

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

October 8, 2009

Testimony of Amjad Mahmood Khan, Esq.

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.¹ 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 the anti-blasphemy laws.² These individuals were Muslims (Sunnis, Shias and Ahmadis), Christians and Hindus.³ Their crimes ranged from wearing an Islamic slogan on a t-shirt to planning to build a Mosque to distributing Islamic literature in a public square to offering prayers in a Mosque to printing a wedding invitation card with Quranic verses to sending a text message perceived as critical of Islam.⁴ 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.⁵ One Roman Catholic bishop committed suicide outside of a Pakistani courtroom to protest the death sentence of a Christian arrested for blasphemy.⁶

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.”⁷ Amnesty International reports that Pakistan’s anti-blasphemy laws are “a handy tool to silence debate and dissent.”⁸ Human Rights Watch reports that “Pakistan’s continued use of its blasphemy laws against religious minorities is disgraceful” and must be “repealed.”⁹ 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.”¹⁰

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.¹¹ 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.¹² 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.¹³ 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.”¹⁴ 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.¹⁵ 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.¹⁶

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.¹⁷ 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.¹⁸

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.¹⁹ 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.”²⁰ 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 anti-blasphemy laws explicitly target by name the activities of the Ahmadiyya Muslim Community.²¹ 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.²² In addition, Ordinance XX prohibited Ahmadis from declaring their faith publicly, propagating their faith, building

mosques, or making the call for Muslim prayers.²³ 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.²⁴ 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.²⁵ The children (the youngest 14 years old) remained behind bars without bail for six months.²⁶ They continue to face blasphemy charges today and can be subject to life imprisonment or death.²⁷ According to BBC, the charges these children face were purely fabricated.²⁸ 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.²⁹

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.³⁰ They have also denied the cemetery burial of 41 Ahmadis and have exhumed after burial the bodies of 28 Ahmadis.³¹ Finally, through a series of political maneuvers, they have also denied Ahmadis the right to vote in Pakistan.³²

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.³³ 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.³⁴ At least 11 Christians in these districts were formally charged with blasphemy and currently await sentencing.³⁵ The anti-blasphemy laws have been used to intimidate Christians and unjustly settle land disputes.³⁶ Several Christians who have been arrested under blasphemy are held in indefinite detention without charge and face grave risk.³⁷ For example, a Christian detainee in Sialkot was recently found dead in prison – allegedly beaten and tortured – while he awaited his trial for blasphemy.³⁸

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.³⁹ 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.⁴⁰ 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.⁴¹ 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 anti-blasphemy laws remain a legitimate state-approved instrument for persecution of religious minorities. Religious minorities have no further legal recourse within Pakistan to overturn 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. Charter⁴² 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.⁴³ 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 Belief⁴⁴ as well as U.N. Resolution 1985/21, which specifically condemns Ordinance XX.⁴⁵

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 ever-increasing 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.⁴⁶ Pakistan's Prime Minister, Yousuf Gilani, recently pledged to scrutinize the anti-blasphemy laws.⁴⁷ 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.⁴⁸ Punjab Governor, Salmaan Taseer, recently urged Parliament to repeal the anti-blasphemy laws.⁴⁹ 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."⁵⁰

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 2002.⁵¹ 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.⁵²

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.

¹ Amjad Mahmood Khan, "Persecution of the Ahmadiyya Community in Pakistan: An Analysis Under International Law and International Relations," *Harvard Human Rights Journal*, Vol. 16, Spring 2003, at p. 227, available at <http://www.law.harvard.edu/students/orgs/hrj/iss16/khan.shtml#fnB40> (last visited on October 4, 2009).

² National Commission for Justice and Peace in Pakistan (NCJP) data, quoted in "NJCP Signature's Drive Against Blasphemy Laws," *Dawn*, August 28, 2009, available at www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/national/ncjps-signature-drive-against-blasphemy-laws-889 (last visited on October 4, 2009).

³ *Id.*

⁴ See Dexter Filkins, "Pakistan's Blasphemy Law Under Heightened Scrutiny," *Los Angeles Times*, May 9, 1998, at A1; Editorial, "Pakistan's Cruel Blasphemy Law," *New York Times*, August 30, 2001, at A20.

⁵ NCJP data, *supra*, note 2.

⁶ Filkins, *supra* note 4.

⁷ Bureau of Democracy, Human Rights and Labor, U.S. Department of State, *Annual Report on International Religious Freedom: Pakistan*, <http://www.state.gov/g/drl/rls/irf/2008/108505.htm> (last visited on October 4, 2009)

⁸ Amnesty International, "Pakistan: Blasphemy Laws Should Be Abolished," August 21, 2001, available at <http://www.amnesty.org/en/library/asset/ASA33/023/2001/en/6bd5700e-d8f5-11dd-ad8c-f3d4445c118e/asa330232001en.html> (last visited on October 4, 2009).

⁹ Human Rights Watch, “Pakistan: Pandering to Extremists Fuels Persecution of Ahmadis,” May 5, 2007, *available at* <http://www.hrw.org/en/news/2007/05/05/pakistan-pandering-extremists-fuels-persecution-ahmadis> (last visited on October 4, 2009).

¹⁰ United States Commission on International Religious Freedom, *Letter from Felice D. Gaer to President Barack H. Obama*, May 5, 2009.

¹¹ Ahmadiyya Muslim Community, Apostasy Bill 2006 (proposed), *available at* <http://www.thepersecution.org/50years/apostasybill.html> (last visited on October 4, 2009).

¹² Mohammad Ali Jinnah, Address at the Karachi Club (Aug. 11, 1947), *available at* http://www.pakistani.org/pakistan/legislation/constituent_address_11aug1947.html (last visited on October 4, 2009).

¹³ See Tayyab Mahmud, “Freedom of Religion and Religious Minorities in Pakistan: A Study of Judicial Practice,” *Fordham International Law Journal*, Vol. 19, 1995, at p. 4086, *see also* Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, 2001, at p. 168.

¹⁴ Pak. Const., pt. IX, art. 227.

¹⁵ See David F. Forte, “Apostasy and Blasphemy in Pakistan,” *Connecticut Journal of International Law*, Vol. 10, 1994, at pp. 27, 35-37. By 1986, the Federal Shariat Court had invalidated fifty-five federal laws and 212 provincial laws as being contrary to Islam.

¹⁶ See Pak. Penal Code § 295C (part of the Criminal Law Amendment Act of 1986, which amended the punishments enumerated in §§ 298B and 298C to include death). “Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (*peace be upon him*) shall be punished with death, or imprisonment for life, and shall be also liable to fine.”

¹⁷ See M. Nadeem Ahmad Siddiq, “Enforced Apostasy: *Zaheerudin v. State* and the Official Persecution of the Ahmadiyya Community in Pakistan,” *Journal of Law and Inequality*, Vol. 14, 1995, at pp. 275, 279.

¹⁸ *Id.* Siddiq notes that, fundamentally, Ahmadis fall within the pale of Islam. They are followers of Mirza Ghulam Ahmad of Qadian, India, who claimed to be the same Messiah foretold by Prophet Muhammad and awaited eagerly by all Muslims. The Ahmadiyya Community meant to revive the “true spirit” and message of the Islam Muhammad effectuated, relieving it from all misconstrued or superstitious teachings that tainted Islam for fourteen centuries. The orthodox Muslims claim that Mirza Ghulam Ahmad had proclaimed himself a prophet, thereby rejecting a fundamental tenet of Islam: *Khatem-e-Nabuwat* (a belief in the “finality of Prophet Muhammad”). Ahmadis respond that Mirza Ghulam Ahmad came to illumine Islam in its pristine beauty and to reform its tainted image, as predicted by Prophet Muhammad; for Ahmad and his followers, the Arabic *Khatem-e-Nabuwat* does not refer to the finality of prophethood in a literal sense, that is, to prophethood’s chronological cessation, but rather to its culmination and exemplification in Prophet Muhammad.

¹⁹ See Pak. Const. pt. XII, ch. 5, arts. 260(3)(a), 260(3)(b). “Muslim means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified Prophethood of Muhammad (peace be upon him), the last of the prophets, and does not believe, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or any description whatsoever, after Muhammad (peace be upon

him).” Subsection (b) reads: “‘Non Muslim’ means a person who is not a Muslim and includes a person belonging to the Christians, Hindus, Sikh, Buddhist or Parsi community, a person of the Qadiani Group or Lahori Group (who call themselves ‘Ahmadis’ or by any other name) or a Bahai, and a person belonging to any of the Scheduled Castes.”

²⁰ See Pak. Const. Second Amendment.

²¹ See Pak. Penal Code §§ 298B, 298C (collectively referred to as Ordinance XX). According to § 298B:

(1) Any person of the Qadiani group or the Lahori group (who call themselves ‘Ahmadis’ or any other name) who by words, either spoken or written, or by visible representation

- a. refers to, or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (*peace be upon him*), as ‘Ameer-ul-Mumineen,’ ‘Khalifat-ul-Mumineen,’ ‘Kilafat-ul-Muslimeen’ ‘Sahaabi’ or ‘Razi Allah Anaho’;
- b. refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (*Peace be upon him*), as ‘Ummul-Mumineen’;
- c. refers to, or addresses, any person, other than a member of the family (Ahle-bait) of the Holy Prophet Muhammad (*peace be upon him*), as Ahle-bait; or
- d. refers to, or names, or calls, his place of worship as Masjid;

shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

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

²² Siddiq, *supra* note 17, at pp. 288-289.

²³ *Id.*

²⁴ NCJP data, *supra* note 2.

²⁵ United States Commission on International Religious Freedom, *Letter from Felice D. Gaer to Anne C. Patterson*, May 19, 2009 (citing Layyah incident).

²⁶ Ahmadiyya Muslim Community, Press Release, “Ahmadi Children Released on Bail After Nearing Six Months Imprisonment,” July 7, 2009, available at <http://thepersecution.org/press/09/pk090707.html> (last visited on October 4, 2009).

²⁷ *Id.*

²⁸ Ahmadiyya Muslim Community, Press Release, “Four Ahmadi school children and an adult frivolously booked and arrested by the police on false accusation of Blasphemy by extremist elements,” February 2, 2009, quoting BBC report, available at <http://www.thepersecution.org/case/case009.html> (last visited on October 4, 2009).

²⁹ Amnesty International, *Report on Pakistan*, September 1996, available at <http://www.thepersecution.org/ai/amnst196.html> (last visited on October 4, 2009).

³⁰ See Ahmadiyya Muslim Community, Facts and Figures on Pakistan, available at <http://thepersecution.org/facts/events.html> (last visited on October 4, 2009).

³¹ *Id.*

³² See, e.g., Barbara Crosette, “Pakistan’s Minorities Face Voting Restrictions,” *New York Times*, Oct. 23, 1990, at A5; David Lamb, “Non-Muslims in Pakistan Seek a Political Voice,” *Los Angeles Times*, Jan. 13, 2002, at A9.

The persecution of Ahmadis emanates from their political disenfranchisement. Between 1978 and 2002, Pakistan used a separate electorate system for Muslims and non-Muslims. In order to cast their votes for minority candidates, non-Muslims had to register on “non-Muslim” electoral rolls. Ahmadis, however, base their entire ideological foundation on Islam and profess to be true Muslims. Registering as “non-Muslims” demeaned their faith and compromises their ethical standards. Registering as “Muslims” resulted in severe legal consequences, including fines and imprisonment. As a result, Ahmadis were deprived of their basic freedom of conscience and could not adequately vote in Pakistan’s elections.

On February 27, 2002, President Musharraf issued Chief Executive’s Order No. 7 of 2002 (Conduct of General Elections Order), which called for the elimination of the separate electoral system. Non-Muslim minorities and Ahmadis hailed the Order as a step towards democratic reform in Pakistan. After several decades, Ahmadis once again voted in large numbers. Succumbing to the pressure of religious extremists, however, President Musharraf subsequently passed a series of amendments to the original Order, which stated explicitly that the “[s]tatus of Ahmadis [was] . . . to remain unchanged” (June 17, 2002 Amendments; Section 7-B). This, in effect, kept intact a joint electoral roll for all eligible voters, Muslim and non-Muslims, except Ahmadis. As a result, Ahmadis presently are the only group in Pakistan who do not appear on Pakistan’s joint electoral rolls and cannot legally vote without facing severe punishment.

³³ NCJP data, *supra* note 2.

³⁴ Ben Quinn, “Six Christians Burned Alive in Pakistan Riots,” *The Guardian*, August 2, 2009, available at <http://www.guardian.co.uk/world/2009/aug/02/christians-burned-alive-pakistan> (last visited on October 4, 2009).

³⁵ Joseph Keenan, “Mob Attacks 100 Pakistan Christian Homes on Blasphemy Charge,” *Pakistan Christian Post*, July 3, 2009, available at <http://www.christianpost.com/article/20090703/mob-attacks-100-pakistan-christian-homes-on-blasphemy-charge/index.html> (last visited October 4, 2009).

³⁶ Michelle A. Vu, “Jailed Christian ‘Suicide’ Sparks Protests in Pakistan,” *Pakistan Christian Post*, September 16, 2009, available at <http://www.christianpost.com/article/20090916/jailed-christian-s-suicide-sparks-protests-in-pakistan/index.html> (last visited October 4, 2009).

³⁷ *Id.*

³⁸ *Id.*

³⁹ See Pak. Const., art. 20. “Subject to law, public order and morality:—(a) every citizen shall have the right to profess, practise and propagate his religion; and (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.”

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- ⁴⁰ See *Mujibur Rehman v Gov't of Pakistan*, 1985 S.D. Vol. II (Fed. Shariat Court) 382, 473 (Pak.).
- ⁴¹ *Zaheerudin v. State*, 26 S.C.M.R. 1718 (S.Ct. 1993) (Pak.). *Zaheerudin v. State* was a 4-1 ruling led by Justice Abdul Qadeer Chaudhry, holding that Ordinance XX was in accord with statutes and judicial opinions in England and the United States that protect religious freedom; the majority erroneously cited legal precedent from both jurisdictions as false support.
- ⁴² See U.N. Charter art. 1, para. 3; U.N. Charter art. 55, para. c.
- ⁴³ See International Covenant on Civil and Political Rights, arts. 18, 27, G.A. Res. 2200A (XXI), U.N. GAOR 21st Sess., Supp. No. 16, at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (entered into force 1976).
- ⁴⁴ See Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, G.A. Res. 36/55, U.N. GAOR, 36th Sess., Supp. No. 51, at 171, U.N. Doc. A/36/684 (1981).
- ⁴⁵ See The Situation in Pakistan, E.S.C. Res. 1985/21, reported in *Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its Thirty-Eighth Session*, U.N. ESCOR, 38th Sess., at 102, U.N. Doc. E/CN.4/1986/5 (1986).
- ⁴⁶ Editorial, "Blasphemy Law Misuse Won't Be Permitted," *Daily Times of Pakistan*, September 19, 2009, available at http://www.dailytimes.com.pk/default.asp?page=2009%5C09%5C19%5Cstory_19-9-2009_pg7_37 (last visited on October 4, 2009).
- ⁴⁷ Zarar Khan, "Pakistan May Review Blasphemy Laws Following Violence Aimed at Ahmadis," *CNS News*, August 6, 2009, available at <http://www.cnsnews.com/news/article/52134> (last visited on October 4, 2009).
- ⁴⁸ Muhammad Bilal, "NA Committee Asks Government to Re-Examine Blasphemy Law," *Daily Times of Pakistan*, September 2, 2009, available at http://www.dailytimes.com.pk/default.asp?page=2009%5C09%5C02%5Cstory_2-9-2009_pg7_1 (last visited on October 4, 2009).
- ⁴⁹ Editorial, "Taseer for Repeal of Blasphemy Law," *The Nation*, September 17, 2009, available at <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Politics/17-Sep-2009/Taseer-for-repeal-of-blasphemy-law> (last visited on October 4, 2009).
- ⁵⁰ Editorial, "Bhatti Vows to Revise Blasphemy Law," *Daily Times of Pakistan*, September 19, 2009, available at http://www.dailytimes.com.pk/default.asp?page=2009%5C09%5C19%5Cstory_19-9-2009_pg7_35 (last visited on October 4, 2009).
- ⁵¹ H.R. Res. 379, 96th Cong. (1986); H.R. Res. 348, 107th Cong. (2002).
- ⁵² See, e.g., Amjad Mahmood Khan, "Different, Banned," *Wall Street Journal*, February 20, 2004, at W4 (describing the persecution of Ahmadiyya Muslim Community in Bangladesh), available at <http://www.opinionjournal.com/taste/?id=110004718> (last visited on October 4, 2009).