Permit me three examples:

Marking the 34th anniversary of the 1974 law declaring Ahmadis non-Muslim, a Pakistani talk show aired by GEO TV proclaimed it a religious duty to kill Ahmadis. A day later, an American doctor and President of his Chapter in Sindh was murdered. Still reeling from this loss, the following day another chapter president in Sindh was killed.

In March of this year, an Ahmadi couple was found bound, strangled, and hanged by extremists. The husband and wife, 37 and 29 years old, were medical doctors working in a local children's hospital and eye clinic. My perspective was amplified as Dr. Bajwa, the husband, was a brother to friends of mine in Toledo, Ohio.

Two months ago, in August, an assassin entered a home in Multan of a 36 year old Ahmadi, proceeding to hold hostage the wife and three children, ages 9, 4 and 3, in a room while he waited for the husband to return. When the husband returned, the assassin shot him three times at point blank range.

I close with a short narrative, and it is similar to the story that you have heard about the boiling frog. If you put a frog in a pot of boiling water, he has the capability of jumping out and saving himself. But, over time, if you start with cold water and you boil it, that frog will die. And we find ourselves in the same situation here.

I am an engineer by profession. I have spent more than 20 years of my career working on electrification of automobiles. In 1989, the green movement was purely about the environment. Ten years later, we needed to find an alternative to oil. So it became about rising fuel costs. And then this year, in 2009, we find ourselves in a

situation where we have rising fuel prices and we also have a war on terror with the Middle East in which we need to find alternatives to oil. So today this is about national security, and an idea that started as a luxury in 1989 20 years later is now a strategic imperative.

In a similar manner, I recommend to this distinguished audience that dealing with human rights, constitutional injustice, and minority rights in Pakistan in 1989 was a letter writing exercise with open ended expectations. Twenty years later, in 2009, we concede that the extremists have mastered the art of manipulating society through fear with tools such as the so called anti blasphemy laws, giving birth to a type of extremism that threatens our own national security. You might say to help Pakistan remove these laws, establish rule of law, and restore equal rights is no longer a luxury idea. It is now a strategic imperative which requires swift action. If not us, who? If not now, when?

Thank you.

Mr. WOLF. Thank you very much.

Mr. Khan.

STATEMENT OF AMJAD MAHMOOD KHAN

Mr. KHAN. Thank you, Chairman Wolf.

Thank you for inviting me to testify today on the legal and constitutional issues surrounding Pakistan's anti blasphemy laws. I am honored to provide testimony before this important body. Your courage and leadership on this important issue is to be commended.

I have two goals today. First, I will explain how Pakistan's anti blasphemy laws came into existence and how they have victimized members of the Ahmadiyya Muslim community; and second, I will explain how Pakistan's anti blasphemy laws have gained legitimacy within Pakistan, even though they are illegitimate under international human rights law.

Before I dive into my analysis, let me first define the problem. Pakistan uses 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. Now, five of Pakistan's current penal code provisions punish blasphemy. These are collectively referred to as the "anti-blasphemy" laws. Over the course of 25 years, approximately 1,000 individuals have been arrested under these laws; and these individuals were Muslim — be they Sunni, Shi'a, or Ahmadi — Christians, and Hindus. Their crimes ranged from wearing an Islamic slogan on a T shirt, to planning to build a mosque, to distributing literature in a public square, to offering prayers in a mosque, to printing a wedding invitation card with Quranic verses on it, to sending a text message which was perceived as being critical to Islam. Their punishments ranged from fines, to indefinite detention, to life imprisonment, to the death sentence. Although no one to date has been executed for blasphemy, at least 32 individuals have been killed by mobs after being arrested for blasphemy.

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 2008 report on Pakistan points out how, quote, authorities routinely used the anti-blasphemy laws to harass religious minorities and vulnerable Muslims and to settle personal scores or business rivalries. End quote.

Amnesty International reports that Pakistan's anti blasphemy laws are, quote, a handy tool to silence debate and dissent.

Human Rights Watch reports that minorities in Pakistan are being affected by

the anti-blasphemy laws and this is disgraceful and needs to be repealed.

And the U.S. Commission on International Religious Freedom, in a recent letter to President Obama, described the anti-blasphemy laws as, quote, restricting religious freedom and fostering vigilante violence, end quote.

So the problem of blasphemy in Pakistan remains as precarious as ever.

So how did Pakistan's anti blasphemy laws come to be? Well, Pakistan's early founding reflected a deep commitment to fundamental human rights. Pakistan's most famous founder, Muhammad Ali Jinnah, spoke openly about the importance of keeping religious distinctions out of politics and promoting religious freedom and tolerance. The right to religious freedom was central to the struggle for an independent Pakistan in 1947. In fact, Pakistan was one of only a handful of Muslim countries to vote in favor of the universal declaration of human rights of 1948; and they fought especially hard to defend Articles 18 and 19 of that declaration which, as you know, pertain to religious freedom. For example, Pakistan's first Foreign Minister, the aforementioned Sir Zafrullah Khan, defended the declaration against intense opposition from Saudi Arabia. And Pakistan's original 1956 constitution outlined in clear terms the right of religious freedom for all citizens.

Unfortunately, however, Pakistan's commitment to religious freedom steadily deteriorated over the course of the next several decades. The building of a secular and inclusive state in Pakistan proved difficult in the face of rising religious fundamentalism. The inclusion of religiously charged language in Pakistan's constitution eroded the vital constitutional safeguards for religious freedom. As an example, in 1962, the Pakistan Advisory Council for Islamic Ideology added a repugnancy clause to the constitution which said no law shall be repugnant to the teachings and requirements of Islam and all existing laws shall be brought into conformity therewith.

In 1980, then President Zia ul Haq created a special Federal Shari'a court to scrutinize all existing laws in Pakistan to make sure they were not repugnant to Islam. And then, in 1984, 25 years ago, President Zia ul Haq approved new laws by parliament to criminalize words and conduct that could be perceived as disrespecting of Islam or Muslims. And these are the laws that are referred to as the anti-blasphemy laws. Anyone can register a blasphemy case against anyone else in Pakistan.

In 1986, President Zia ul Haq signed the Criminal Law Act, which imposed the death penalty for blasphemy under Pakistan's penal code provision Section 298 C.

In short, within a span of a few decades, Pakistan devolved from being a leading international proponent of religious freedom to enacting some of the world's most dangerous laws against religious minorities.

Now, let me briefly explain how the anti-blasphemy laws target the Ahmadiyya Muslim community.

There are approximately 4 million Ahmadiyya Muslims in Pakistan, roughly 2 1/2 percent of the total population. The fundamental difference between the Ahmadi and the Muslim community and the Sunni Muslim majority concerns the identity of the messiah. This is the reformer that the prophet Muhammad foretold would appear after him. Ahmadis believe that Mirza Ghulam Ahmad, the founder of the community, was that messiah and that reformer.

Ahmadis profess to be Muslims, but their belief is irrelevant under the law. Article 260 of Pakistan's constitution defines who is or who is not a Muslim for purposes of the law, and the second amendment to Pakistan's constitution explicitly amends Article 260 to declare Ahmadis to be non-Muslim. This second amendment to Pakistan's constitution was passed in 1974. In the context of that amendment, the anti-blasphemy laws have essentially criminalized the very existence of Ahmadis in Pakistan.

Two of the five anti blasphemy laws explicitly target by name the activities of the Ahmadiyya Muslim community. These two laws are referred to as Martial Law Ordinance 20. For fear of being charged indirectly or directly posing as a Muslim, Ahmadis could no longer profess their faith either verbally or in writing. In short, virtually any public act of worship or devotion by an Ahmadi can be treated as a criminal offense punishable by death.

Ahmadis account for 40 percent of all arrests under the anti-blasphemy laws, and the situation grows more dire each passing day. For example, earlier this year, four Ahmadi schoolchildren in the Layyah district in the Punjab were formally charged with blasphemy for allegedly writing the name of Muhammad on the walls of a mosque's toilet. The children, the youngest who is 14, remained behind bars without bail for 6 months; and they continue to face those charges today, which can subject them to life imprisonment or death. According to the BBC, the charges these children face were purely fabricated.

Cases like this are not uncommon in Pakistan. In prior years, elderly Ahmadi women, Ahmadi mothers, even Ahmadi babies have fallen victim to the anti-blasphemy laws. And the persecution of the community goes beyond just individual arrests. Under the guise of the anti-blasphemy laws, Pakistani authorities have demolished, set on fire, forcefully occupied, sealed, or barred the construction of over 90 Ahmadi mosques. They have denied the cemetery burial of 41 Ahmadis. They have exhumed after burial the bodies of 23 Ahmadis. Finally, through a series of political maneuvers, they have denied Ahmadis the right to vote in Pakistan.

Not surprisingly, having suffered under these laws, religious minorities, be they Muslims or Christians, have challenged the constitutionality of the anti-blasphemy laws. But, unfortunately, the anti-blasphemy laws have withstood legal

scrutiny. The highest judicial bodies in Pakistan, the Federal Shari'a court and the Supreme Court of Pakistan, have upheld these laws as Islamic and constitutional; and in light of these twin court decisions by the highest judicial bodies, these laws remain a legitimate, state approved instrument for persecution of religious minorities. Religious minorities have no further legal recourse within Pakistan to overturn these laws.

Yet despite their perceived legitimacy within Pakistan, the anti-blasphemy laws clearly run afoul of basic international human rights instruments.

First, the anti-blasphemy laws circumvent Article 55(c) of the U.N. Charter and Articles 18 and 19 of the Universal Declaration of Human Rights to which Pakistan is a signatory. This is especially troubling since Pakistan was once firmly committed to abide by the Charter and the Declaration.

Second, the anti-blasphemy laws circumvent Articles 18, 19, 20, and 27 of the International Covenant on Civil and Political Rights, the ICCPR, to which Pakistan is a signatory as of last year. This treaty prohibits states from denying religious minorities the right in community with other group members to enjoy their own culture, profess or practice their own religion, or to use their own language; and the anti-blasphemy laws blatantly violate these fundamental principles.

Finally, the anti-blasphemy laws circumvent Article 6(c) of the U.N. declaration on the elimination of all forms of religious intolerance and discrimination based on religion and belief, as well as U.N. Resolution 1985 21, which specifically condemns Ordinance 20.

I wanted to conclude with a few recommendations for this Commission.

First, the Commission should urge Pakistan to ratify the ICCPR. Right now, they have only signed it. They have not ratified it. Once Pakistan firmly commits itself to upholding that treaty's provisions for religious freedom, it will have to repeal the anti-blasphemy laws. Pakistan needs to return to its roots and become a champion of religious freedom once again.

Second, the Commission should urge Pakistan to include Ahmadis in the country's joint electoral role along with every other citizen of Pakistan. Ahmadis deserve the right to vote without unlawful restrictions.

And, finally, the Commission should urge Pakistan to undertake a comprehensive review of all pending cases against Ahmadis under these laws. Those Ahmadis who languish in prison without charge should be afforded basic due process. The House Resolution 764 is really a terrific step in the right direction.

I urge the committee to continue to take affirmative measures to stop these human rights abuses for all religious minorities in Pakistan.

Thank you very much.

[The statement of Mr. Khan follows:]

Mr. Chairman and Members of the Commission:

Thank you for inviting me to testify today on the legal and constitutional issues surrounding Pakistan's anti-blasphemy laws. I am honored to provide testimony before this body. The fact that you have commissioned a special hearing on this issue 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 the firm Latham & Watkins, LLP. In my *pro bono* practice, I represent refugees and disaster victims. I have studied international and human rights law at Harvard Law School and have written about Pakistan's anti-blasphemy laws and surrounding issues for the *Harvard Human Rights Law Journal* and other periodicals.

The Problem of Blasphemy

Let me begin by defining the problem. Pakistan uses 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. Five of Pakistan's current penal code provisions punish blasphemy. These are collectively referred to as the "antiblasphemy" laws. Over the course of 25 years, approximately 1,000 individuals have been arrested under the anti-blasphemy laws. These individuals were Muslims (Sunnis, Shias and Ahmadis), Christians and Hindus. Their crimes ranged from wearing an Islamic slogan on a tshirt 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. Their punishments ranged from fines to indefinite detention to life imprisonment to the death sentence. Although no one to date has been executed for blasphemy, at least 32 individuals have been killed by mobs after being arrested for blasphemy. One Roman Catholic bishop committed suicide outside of a Pakistani courtroom to protest the death sentence of a Christian arrested for blasphemy.

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 2008 report on Pakistan points out how "authorities routinely used the [anti]-blasphemy laws to harass religious minorities and vulnerable Muslims and to settle personal scores or business rivalries." Amnesty International reports that Pakistan's anti-blasphemy laws are "a handy tool to silence debate and dissent." Human Rights Watch reports that "Pakistan's continued use of its blasphemy laws against religious minorities is disgraceful" and must be "repealed." The U.S. Commission on International Religious Freedom, in a recent letter to President Obama, described the anti-blasphemy laws as "restricting religious freedom" and fostering "vigilante violence."

In 2006, the National Assembly of Pakistan submitted a bill to the standing committee entitled, "The Apostasy Bill," which proposes sentencing to death male and female apostates who do not recant their conversions from Islam. If passed, the Bill would supersede the anti-blasphemy laws currently in effect.

Thus, the problem of blasphemy in Pakistan remains more precarious than ever.

How Pakistan Came to this Point

Before I elaborate about the specific abuses stemming from the anti-blasphemy laws, it may be helpful to describe briefly how the laws came into existence.

Pakistan's early founding reflected a deep commitment to fundamental human rights. Pakistan's most famous founder, Muhammad Ali Jinnah, spoke openly about the importance of keeping religious distinctions out of politics and promoting religious freedom and tolerance. The right to religious freedom was central to the struggle for an independent Pakistan in 1947. In fact, Pakistan was one of only a handful of Muslim countries to vote in favor of the United Nations Universal Declaration of Human Rights in 1948 and fought especially hard to defend Articles 18 and 19 of that Declaration, which pertain to religious freedom. For example, Pakistan's first foreign minister, Mohammad Zafrulla Khan, who later would become President of the United Nations General Assembly and President of the International Court of Justice (The Hague), defended the Declaration against intense opposition from Saudi Arabia. Pakistan's original 1956 constitution outlined in clear terms the right of each citizen to profess, practice, and propagate his religion (Article 20), to attend school freely without religious instruction (Article 22), to enjoy places of public entertainment without religious discrimination (Article 26), to qualify for appointment in the service of Pakistan without religious discrimination (Article 27), and to preserve and promote his own language, script, or culture without religious discrimination (Article 28).

Unfortunately, however, Pakistan's commitment to religious freedom steadily deteriorated over the course of the next several decades. The building of a secular and inclusive state in Pakistan proved difficult in the face of rising religious fundamentalism. The inclusion of religiously charged language in Pakistan's Constitution eroded the vital constitutional safeguards for religious freedom. For example, in 1962, the Pakistan Advisory Council for Islamic Ideology added a "repugnancy clause" to the Constitution: "No law shall be repugnant to the teachings and requirements of Islam as set out in the Qur'an and Sunnah [actions of the Holy Prophet], and all existing laws shall be brought into conformity therewith." In 1980, President Zia-ul-Haq created a special Federal Shariat Court to scrutinize all existing laws in Pakistan to make sure they were not repugnant to Islam. In 1984, President Zia-ul-Haq approved new laws by Parliament to criminalize words and conduct that could be perceived as disrespecting Islam or Muslims. These laws are now referred to as the anti-blasphemy laws. Anyone can register a blasphemy case against anyone else in Pakistan. In 1986, President Zia-ul-Haq signed the Criminal Law Act, which imposed the death penalty for blasphemy under Pakistan's Penal Code and Press Publication Ordinance Section 298-C.

In short, within a span of a few decades, Pakistan devolved from being a leading international proponent of religious freedom to enacting some of the world's most dangerous laws against religious minorities.

The Plight of the Ahmadiyya Muslim Community in Pakistan

The anti-blasphemy laws have led to wide-ranging abuse of religious minorities in Pakistan. Perhaps the most telling example of the abuse concerns members of the Ahmadiyya Muslim Community. Approximately 4 million Ahmadi Muslims live in Pakistan. The fundamental difference between the Ahmadiyya Muslim Community and the Sunni Muslim majority concerns the identity of the messiah – the reformer that the Prophet Muhammad foretold would appear after him. Ahmadis believe Mirza Ghulam Ahmad to be the messiah.

Ahmadis profess to be Muslims, but their belief is irrelevant under the law. Article 260 of Pakistan's Constitution defines who is or is not a Muslim for purposes of the law. The Second Amendment to Pakistan's Constitution, passed in 1974, amended Article 260 to say that "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." This amendment explicitly deprived members of the Ahmadiyya Muslim Community of their Muslim identity.

In the context of Pakistan's Second Amendment to the Constitution, the anti-blasphemy laws have essentially criminalized the very existence of Ahmadis in Pakistan. Two of the five antiblasphemy laws explicitly target by name the activities of the Ahmadiyya Muslim Community. 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,” Ahmadis could no longer 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 wedding invitations, the offering of Ahmadi funeral prayers, and the displaying of the *Kalima* (the principal creed of a Muslim) on Ahmadi gravestones. In addition, Ordinance XX prohibited Ahmadis from declaring their faith publicly, propagating their faith, building mosques, or making the call for Muslim prayers. In short, virtually any public act of worship or devotion by an Ahmadi can be treated as a criminal offense punishable by death.

Ahmadis account for almost 40% of all arrests under the anti-blasphemy laws. And the situation grows dire each passing day. For example, earlier this year, four Ahmadi school children in the Layyah District were formally charged with blasphemy for allegedly writing the name of Muhammad on the walls of a Mosque’s toilet. The children (the youngest 14 years old) remained behind bars without bail for six months. They continue to face blasphemy charges today and can be subject to life imprisonment or death. According to BBC, the charges these children face were purely fabricated. Cases like this are not uncommon in Pakistan. In prior years, elderly Ahmadi women, Ahmadi mothers and even Ahmadi babies have fallen victim to the anti-blasphemy laws.

The persecution of the Ahmadiyya Muslim Community in Pakistan goes beyond individual arrests. Under the guise of the anti-blasphemy laws, Pakistani authorities have demolished, set on fire, forcibly occupied, sealed or barred the construction of over 90 Ahmadi Mosques. They have also denied the cemetery burial of 41 Ahmadis and have exhumed after burial the bodies of 28 Ahmadis. Finally, through a series of political maneuvers, they have also denied Ahmadis the right to vote in Pakistan.

The Plight of the Christian Community in Pakistan

The anti-blasphemy laws have also been used to oppress Christian minorities in Pakistan. Over one hundred Christians have been arrested under the anti-blasphemy laws since their inception. Blasphemy charges against Christians generate sectarian strife. Dozens of Christians have fallen victim to mob violence after being arrested for blasphemy. Most recently, just last month, several mobs attacked hundreds of Christian homes in the Gojra and Kasur Districts of Pakistan. Six Christians – including four women and a child of 7 years of age – were burned alive. At least 11 Christians in these districts were formally charged with blasphemy and currently await sentencing. The anti-blasphemy laws have been used to intimidate Christians and unjustly settle land disputes. Several Christians who have been arrested under blasphemy are held in indefinite detention without charge and face grave risk. For example, a Christian detainee in Sialkot was recently found dead in prison – allegedly beaten and tortured – while he awaited his trial for blasphemy.

How the Anti-Blasphemy Laws Gained Legitimacy in Pakistan

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

On July 3, 1993, the Supreme Court of Pakistan dismissed eight appeals brought by Ahmadis 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 religious practice, however peaceful, angered and offended the Sunni majority in Pakistan; to maintain law and order, Pakistan would, therefore, need to control Ahmadi religious practice. *Second*, Ahmadis, as non-Muslims, 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*. The remarkable ruling further entrenched the anti-Ahmadi ordinances by giving the government power to freely punish Ahmadi religious practice as apostasy.

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

How the Anti-Blasphemy Laws Violate International Human Rights Norms

Despite their perceived legitimacy in Pakistan, the anti-blasphemy laws clearly run afoul of various international human rights instruments. *First*, the anti-blasphemy laws circumvent Article 55(c) of the U.N. Charter and Article 18 of the Universal Declaration of Human Rights (UDHR), to which Pakistan is a signatory. This is especially troubling since Pakistan was once firmly committed to abide by the Charter and Declaration. *Second*, the anti-blasphemy laws circumvent Articles 18, 19, 20 and 27 of the International Covenant on Civil and Political Rights (ICCPR), to which Pakistan is a signatory. The ICCPR concretized the basic freedoms of religion and conscience articulated in the UDHR and made its signatories legally bound by it. In addition to prohibiting state coercion that would impair a person's freedom to practice or adopt a religion or belief of one's choice, the ICCPR also prohibits states from denying religious minorities the right, in community with other group members, to enjoy their own culture, profess or practice their own religion, or to use their own language. The anti-blasphemy laws blatantly violate these principles. While Pakistan is not technically bound under the ICCPR until and unless it ratifies the covenant, it is arguably bound by the provisions therein by virtue of customary law. *Finally*, the anti-blasphemy laws circumvent Article 6 (c) of the U.N. Declaration on the Elimination of All Forms of Religious Intolerance and Discrimination Based on Religion and Belief as well as U.N. Resolution 1985/21, which specifically condemns Ordinance XX.

How Pakistani Government Officials Are Recognizing the Problem with the Anti-Blasphemy Laws

There is cause for hope. Pakistani Government officials have finally taken notice of the everincreasing abuses emanating from the anti-blasphemy laws. Pakistan's President, Asif Zardari, recently met with the Pope and the Archbishop of Canterbury and pledged that Pakistan would not permit the misuse of the anti-blasphemy laws. Pakistan's Prime Minister, Yousuf Gilani, recently pledged to scrutinize the anti-blasphemy laws. Pakistan's National Assembly Standing Committee on Human Rights recently requested the Pakistani Parliament re-examine the anti-blasphemy laws and scrutinize their nefarious effects on religious minorities. Punjab Governor, Salmaan Taseer, recently urged Parliament to repeal the anti-blasphemy laws. Pakistan's Minister for Minority Affairs, Shahbaz Bhatti, recently stated: "The stand of the Pakistani government is to review, revisit and amend Pakistan's anti-blasphemy laws so they will not remain a tool in the hands of extremists."

Why the United States Should Push for Repeal of the Anti-Blasphemy Laws

The United States is one of the largest investors in Pakistan's future. It is firmly committed to assist Pakistan to combat extremism, violence and lawlessness within its borders. If Pakistan does not successfully defeat those extremists who aim to uproot democracy and use nuclear weaponry to perverse ends, the United States can face a grave security threat.

But the battle against extremists in Pakistan cannot be won unless the Pakistani Government scrutinizes and reforms the laws and policies that give ammunition to these extremists. It is simply not enough to apprehend and uproot extreme groups like the Taliban in Pakistan without first addressing the root problem. The United States must push Pakistan's Parliament to repeal the anti-blasphemy laws in order to dismantle the extremist apparatus that endangers the world.

The time is ripe for decisive action. We cannot settle for a band aid solution to a festering sore. The House of Representatives has twice passed resolutions to condemn the anti-blasphemy laws in Pakistan – once in 1986 and once in 2002. While both resolutions demonstrated the United States’ deep commitment to religious freedom in Pakistan, they could not solve the problem: the anti-blasphemy laws remain in effect and continue to victimize religious minorities. In fact, Pakistan’s anti-blasphemy laws have set a dangerous precedent for similar laws in other Muslim countries, such as Bangladesh and Indonesia.

I commend this Commission for supporting the recent House Resolution Number 764, which calls for the restoration of religious freedom in Pakistan. It is an important step towards rectifying the problem of the anti-blasphemy laws in Pakistan. But more can be done. I respectfully recommend the following:

First, the Commission should urge Pakistan to ratify the ICCPR. Pakistan has only signed this treaty, but it has not ratified it. Once Pakistan firmly commits itself to upholding this treaty’s provisions for religious freedom, it will have to repeal the anti-blasphemy laws. Pakistan needs to return to its roots and become a champion of religious freedom once again.

Second, the Commission should urge Pakistan to include Ahmadis in the country’s joint electoral roll along with every other citizen of Pakistan. Ahmadis deserve the right to vote without unlawful restrictions.

Finally, the Commission should urge Pakistan to undertake a comprehensive review of all pending cases against Ahmadis under the anti-blasphemy laws. Those Ahmadis who languish in prisons without charge should be afforded basic due process.

Thank you very much for your time.

Mr. WOLF. Well, thank you for your testimony. All of this will be in the written record. So I appreciate the three of you.

A couple of comments. I am sorry that we don't have more here. This has come--the schedule in the House is very unpredictable, but I wish more people could have heard the testimony. But it will be there for the record.

I didn't know--Ahmadis can't vote?

Mr. KHAN. Yes, Chairman Wolf. Yes.

The way it has gone down is that--there is some history here to be had. There was a separate electorate system in Pakistan from 1978 to 2002. It was instituted by Zia ul Haq. What that means is that there were two electoral roles, one for all Muslims and one for Christians. So a certain proportion of seats were allocated to religious minorities.

Now, Ahmadis could not register as Muslims because the law deems them to be non-Muslim and that is an arrestable offense. Ahmadis could not, of course, register as non-Muslims because they profess to be Muslims. So Ahmadis for over 20 years were not able to effectively exercise their right to vote.

But, in 2002, President Musharraf did something really exceptional. He created a joint electorate system and combined everyone under one role. He put Christians and Hindus and Ahmadis and all Muslims in one electoral role, and Ahmadis then voted for that referendum, and this was heralded by religious minorities as a step in the right direction. But, 6 months later, by executive order, he said that the joint electorate system applies to everyone except Ahmadis. So effectively Ahmadis do not have--they are not listed on the joint electoral role, and the separate electorate system has been abandoned. They will denied the right to vote.

Mr. WOLF. And Musharraf did that?

Mr. KHAN. Yes.

Mr. WOLF. What led him--because I was there once, and I met with Musharraf, and I raised the case of the Ahmadis, and he seemed very sympathetic. What led him to change? Was there great pressure on him? What was the reason for the executive order?

Mr. KHAN. Well, Chairman Wolf, I submit that the reason for the change was tremendous pressure from the religious orthodox clergy to not allow Ahmadis this precious right. And actually what happened is, they said, why don't we put Ahmadis on their own roll? That way, they can be effectively not branded as Muslims; and the moment they do that, they will be apostates and then the death penalty would kick in.

So this was a deliberate act and cowing to pressure that was placed upon him to actually not allow this to transpire.

I mean, Ahmadis are exceptionally literate in Pakistan. There is one report that suggests that maybe 15 percent of the total literate population of Pakistan consists of Ahmadis, which means one in seven or one in eight literate Pakistanis is Ahmadi. So there is this idea that Ahmadis may be considered or perceived as a threat; and this executive order, unfortunately, much to the dismay of the Ahmadis, even after they voted for this referendum, really effectively disenfranchises Ahmadis.

Mr. WOLF. What year was that?

Mr. KHAN. This was 2002, the executive order.

Mr. WOLF. So there are no Ahmadis that serve on the government then?

Mr. KHAN. Oh, absolutely, there are. Ahmadis have served as civil servants--

Mr. WOLF. But insofar as an elected office, if they can't vote--they are in elected office in the parliament?

Mr. KHAN. I am sorry. I thought you meant--they work for--they are civil servants. They work for government appointed positions. In terms of elected office, no.

Mr. WOLF. None.

How supportive has the administration been on this issue and also on the issue of the persecution of those of the Christian faith? Have your community and the different communities met with, for instance, Ambassador Holbrooke? Because he is supposedly the person responsible for the Afghanistan Pakistan policy of all has this administration advocated for and have your communities met with Holbrooke?

And, also, when Mr. Bhatti was here, he wanted to meet with Holbrooke. Did he ever get to meet with Holbrooke?

If you can answer these questions.

Ms. SHEA. Regarding Minister Bhatti, he--we were not able to--the U.S. Commission on International Religious Freedom I think is here, who is our government person, tried to get him an appointment with Mr. Holbrooke. What resulted was a drop in. And--

Mr. WOLF. What do you mean by a "drop in"?

Ms. SHEA. It was not a scheduled appointment, and he was over at the State Department meeting somebody else, and Mr. Holbrooke walked in. And I think it

was brief.

And then there was another--

Mr. WOLF. "Brief" meaning 3 minutes or 30 minutes?

Ms. SHEA. Yes. Yes, 3 minutes or so.

And then there was another chance meeting with Mr. Holbrooke as they were coming in and out of offices, and they got to talk a little bit more. And then there was some but it was not a serious, sit down meeting. We would like to see that. We would like to see Mr. Holbrooke do that in Pakistan.

Mr. WOLF. I have always admired Ambassador Holbrooke. I thought he did a pretty good job on the Dayton Peace Accords, and I admire the fact he advocated for those who were being killed in Sarajevo. So I have always been kind of a fan of his.

I am a little disappointed. I want to give him the benefit of the doubt.

Is there anybody here from the State Department by the way?

Nobody at all. Wow.

The drop in phrase is sort of the wimpy type of thing that State Department and White Houses do in the past.

Ms. SHEA. I personally was stunned.

Mr. WOLF. They didn't want to be seen meeting with somebody who was a Christian? Or was there a reason for that? Or was it just touching base and saying, I met, but I didn't really meet?

Ms. SHEA. I personally was stunned that he had never met with him before Bhatti came to Washington, frankly. The Ambassador is in Pakistan meeting with all sorts of representatives of all sorts of groups.

Mr. WOLF. I am going to contact him. I have written and asked the commission. I am going to write a letter, and I know Mr. Smith will sign it with me, I think I can safely say, asking that Holbrooke meet with him.

Because if he wants to advocate on behalf of Christians and the Ahmadis and others, whatever. But if we believe that some of what we are seeing and this is not a hearing on Afghanistan and on the Taliban, but if we believe some of the radicalization that we are seeing, certainly a man who is a man of peace who ought to be somebody that Ambassador Holbrooke meets with.

Has anybody in your community met with Holbrooke? Have you asked to meet with Holbrooke?

Mr. IJAZ. We have not formally requested a meeting on this subject, but I think that coming through this forum we were just talking prior to the meeting it would be a good idea for us to get a request in to his office to meet with him.

Mr. WOLF. Well, we will follow up there with a letter.

Who is the Assistant Secretary that is responsible for Afghanistan and Pakistan now? Have you met with them?

Ms. SHEA. Jonah Blank.

Mr. WOLF. Have you met with them?

Ms. SHEA. That is who Minister Bhatti met with. He was meeting with him the time the drop in took place.

Mr. WOLF. Was that a substantial meeting?

Ms. SHEA. Yes, I believe it was.

Mr. WOLF. How does the new President compare with Musharraf on this issue?

Mr. KAHN. I can take a shot at answering that.

Asif Zardari met a week or two ago with the Pope and the Archbishop of Canterbury, and he had favorable remarks about revisiting the anti-blasphemy laws. He didn't say anything about repealing them. He just said thought about revisiting them as being not appropriate at this time or not appropriately implemented.

It is hard to say, Chairman Wolf. I hold hope that the time is right for action and that these laws can be repealed. But the history of this is quite interesting. There was a resolution in 1986 by the House, there was again another resolution in 2002, and this terrific resolution a few weeks ago, or last week, 764.

So we have a lot of resolutions. But unfortunately, we haven't had the actual change in terms of the laws being repealed.

But there is a ground movement within Pakistan. Prime Minister Gilani, we talked about the minority affairs representative, the Governor of the Punjab, Salman Taseer, the Standing Committee on Human Rights, have all expressed their interest in revisiting these laws, particularly in light of the terrible violence against the Christian minorities in the last few months.

Mr. WOLF. What do you think should be done to encourage that, other than a letter? You send letters. What would it take? Our government? Would it take Secretary Clinton advocating? What would it take? Would it take President Obama advocating? Would it take western leaders?

Mr. KAHN. I think the answer is, all of the above. But I think it would take actual pressure from someone who holds the reins in terms of the policy going forward in Pakistan, someone senior in the administration. Certainly Secretary of State Clinton. Of course, President Obama, who spent some time in Pakistan, actually.

I think that there should be concrete steps. Pakistan last year signed the ICCPR. That was a huge deal. They also ratified the Convention on Economic and Social Rights. The International Bill of Rights, as you know, are three instruments: the Declaration of Human Rights, the ICCPR, and the Covenant on Economic and Social Rights. Two of them have been ratified by Pakistan or signed and ratified. But the ICCPR has not been ratified. If that is ratified, as Amnesty pointed out a few months ago in a report, that will have severe consequences in the sense that Pakistan has to repeal the blasphemy laws, which was my last point, because those articles rather robustly protect religious freedom, and those laws patently violate international human rights laws, and that is a treaty, a hard treaty.

There are going to be reservations, I am sure, by the Pakistani government, but the fact they signed it last year and committed to it means that the parliament is mulling over the idea of ratifying it, and I think some pressure by the U.S. Government to get Pakistan to ratify this covenant will go a long way.

Mr. IJAZ. I think, to add to that, the opinion, obviously, of Richard Holbrooke is very important to Pakistan; and to put this on the agenda of what the State Department is concerned about could give support to those within Pakistan that are trying to create a grassroot movement to see that this changes.

Five years ago, it could be said that this issue was, largely speaking, an internal domestic issue. But now the extremists have been able to mobilize society in such a way that this is having a much farther and much deeper implication to the health of the civil rule that is going on in Pakistan. It is almost getting back to the point of 1953 and the riots that occurred in Punjab which were destabilizing the federal government.

So I think if we had--from the administrative point of view, we look at who is important to Pakistan, because it is also related to the way that they are pursuing the funding that comes from the United States, that the State Department could have an enormous role in this, and I think Richard Holbrooke specifically could have a role in this.

So if we could have audience, be able to define how his voice would give support to the grassroots movement, that is more effective, in my opinion, than us

simply telling the administration, starting with Zardari himself, because he himself is not going to be able to solve this problem. It is going to take a lot of generals in his field in Punjab; and Punjab, being the nerve center of Pakistan, has got to some degree a new camp that is building around this issue. So we should support them.

Mr. WOLF. I have a 1 o'clock meeting. I just have one more thing.

How is the American Ambassador on this issue? Is the American Embassy an island of freedom that you feel comfortable to come in and out and talk about this?

I, quite frankly, don't know the American Ambassador's name. Do you know the Wendy Sherman?

Ann Patterson. She is a pretty good person, I believe. Was that a statement, Wolf, or was that a question? I believe. I think she is a good person.

Has either the Christian community or the Ahmadi community had any relationship there? Have they been in to see her?

Mr. KAHN. Nina can I think comment on that. I will let her.

Ms. SHEA. Well, after the Gojra, which was so traumatizing for the Christian community in Punjab because of its scale and how it started with a hair trigger and the fact that it was tied to extremist groups that even I think Asma Jahangir of the Human Rights Commission said were linked to al Qaeda, there is a great deal of frustration building in these minority communities.

Just this week, the Embassy tried to distribute food to these beleaguered Gojra victims; and they rejected it. They didn't want it, because they wanted the U.S. to know that they want the U.S. Embassy doing more to put pressure. It wasn't a personal indictment of the Ambassador, but it was a protest. It was part of a protest movement.

Mr. WOLF. But does the Embassy speak out? Does our human rights officer speak out? Has there been any record of the Ambassador giving a speech on this issue or advocating it? It is one thing to do privately rather than publicly.

Ms. SHEA. There has been a great reluctance. There is a sense that these blasphemy laws, as my colleagues have mentioned, that this is somehow a religious issue and the United States really shouldn't get involved.

It is not only a human rights issue. It is also a security issue, with these extremists given the opportunity to use and abuse the criminal justice system to eradicate and eliminate more tolerant voices, voices of reform and anyone who doesn't accept their interpretation of Islam.

Mr. WOLF. Well, I am going to turn it over to Mr. Smith.

I will be talking to Mr. Bhatti this weekend, and I will tell him about the hearing. It is kind of timely.

Also, what I will do with Mr. Smith is we will send a letter to Mr. Holbrooke asking that he meet with the Minister and others.

Do you know if he is scheduled to come back, Nina?

Ms. SHEA. Yes, he is.

Mr. WOLF. And ask that he meet with your community, too. I think it is very, very important.

And, also, we will do a letter to our Ambassador asking that she advocate but also meet with the various communities over there so that they know they have a friend in the American Embassy.

Ms. SHEA. That would be wonderful.

I recall Mr. Holbrooke told Mr. Bhatti that, well, I will look you up when I go to Pakistan. So to encourage him would be excellent.

Mr. WOLF. Okay, we will check on that.

What is the status of your resolution?

Mr. SMITH. We just introduced it.

Mr. WOLF. Is there any likelihood--

Mr. SMITH. Yes.

Mr. WOLF. Hopefully--Mr. Smith has a record of getting things passed, so hopefully that resolution will pass.

Well, thank you for your testimony. I appreciate it very much.

With that, I will leave it in the good hands of Mr. Smith.

Ms. SHEA. Thank you so much for holding this hearing.

Mr. SMITH. Before Chairman Wolf leaves, you know, thus far--and this causes a great deal of concern on the part of Mr. Wolf and I and many of us who care about religious freedom--the administration has yet to put somebody in the position of

Ambassador at Large for Religious Freedom. But there is an office, so we are missing an opportunity to have somebody walking point and really being a lightning rod for religious freedom. What are we, 9 months into the administration?

Mr. WOLF. It has been 9 months.

Mr. SMITH. It is a statement of priorities that we find concerning.

Mr. WOLF. I appreciate Mr. Smith saying that.

I was very critical of the Bush administration on human rights and religious freedom issues, sometimes very, very critical. Yet I liked President Bush. I am a Republican. I think the same thing holds true. We have to hold this administration's feet to the fire. Particularly if I was critical of a Republican administration, I will do the same thing there. Not to have that role filled is just unconscionable. I am glad Mr. Smith raised that.

Mr. SMITH. Let me just add, there still is, obviously, an office. I am wondering if any of you three have had positive work with the Religious Freedom Office? Obviously, there are people watching what is going on there. Did Minister Bhatti meet with anyone from the Religious Freedom Office while he was here, do you know?

Ms. SHEA. Yes, I believe he met with the Acting Director of that office.

Mr. SMITH. Right.

Mr. IJAZ. I was going to add that the U.S. Commission on International Religious Freedom wrote a letter on behalf of this topic that mentioned not only the Ahmadi situation but also the blasphemy laws and how they affect the Christian community, the Hindus and so forth. That was written to President Obama on May 5th, I believe. And in support of this topic, those kinds of letters are used by our community to try to meet with our representatives in the House as a way of promoting awareness. Because I think there hasn't been clear awareness of how this has transitioned from being simply what is thought of as a religious issue to really a control over moderate society, which is a national security issue.

Mr. SMITH. You know, another office that just got filled--and it is filled with a man who I think is very competent and caring about human rights, and that is Michael Posner, formerly from Human Rights First. He is now our Assistant Secretary for Democracy, Labor, and Human Rights. I know I will be in touch with him on this issue, but I will encourage you to do so as well. And if he has not met with Mr. Bhatti and yourselves and others who care so deeply, that needs to be done. Because he is the man who is truly the quarterback, and probably disproportionately. Because I do believe in leadership, but I believe you need good, solid counsel coming in from a myriad of sources.

I hope that Ambassador Holbrooke is listening. I know him very well as well, especially from the Bosnia and the Balkan war years. I am hoping, frankly, if his ear is not attuned to what is going on here, he is missing by a mile an opportunity to help. I have been struck. I know a lot of imams around the world. The grand mufti, for example, of Bosnia, Reis Cerić, is a man who cares deeply about tolerance. He is a devoted Muslim, and yet he takes the view that radicalism has no place whatsoever.

I was with him in Srebrenica 2 years ago when they reinterred several hundred people who were killed during that genocidal act by the Bosnia Serbs and Milosevic who orchestrated that killing. His speech was filled with compassion and love and goodness. No hate.

So my suggestion--and I think you would agree--is that these radical Islamic elements are just as much a threat, especially on the intermediate and long term. Short term, I think Christians and others probably fall more in the cross hairs. But maybe not. But on the intermediate and long term, certainly these radical Islamic jihadists others are the greatest threat to Islam and to believers such as yourselves.

So I say that we need to get to Mr. Posner--Secretary Posner as well, because I think he could be most helpful on this.

Would anybody like to respond to that?

Ms. SHEA. One other aspect of this, Pakistan's policies, also is on the international front, whereby Pakistan introduces year after year for a decade now in the U.N.--you have been there in the Human Rights Council and so forth, the Commission--these anti-religious defamation laws that essentially would be the universalization of its own kind of blasphemy system which have been so dangerous within Pakistan; and the United States really has to stand firm with that and really examine if this legislation is signed and the \$7.5 billion starts flowing to strengthen civil society in Pakistan, this has got to be on the agenda.

Mr. SMITH. I agree.

I will just say parenthetically, I have been named the Congressional Delegate to the U.N. for this session. So if there is any way I can be of help with pertinent information from each of the three of you, please do so.

Finally, you mentioned the International Covenant for Civil and Political Rights, which is a very well written but, sadly, not enforceable covenant. It is a treaty, and ratification does carry with it strings, but those strings are very thin, to say the least.

Many of the countries in the Middle East are signers. India is a signer. China signed it 10 years ago and still hasn't ratified it, but they bring that out every time one

of their leaders heads to Washington to say now they are going to ratify. For a long time it was now they are going to sign. How about implement?

But it does give you a tool. I would say that. So the sooner that is signed ratified, I should say--and at least hopefully faithfully implemented, the better. Otherwise, it is just a set of nice sounding principles.

On October 23rd, we are looking at the possibility of an event in New York that would deal with defamations, so you might want to keep your eye to that. We will get you information on that as well.

Again, I just want to thank you for your testimony. I missed it, but I have it, and I will read it. I missed some of it, at least.

Again, I hope Minister Bhatti and others know that--and everyone like yourselves who cares so deeply and passionately for human rights in Pakistan and religious freedom, you have a lot of friends on Capitol Hill. It is bipartisan. We have to get the State Department I think to do more. The International Religious Freedom Commission has been a lightning rod themselves which is why 10 years ago, a decade ago, it was created, because we do need a counterweight to indifference, which we often get from some of the more formal channels.

So I thank you.

Is there anything to add before we close the hearing?

Mr. KAHN. I just wanted to thank you, Congressman Smith, for these comments and also for cosponsoring this very important resolution which I thought was exceptionally well written and I think will have an effect. I hope we can continue to take affirmative measures towards that.

Thank you very much for your time.

Ms. SHEA. Thank you very much.

Mr. IJAZ. Thank you, Congressman.

Mr. WOLF. Again, I admire what you are doing. Thank you so much.

Without further ado, the hearing is adjourned.

[Whereupon, at 1:09 p.m., the commission was adjourned.]

