

Report of the fact finding mission to Pakistan

# On the rising persecution of the Ahmadiyya Muslim Community

## **A Beleaguered Community**



ASIAN HUMAN RIGHTS COMMISSION



INTERNATIONAL  
**HUMAN RIGHTS**  
COMMITTEE



# Acknowledgements

This report has been produced and commissioned jointly by the Asian Human Rights Commission and the International Human Rights Committee.

The report has been written by independent personnel who are not associated to the Asian Human Rights Commission or the International Human Rights Committee and have not been paid any monetary amount for their contribution. In this regard the Asian Human Rights Commission and the International Human Rights Committee gratefully acknowledges the contributions of Nilmini Roelens and Sultana Noon for the initial drafting of this report and the contributions of Lord Eric Avebury, Catarina Kinnvall, Professor of the Department of Political Science at Lund University, Sweden and Tayyab Mahmud, Professor of Law at Seattle University School of Law for assisting with editing the report.

The Asian Human Rights Commission (AHRC) is an independent, non-governmental body, which seeks to promote greater awareness and realisation of human rights in the Asian region, and to mobilise Asian and international public opinion to obtain relief and redress for the victims of human rights violations. It was founded in 1986 by a prominent group of jurists and human rights activists in Asia and serves to promote civil and political rights, as well as economic, social and cultural rights.

AHRC endeavours to achieve the following objectives stated in the Asian Charter "Many Asian states have guarantees of human rights in their constitutions, and many of them have ratified international instruments on human rights. However, there continues to be a wide gap between rights enshrined in these documents and the abject reality that denies people their rights. Asian states must take urgent action to implement the human rights of their citizens and residents."

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The IHRC mission is to ensure justice and human rights for all. The IHRC has significant experience of dealing with, managing and handling religious freedom issues, particularly sensitive ones in countries such as the Middle East and Asia related to the Ahmadiyya Muslim Community. The IHRC has experience of dealing with governments, organisations and other non-governmental bodies in various parts of the world and works with other like-minded organisations in dealing with human rights issues. The IHRC is currently in the process of applying for consultative status with the United Nations.

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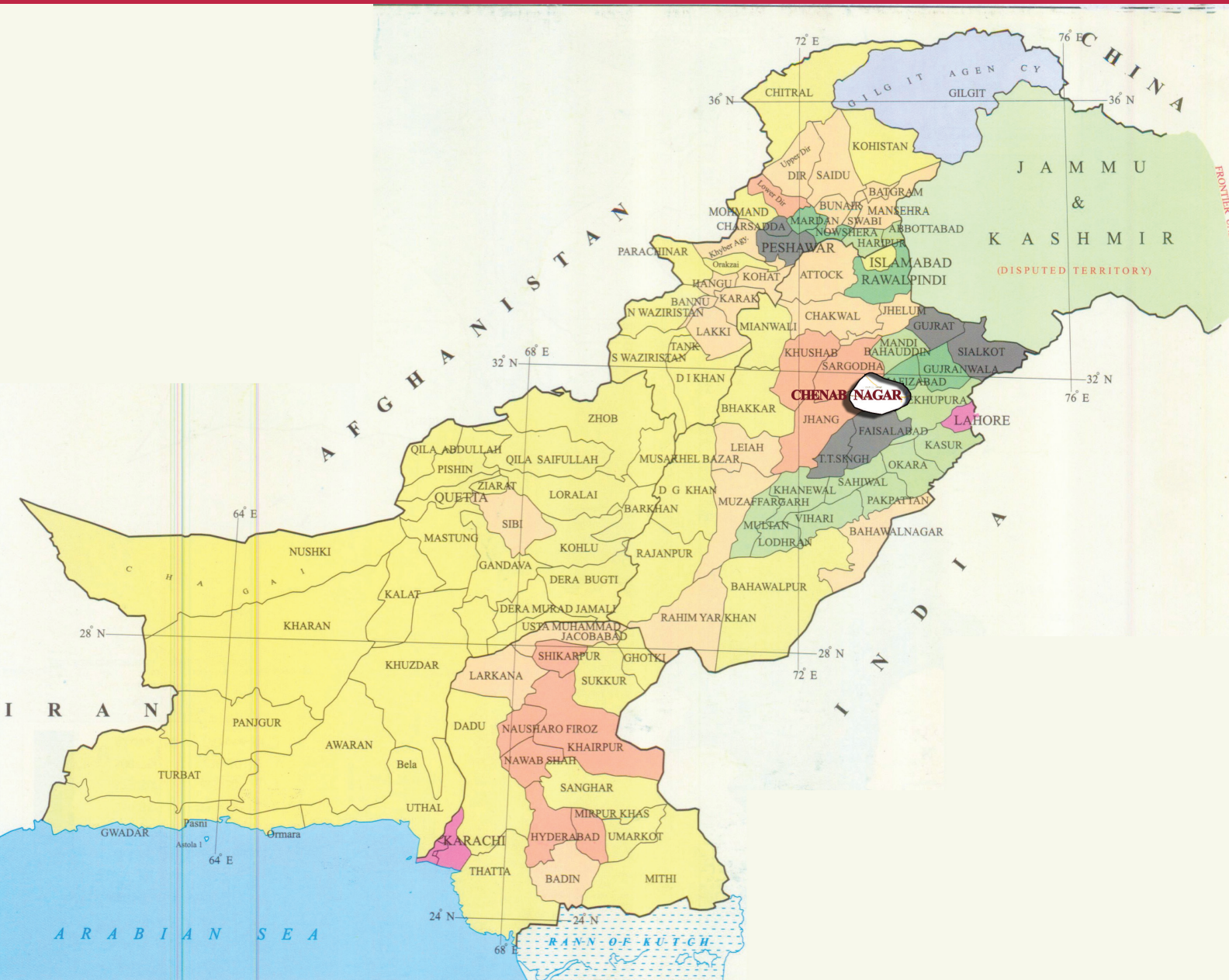
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# Map of Pakistan





# Foreword

As vice-chair of the Parliamentary Human Rights Group I have been concerned for many years about the relentless persecution of Ahmadi Muslims in Pakistan. I appealed personally in Islamabad to Benazir Bhutto and Pervez Musharraf during their terms of office as Prime Minister and President respectively, to repeal the blasphemy laws which are used to construct false charges against Ahmadis, and I commissioned two international missions which reported on the persecution of Ahmadis throughout Pakistan, and in their headquarters of Rabwah in particular.

But since then, the situation of the community has become almost unbearable. This report describes the mass murder of worshippers in their mosques; the deliberate targeting of children at school; the deprivation of people's livelihoods; the relentless daily harassment and hate speech; exclusion from elections; restrictions on freedom of speech and of assembly, and all in pursuance of a common national policy of denying the freedom of the Ahmadis to exercise the rights enjoyed by other citizens including their freedom of religion.

The report draws attention to the enormous growth of madrassas over the last few years. These schools are largely funded by donors from Gulf countries, and they teach the brand of Wahabi Islam which labels everyone else as infidels. These institutions incubate a number of terrorist organisations such as the Lashkar-e-Jhangvi, the Sipah-e-Sahaba, the Tehrik-i-Taliban Pakistan and the Ahle Sunnat wal Jamaat, which perpetrate murders and massacres of all who disagree with their extremist views. Some have actually pledged allegiance to the Daesh, the ultra-brutal terrorists occupying large parts of Syria and Iraq.

But Pakistan also harbours a hate group dedicated explicitly to the religious cleansing of Pakistan from Ahmadis, known as the Khatme Nabuwwat (KM). The vicious persecution of Ahmadis in Pakistan is the pinnacle of a threat to the community spearheaded by the KM throughout the Islamic world. They have branches in other countries of south and southeast Asia, and even in the UK, where incitement to religious hatred is supposed to be illegal.

The anti-Ahmadi movement should also be seen as part of a coalition of extremist Sunni organisations that believe in the perpetual conflict between Dar al Harb and Dar al Islam. In their view, there is a pure form of Islam based on the supposed principles of governance that operated under the rightly guided caliphs who succeeded the Prophet, and a form of jurisprudence that operated in the 7th century. Anybody who disagrees with them belongs in the realm of the infidel, and that includes Christians, Jews, Shia, Sufis, Barelvis, Hindus and any other minorities in Pakistan.

It has to be understood how deeply these views have infected Pakistani society. The media have been so intimidated that they no longer publish criticism of extremism, and hate speech against religious minorities and particularly the Ahmadis is pervasive. National and provincial governments not only fail to act effectively against terrorism and the ideological sources that fuel terrorism, but ministers have even spoken on extremist organisations. The police and security forces provide no protection for threatened minorities; they never investigate crimes against Ahmadis effectively, and the courts never convict the few terrorists who do get arrested.

These problems require fundamental changes in the underlying cultural norms which have shaped Pakistani politics since independence, which are not going to be achieved easily. In the immediate future, however, a key finding of the report is the need for states – and not just those signed up to the Convention on the Status of Refugees – to recognise and deal sympathetically with Ahmadi asylum seekers throughout the world. This in turn requires far better international understanding and recognition of the uniqueness and pervasiveness of the persecution of Ahmadis, and the consequent obligation to grant them asylum. The root problem would not be alleviated but some measure of relief would be provided to the worst affected individuals.



In the longer term, the authors say the strategy must be to work for the repeal of the infamous blasphemy laws, requiring consistent and sustained efforts by the international community. It also demands the continuous attention of the UN Human Rights Council and its Special Procedures.

This report should be compulsory reading for Ministers and Foreign Office officials concerned with South Asia. The treatment of Ahmadi Muslims is a symptom of the collapse of law and governance in a state which is receiving £1.1 billion UK aid between 2011 and 2015. Pakistan's stability is a matter of grave concern to the country's diaspora, to its neighbours in South Asia, and to the wider Islamic world of which it should be a leader. When thinking about the situation of the Ahmadi Muslims in this maelstrom of terrorism and persecution, friends of Pakistan should recall the famous words of Martin Niemöller:

First they came for the Socialists, and I did not speak out—

Because I was not a Socialist.

Then they came for the Trade Unionists, and I did not speak out—

Because I was not a Trade Unionist.

Then they came for the Jews, and I did not speak out—

Because I was not a Jew.

Then they came for me—and there was no one left to speak for me

**Lord Eric Avebury**  
**Vice-Chair Parliamentary Human Rights Group**

# Preface

The universal right to freedom of religion or belief presupposes respect for everyone's self-understanding in matters of faith. This is more than just a normative principle alongside other principles; it is no less than the systematic starting point for making sense of freedom of religion or belief in general. Human beings – indeed all of them – are the relevant right holders in the framework of human rights. Accordingly, it is up to them to define how they see themselves: as Jews, Christians, Muslims, Baha'is, Buddhists, Hindus, Agnostics or others. Freedom of religion or belief furthermore guarantees everyone's freedom to manifest their religious self-understandings in private and in public, as individuals and in community with others and to lead their lives in accordance with the tenets of their faith.

Surely, religious identities often remain contested, and views about what constitutes a particular faith may differ widely. There is much room for non-violent contestation on such issues, for raising questions and holding debates. However, what counts from a human rights perspective is that everyone's freedom to define how they see themselves in matters of faith must never be compromised, since this freedom belongs to the core of freedom of religion or belief. It immediately follows from due "recognition of the inherent dignity (...) of all members of the human family", to cite the opening words of the 1948 Universal Declaration of Human Rights. This notion of human dignity, on which the entire architecture of human rights is built, has traces in various religious or philosophical traditions around the globe.

Under international human rights law, the State is obliged to respect everyone's freedom of religion or belief and furthermore to provide protection against any infringements from third parties, in particular terrorists and intolerant vigilante groups. It cannot be the business of the State to impose religious views on its citizens and prevent people from articulating their religious self-understandings freely. Rather, it is the duty of the State to provide an inclusive constitutional and infrastructural framework in which religious diversity can unfold free from discrimination and free from fear. Government representatives have to speak out clearly and quickly against any incitement to collective religious hatred targeting religious minorities or 'dissenting' individuals.

Unfortunately, these principles, although firmly established in international human rights law, are frequently violated in practice. Members of the Ahmadiyyah Muslim Community are particularly affected. The community has suffered numerous acts of harassment, discrimination, intimidation and violence committed by State agencies or non-State actors or a combination of both. Such acts inter alia include the dissemination of hate propaganda through public media; attempts to alienate Ahmadiyyah children from their families, for instance in the context of school education; administrative stipulations employed to prevent people from defining their religious identities freely and openly; threats of draconian blasphemy laws, partially explicitly targeting the Ahmadiyyah community; systematic discrimination in all sectors of society, including education, the labour market and access to health care; destruction of houses of worship and vandalism of cemeteries; targeted killings in a climate of impunity; denial of asylum on religious grounds. Violation of freedom of religion or belief of Ahmadis typically goes hand in hand with other human rights abuses.

What makes the case of the Ahmadiyyah Muslim Community special is that the numerous manifestations of extreme disrespect directly affect a core element of freedom of religion or belief, i.e. everyone's freedom to define themselves in matters of faith and to communicate their self-understandings free from discrimination and free from fear. In some countries Ahmadis experience that this freedom is not only factually encroached but even conceptually denied to them. In the face of ongoing abuses and the systematic persecution suffered by this community, the international community has a responsibility to clearly and loudly speak out against and deal with the violations of freedom of religion or belief of members of the Ahmadiyyah Muslim Community wherever they occur.

**Heiner Bielefeldt**

**UN Special Rapporteur on Freedom of Religion or Belief**



# Executive Summary

This Report clearly demonstrates that Ahmadis in Pakistan are violently targeted, intimidated, harassed and persecuted at all levels of society. The Report provides the historical context to these gross human rights violations directed at the Ahmadi community with the approval of the Second Amendment to the Constitution in 1974 declaring Ahmadis Non-Muslims. This literally excommunicated Ahmadi Muslims and banished them from the fold of Islam and was followed in 1984 by the Martial Law Ordinance XX branding Ahmadis as criminals and liable to fine and imprisonment if they practiced their belief in Islam, used Islamic terms or 'directly or indirectly' posed as Muslims. The punishment for anyone charged under these laws is up to three years in prison, while Act 295 of the Blasphemy Laws, which refers to derogatory remarks of the Holy Prophet, is an offence punishable by death under Pakistan's Penal Code. This law has been specifically used to target Ahmadis.

The report shows in great detail how the Blasphemy legislation and Ahmadi-specific repressive laws are implemented on a daily basis at a political, economic, social and educational level affecting Ahmadis from all sectors of society and of all ages. This repressive legislation and state endorsed compliance has had traumatic consequences for all Ahmadis as they continue to live in fear of daily persecution by the state, the judiciary, the police, religious vigilantes, media and the general public, thus effectively denying them their most basic fundamental entitlements of religious freedom and human rights.

At a political level the Report confirms how Ahmadis continue to face political discrimination in accessing the electoral system by being placed on a separate electoral list containing their names, addresses and their religion. In order to be included in the general list of voters, they are obliged to denounce their founder and accept being called Non-Muslims. Declining to take an oath against their faith, Ahmadis have remained effectively disenfranchised. This political persecution is institutionalised throughout all bureaucratic procedures, including identity cards and passport applications, access to public services, job applications and entry for school examinations which all require religious declaration.

In economic and work-related terms, the Report demonstrates how Ahmadis remain discriminated at the workplace: their shops are boycotted or destroyed, promotions are denied and they are often refused employment or face daily harassment. Ahmadis are also frequently denied the right to visit local shops and banners targeting Ahmadis are often posted at the entrance of such venues.

At a social level the Report supplies multiple examples of how Ahmadis are forbidden to practice their religion, including everyday practices, and how religious clerics and organisations target Ahmadis through hate campaigns and deadly attacks. The police often remain passive or condone violence in the face of targeted attacks and law enforcement agencies and the judiciary are too implicated or too afraid to effectively deal with these violations.

Media, journalists or lawyers supporting the community are also frequently the objects of violent pursuits and Ahmadis who have been denied asylum in other countries often return to an insecure and fearful existence.

At an educational level, the Report bears witness to how students and teachers face constant discrimination. Such discrimination is prevalent from the primary to the university level and Ahmadi children and teachers are often forced out of school or higher education due to acts of bullying, threats and explicit violence.



The psychological impact on Ahmadis living within this climate of fear, intimidation and systematic persecution needs to also be considered, particularly the impact on the young, elderly and vulnerable. Perhaps this could be the job of a future delegation.

Overall, the Report provides clear evidence of the fact that Ahmadis are under constant attack and the situation has clearly got worse post the 2010 spontaneous attacks on multiple Ahmadi places of worship in Lahore in which 86 Ahmadis were killed. Ahmadis are denied any of the basic rights provided under the framework of the United Nation's Universal Declaration on Human Rights. The plight and systematic persecution of this community needs to be clearly recognised and dealt with by the international community.

**Catarina Kinnvall**  
**Editor-in-Chief, Political Psychology**  
**Professor**  
**Department of Political Science**  
**Lund University, Sweden**



# Report Key Findings

The **Constitutional amendment** of 1974 designating Ahmadis as Non-Muslims laid the foundation for many years of hardship and persecution for this minority Muslim sect

The **Judiciary** is also intimidated and placed under pressure by clerics and lawyers who share fundamentalist ideology

The **amendment to the PPC** in 1984 denying them the expression of their Muslim identity further entrenched the position of Ahmadis

**Ahmadis are harassed at all levels** (primary to higher education) within the educational system in both the state and private sectors

The **separate electoral role** for Ahmadis leaves the community an exposed and disenfranchised community

There is **little freedom of expression** in the media and any journalist who reports issues openly sympathetic to Ahmadis do so at risk to themselves

**Absence of the necessary political will** (largely due to fear of reprisal from but at times also due to sympathies with orthodox clerics) prevents any progress in improving the Human Rights violations against Ahmadis through any law reforms or through provision of the necessary backing and resources

**Hate propaganda against Ahmadi Muslims** in media, on the streets on posters and distributed through pamphlets and at large gatherings are endemic and continue unabated and uncensored fuelling the persecution of Ahmadis

**Law enforcement agencies** are frequently unsympathetic and unwilling and often unable to provide protection for Ahmadis due to pressure from orthodox clerics and from mob violence

**Religiosity permeates most aspects of life** and all strata of society the proliferation of madrassas perpetuates the anti Ahmadi sentiments within society

**Ahmadis in Pakistan live in fear** and are denied their most basic and fundamental of religious freedoms and human rights

The **Constitution and the laws** of Pakistan discriminate against Ahmadi Muslims

**Ahmadi ladies are doubly disadvantaged** with the restrictions and curtailment of their activities. Effectively: (1) socially as part of Pakistani society; and (2) within the Ahmadi community as they can not participate in communal activities, gatherings or attend the mosque due to the security concerns emanating from the rise in persecution against Ahmadis

**Psychological impact on Ahmadis** - it was clear to see the daily restrictions placed on Ahmadis was taking its toll on many from children to women to men. This is something which needs to be considered and explored further

# 1. Methodology

This fact finding mission was co-ordinated and facilitated by the Asian Human Rights Commission and the International Human Rights Committee.

A sword of Damocles appears to hover above the head of each Ahmadi in Pakistan. No one, be they the unborn or the dead and all those in between, is entirely shielded from it. This was our conclusion following our intensive fact finding mission to Pakistan between 8 December 2014 and 13 December 2014. This fact finding mission was co-ordinated and facilitated by the Asian Human Rights Commission and the International Human Rights Committee.

The expenses of the mission were met by the Ahmadiyya Muslim Community. The members of the mission have not received and will not receive compensation for their time.

The mission consisted of 6 independent enquirers including members of the diplomatic corps, journalists, lawyers and non-governmental organisations. For security, welfare and political reasons they have been granted anonymity. There was no pressure on us to make findings one way or the other.

Since previous UK missions led by Lord Avebury had considered the situation in Rabwah specifically in 2007 and in Pakistan generally in 2010 shortly prior to the spontaneous attacks on multiple Ahmadi places of worship in Lahore in which 86 Ahmadis were killed and 116 injured when the background legislation had been considered in some detail, we considered it is most useful to focus on the position of Ahmadis since the spontaneous attacks on multiple Ahmadi places of worship in Lahore generally, to avoid repeating the work of previous missions. Thus references are made to earlier reports where necessary for further information as the "Rabwah Report 2007" and "the 2010 Report".

The reasoning for this is that the spontaneous attacks on multiple Ahmadi places of worship in Lahore was a watershed moment for the Ahmadiyya Muslim Community in Pakistan following which the persecution of Ahmadis has taken a turn for the worse. Accordingly, the mission focused on events and circumstances post these attacks.

The mission travelled for five days from Lahore to Islamabad to Rabwah and meetings with individuals and representatives of organisations had been arranged

in advance by the Asian Human Rights Commission and the International Human Rights Committee. Interpreters were provided wherever necessary.

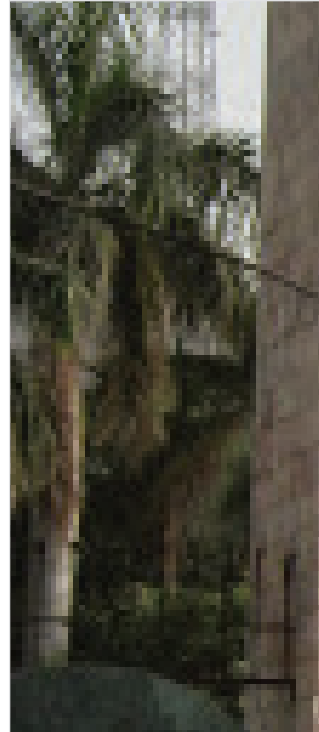
The mission interviewed various state actors, human rights activists, members of the media, civic society and lawyers and took evidence from individuals who alleged to have been victims of persecution because of their religious beliefs.

Most individuals interviewed have been given anonymity in this report for their protection as well as those of their entourage and will be referred to by initials and all attempts have been made to avoid the possibility of identification. The individuals were assured of this at the outset to ensure that they would be open and at ease in their dealings with us. Only the politicians met were not provided with this assurance although their identity has also been dissimulated for the sake of their security.

The mission commenced its enquiries in Lahore, the first of the visits being to Model Town Mosque and Darul Zikr Mosque in the Gari Shahu quarter, both of which had been the subject of co-ordinated attacks by gunmen during Friday prayers on 28 May 2010. The mission also visited an Ahmadi community graveyard in Lahore which had been desecrated by gunmen

in an attack on 3 December 2012. Additionally, we met with a number of independent non-Ahmadi journalists from both the vernacular and English language press. A meeting with Asma Jahangir, of the Pakistan Human Rights Commission and former United Nations Special Rapporteur on Freedom of Religion or Belief. the mission also met a very senior member of Pakistan's Parliamentary Standing Committee on Human Rights and spoke with several individuals who had been targeted on account of their Ahmadi faith.

In Islamabad the mission met with the press from leading national and international Urdu language media outlets and an English media outlet. The mission also met with a highly respected and well known international aid agency which has its Human Rights interests based outside of Pakistan.







The mission ended its enquiries in Rabwah where we met a preeminent lawyer of the community, Mr Mujeeb ur Rehman, who is a senior advocate of the Supreme Court of Pakistan as well as another very senior lawyer who is a state prosecutor. The mission also interviewed a member of the police force who was formerly responsible for the local area and most significantly a Member of the National Assembly from the ruling party with a local interest. The mission interviewed a group of deportees who had been recently forced to return from Sri Lanka whilst UNHCR was processing their claims and one individual who had been returned from the UK following processing under the Detained Fast Track procedure and also met a number of Ahmadi students, teachers, journalists and businessmen of the community who believed they had been targeted on account of their faith and many of who are still facing charges under the notorious blasphemy laws.

Throughout our mission we met with individuals who had been harassed or targeted ranging from a mother of an unborn baby who had been killed the day before its due date in the recent Gujranwala arson attack in July 2014, a young nursery school child aged four harassed by their teachers, students expelled from school and University to elderly men disabled as a result of the Lahore mosque attacks and prominent members of the community who had been individually targeted.

Our record of proceedings follow with subsequent research conducted by way of verification of accounts and our own conclusions based on our observations during the five days.

Following our mission, it was considered that the best method of presenting our findings would be to consider the issues contained in our brief under the framework of relevant articles of the United Nations' Universal Declaration on Human Rights.

Article 2 states:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

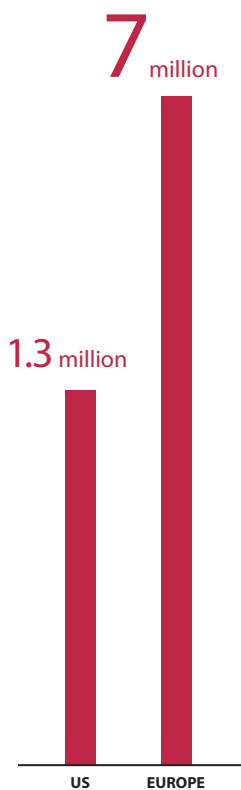
The reader will form their own view on whether our findings do or do not fit within such international legislation. The mission is conscious of its duty to present a neutral and unbiased account. However, it appears to us to be most expedient to present our findings under these headings in light of our conclusions. We have provided our own conclusions following on from our findings which are entirely the considered views of the delegation and is devoid of any influence from those providing our brief or that of the Ahmadiyya Muslim Community.

The members of the mission, to whom our heartfelt thanks are due for their commitment, were deeply shaken by the level and severity of intimidation and persecution they saw and heard about during their visit

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Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

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Lant libusandis remque pa quo  
 milis re offiSam sum et volupti  
 blamus. Suntiam essed qui cusant  
 quaspel essinullant esectem.



“

Desecration of Ahmadi Graveyards

”

“

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

”

## 2. Scope and Purpose

Prior to the mission's departure the brief was identified thus: "To assess, review and ascertain the current position of Ahmadi Muslims in Pakistan post Lahore attacks".

**The factors to be considered were:**

**Rule of Law (briefly as this had been covered extensively previously),**

**Role of State actors such as Police/Judiciary,**

**Education general treatment of Ahmadi students and syllabi,**

**Social discrimination,**

**Employment,**

**Tabligh (holistically and whether being identified as Ahmadi in itself can lead to adverse consequences),**

**Position of women (practicalities and day to day life),**

**Verification procedures of the Ahmadiyya Muslim Community,**

**Role of Press/Media,**

**Situation of Ahmadi asylum seekers returned to Pakistan, and**

**Situation in Rabwah.**

Whilst the mission had concerns prior to departure whether the time allowed would be adequate to investigate and assess all of the above in five days, our timetable was intensive and much ground, although perhaps not all in the greatest detail, was covered during the available time. The mission did not have an opportunity to meet with any "opponents of the community"; however, since earlier missions had done so (with their position being well documented and known) and since security concerns were heightened, it was considered imprudent to draw attention to the presence of the mission in Pakistan and the time spent in the country was thus restricted for this reason.

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“ Ahmadi volunteer Standing Guard at Ahmadi Graveyard ”



### 3. Overview of legislative and historical background

However Mr Z. A. Bhutto, then Prime Minister, found political mileage and expediency in responding to the question of Ahmadi Muslims under pressure from clerics. Thus in violation of the above Constitutional provisions a Constitutional amendment was made declaring Ahmadis as Non-Muslims by which the identity of Ahmadis as being “Muslims” was denied.

Ahmadis consider themselves to be Muslims and believe that they observe Islamic practices. In 1974 the Head of the Ahmadiyya Muslim Community made representations to the Special Committee of the National Assembly of Pakistan in the form of the Mahzarnama to explain that Ahmadis are Muslims by explaining their basic tenets in a memorandum. Notwithstanding this, hard line clerics who had penetrated the Assembly (via unpublished record of proceedings) swayed the law making and declared Ahmadis as “non-Muslims”.

The Lahore High Court provided brief respite for Ahmadi Muslims in 1978 wherein they stated in the case of Abdul Rahman Mubashar that whilst Ahmadis were Non-Muslim since Islamic practices were very much part of their faith and as a matter of conscience Ahmadis may continue to recite the “Kalma” (Islamic creed)

This proved to be short lived comfort as in response to pressure from hard liners on 26 April 1984 the final nail in the coffin sealing the fate of Ahmadi Muslims was made by General Zia ul Haq through Ordinance XX (“Ordinance Twenty”) whereby any outward sign of Islam by a Non-Muslim was made a criminal offence and the act of blasphemy was widely defined on pain of death for contravention. This provided a charter for harassment and orthodox clerics were empowered further and scores of criminal charges were laid against Ahmadis under the provisions of Ordinance XX.

The Supreme Court of Pakistan in a majority decision

declared the validity of Ordinance XX legitimised the power of the State to interfere in but revealed that Ahmadis are unlikely to have recourse to the courts in what Ahmadis term the “Coca Cola case”. The term was coined as the judges had likened the copyright over the label “Islam” to the shape of a bottle of coke that only the trademark of Coca Cola may use. This was the case of Zaheer-ud-din v. The State 1993 SCMR 1718 where five individual Ahmadis were accused of being in breach of Article 298C of Ordinance XX for “posing as a Muslim” as they had worn the “kalma”. The Supreme Court found in essence that when an Ahmadi recites the kalma, looking at the inner recesses of his heart, he is not thinking of the Holy Prophet Muhammad (peace and blessings of Allah be upon him) but of their own messiah. By this decision the Supreme Court not only held the validity of the Ordinance XX but that Islamic pride and sentiment override fundamental rights enshrined in the Constitution.

These fundamental rights guaranteed within the Pakistani Constitution as well as the Universal Declaration of Human Rights is reproduced in this publication. The sections that follow are based upon a consideration of the position of Ahmadis as against the Universal Declaration of Human Rights of the United Nations.

**Hard line clerics who had penetrated the Assembly (via unpublished record of proceedings) swayed the law making and declared Ahmadis as “non-Muslims”.**



# 3. Human Rights issues in Pakistan considered under the Universal Declaration

## 3.1 Article 3 Right to life, liberty and security of person

The Ahmadi community reported that targeted attacks of Ahmadis have been escalating over recent years. In 2010 the co-ordinated attacks of two Ahmadi mosques in Lahore was the deadliest year in the history of Ahmadi fatalities on account of their faith. Further high profile assassinations due to their Ahmadi faith and the murder of lesser known Ahmadi individuals over the years in targeted murders mean the death toll since 2010 as at today's date stands at 144. Non Ahmadi politicians have also faced death threats and in some instances been gunned down for their support of reforming the draconian blasphemy laws.

### 3.1.1 Model Town Mosque attack 28 May 2010



Ahmadi Volunteer on guard at Model Town Mosque



Lahore Attack, injured Ahmadi being carried away

The following is compiled from several eyewitness accounts given to the mission on 9 December 2014:

“It was a normal day of Jumma prayers. Some 1000 devotees had gathered for Friday prayers within the compound of Model Town Mosque. It was 1.30pm on Friday 28 May 2010. The murabi had stepped onto the podium to begin his sermon. The doctor who normally administers first aid was arriving for duty. A loud explosion was heard outside. Two armed gunmen clad in suicide vests shot at the Khuddam standing guard at the gate. The paltry security made up of young volunteers were thus thoroughly ill-equipped to deal with the situation that unfolded.

For some time now our community had felt our risk levels were increasing as we had been suspecting that there may be something brewing. We had arranged for our own armed security of a motley crew of a handful of young volunteers with some guns. We had taken the precaution of asking the women folk and children not to take the risk of coming for congregational prayers.

About a year earlier our community had been warned by the police that there may be a security threat. However the Police told us they would ensure our security as the neighbourhood was uncomfortable that we had an armed guard outside. We were encouraged to disarm by the police and did do so. In February 2010 again we were warned that there was something afoot.

## “Our community was feeling apprehensive and we contacted the police and requested protection. But no protection was offered.”

For two or three weeks before the incident there had been stickers in judges’ offices and banners and posters in the mall inciting the killing of Qadianis. Asma Jahangir and Ibn Abdur Rehman (Human Rights Advocates) went to see Shebhaz Sharif, Chief Minister of Punjab about 10 days before the incidents and he had promised to do something about these open incitements to murder Ahmadis but nothing was done. Our community spoke to the District Administration but they said “There might be a backlash against you (the Ahmadi community) which would be worse if you remove the banners”.

On that Friday afternoon six unarmed young men were carrying out routine security duties by checking bags and those entering the building.

Thus on 28th May 2010 the community was vulnerable and exposed since we had been told to disarm our guards but nothing (other than professional armed guards) could have prepared us for what befell us. Whichever way one looks at it we were merely sitting ducks.

Elders had settled in the front rows close to the murabi hoping their prayers will carry through with greater force to reach Allah.

One of the gunmen was around 30 and the other possibly only 18-19 years old. The older man did most of the damage and was clearly more experienced at the task of mass murder.

The younger gunman peered into the hall. He threw two grenades to clear a path. One entered the butt of his gun into the prayer hall and began his killing spree. He shot towards the front row. The murabi died instantly. **6 devotees died on the spot.**

Some of us sought shelter from the carnage in the basement.

A retired army officer Colonel Bhajwa, and then Muzafar Ahmad and another had overpowered the older man. Whilst Muzafar sat on the gunman, yet another man tied the gunman’s feet with a neck tie. The younger gunman had made his way upstairs and had been captured also by the devotees.

We learned afterwards that within minutes of the explosions the press had positioned themselves outside the mosque.

## Maulvis were being interviewed live outside and declaring that this was the Ahmadi community’s own set up and that we were self-harming to gain the sympathy of the rest of the world. We could not believe they could be so callous.

After the press Ambulance men arrived and began taking the injured to three hospitals around the city. The hospitals were also unprepared for the volume of emergency patients that were arriving.

The police had arrived at the scene after the press and the ambulance services. They had waited during the whole episode. Outside. The massacre lasted one hour thirty minutes and the police had made no attempt to come to our aid inside.

**One devotee lying injured on the ground heard a policeman enter after it was all over. He reported that in a half mocking tone the policeman asked: “Are you all dead in here or is anyone still hanging in there?”**

The injured were shipped to hospitals around the city with most going to Jinnah Hospital. One of the gunmen who had also been injured was taken to Jinnah hospital where many of the victims of the attacks were. The following evening more gunmen attacked that hospital. They were there either trying to retrieve their man, or trying to eliminate him to avoid bearing witness or to eliminate other witnesses to the incident. Opinions are divided but the outcome is the same; yet more dead and injured.

At least nine magazines each containing 30 bullets had been splattered around the building entering bodies and the walls. The pock marks still scar some of the walls and the mehrab and these bear testimony to the events of that day.”

The mission had an opportunity to meet with some other survivors at Gari Shahu mosque in another part of Lahore who had been the subject of the co-ordinated twin attack.



Security Post after Darul Zikr Attacks

### 3.1.2 Dar ul Zikar Mosque (Gari Shahu)

On 9 December 2014, the delegation went to Dar ul Zikr Mosque in the Garhi Shahu area of Lahore. A retired Colonel showed us around the mosque and narrated how the attack unfolded before his eyes.

He told the delegation that on 28 May 2010, around 1:30pm, several armed militants (around 4 to 6 [TBC]) stormed the mosque when Friday prayers had just got underway. There were approximately two thousand two hundred men present at the mosque. **Sixty people were slain** and approximately two hundred were injured that day. There were no women at the mosque because of a decision made by the community a year earlier to keep women and children at home for security reasons.

When the attack started, the prayer leader was on the roster in the main room. The Colonel heard a big bang coming from the main gate of the mosque. About **fifteen to twenty people** climbed over one wall of the mosque while one attacker went to a stairway leading to the top of the minaret. Many worshipers fled to the murabi's house to seek refuge.

Several media channels gathered and aired live coverage of the on going attack. Meanwhile the police gathered outside but did not take action. The elite police arrived once the attackers had entered the mosques but did not launch an operation. Two of the attackers in Garhi Shahu blew themselves up. The attack lasted about two hours.

Members of the delegation were shown the main prayer hall where a majority of the people were killed. Walls riddled with bullet holes were inspected by members of the delegation. An adjacent corridor outside the main prayer hall was also pointed out to members of the delegation. The Colonel described how on the day of the attack, the corridor was

### 3.1.3 The observations of the mission:

The legacy of the day is barbed wire coiled around now higher and much fortified walls hemming the devotees in at both mosques and sentinels standing guard now armed with rifles. One has the feeling one is entering a high security prison, as one waits for one set of gates to close behind one before another opens, rather than entering a place of worship and prayer.

There is little other visible trace of the carnage that was inflicted that day. The incredible psychological scars of those left behind and a community living on edge was however very tangible and visible.

86 souls lost their lives as a result of these attacks and a further 116 were injured. To add insult to injury there is no credible active investigation. Further the two terrorists apprehended by the Ahmadi community at the Model Town Mosque and given to the police have had no action taken against them. However, at the time of writing this report the mission has learnt that those two terrorists are now being tried by the Anti Terrorism Court. If this is true it remains to be seen if justice will be carried out.

86

innocent Ahmadi's lost their lives

116

injured



It became gradually clear to the mission that the Ahmadi community in Pakistan is one living in a climate of constant fear at all times looking over its shoulder. It is a community isolated with nowhere to turn but to itself for support. It was as though it was a community under siege.

### 3.1.4 Gujranwala Arson attack July 2014

In July 2014, three Ahmadis were killed in Gujranwala. This was the first time in the history of the Ahmadiyya Muslim Community that ladies were solely targeted. Eight Ahmadi houses were burned down as a result of an arson attack by a mob. A journalist the mission met said he called the Deputy Superintendent of Police (DSP) to report the incident. The DSP's response was that there were only a few people protesting and they were only burning tyres. He also told the journalist that everything was under control and there was no danger of any kind. The journalist also tried calling the District Police Office in Okara who did not answer his phone. The journalist reported that he was trying desperately to draw the police's attention to the fact that people were dying at that very moment in Gujranwala. but to no avail

### 3.1.5 Gujranwala Family



3 Ahmadis including a 7 year old girl killed by angry mob in Gujranwala



Survivors of the Gujranwala attacks who now live in hiding

Innocent Children Hira 7 and Qainat 3 killed for being an Ahmadi Muslim

On 11 December 2014, the delegation met MB, his wife RB and his sister SMB. Also present during the meeting were two of MB and RB's remaining young children (aged 3 and 4 respectively who witnessed the Gujranwala attack). The family's residence is in Gujranwala where they lived next to ten other Ahmadi families in the same street. They were forced to move to an undisclosed location following a religiously motivated violent attack on them in July 2014.

MB reported that in July 2014, his seventeen year old cousin, A, had fever and went to see his paternal cousin who is a doctor in NAME. The doctor is also acquainted with the family. The doctor's clinic was some kilometers from his home. When he arrived at the clinic, the doctor told Mr. NAME that some members of the Jamat-e-Islami were accusing him of blaspheming. The doctor said that the specific allegation had to do with a picture posted on facebook that showed a naked girl urinating by the khana Kaba, the holiest site for Muslims. A informed the doctor that he is an Ahmadi Muslim and does not partake in blasphemous behaviour. A had seen that picture on facebook posted by someone else. MB told the delegation that A said that in fact he made a comment under that picture condemning the image. He did this when he saw the picture on facebook on 6 January 2014 as he felt the picture was very irreverent.

While A was with his cousin, he was advised to run away as soon as possible because he could be attacked by a mob that had started to gather outside the clinic.

Meanwhile outside the family home in Gujranwala, a mob started to gather. They had guns and fired some shots in the air. The mob was armed and on a loudspeaker referred to Ahmadis as dogs and mirzais and called for their murder. Inside the house there were four women and eleven children. The eldest child was seven years old. Given the presence of the armed mob outside they thought they had no choice but to barricade themselves indoors.

The family told the delegation everyone was extremely frightened. They gathered in one room on the second floor of the house. They locked themselves in.

The children asked the adult women why the mob was after them and what they had done wrong to deserve that treatment. RB's seven year old daughter asked her mother if that was her last moment before death. Meanwhile the mob could be heard shouting that since there were women and children in the room they should set the place on fire.

They also shouted that if they saw any men then they would throw them in the fire. The mob sealed the door from the outside so no one could escape. The family called the police and asked for help. The police did arrive however in their presence the mob set fire to the house. The police became bystanders and did not intervene to stop the attack.

MB said his cousin, MA, lives fifty kilometres from their home in Gujranwala. As soon as MA heard about the incident he made his way to Gujranwala to help his relatives. Upon arrival, the mob beat him up and broke his teeth.

Eventually, the ambulances from Punjab's emergency response unit came and rescued the survivors. The mob tried to intimidate the rescue team by shouting through loudspeakers that the Ahmadis should not be allowed to live.

The victims who died as a result of inhaling smoke were Bushra Bibi, Hira (age 7), and Kainaat (eight months old). The rescue team transported all the victims to a local hospital in Gujranwala where they spent the next three days.

SMB was pregnant and her baby was due the next day. She was covered in black soot of the smoke from the fire. The doctor at the hospital in Gujranwala refused to treat her.

**SMB said she grabbed the doctor's arm when he walked through the ward she was in and shouted, "I am dying. Please help me." The doctor ignored her plea for help and walked off.**

Eventually, there was one nurse who agreed to apply a cooling balm on SMB's body. Other than the cooling balm, SMB was not given any treatment during the three days she was at the hospital in Gujranwala. A group had formed outside the hospital also.

The Ahmadi community arranged for the victims to be transported and treated at a hospital elsewhere. SMB said that when she was being transported in a wheelchair out of hospital in Gujranwala, a mob gathered to tell the hospital officials that she should not be taken away. The hospital officials stated that she was being taken to Lahore because they were concerned that the mob would follow them.

The family has been living in an undisclosed location since then under the protection of the Ahmadi community. They cannot return to Gujranwala because they fear they will be targeted again.



Humanitarian Dr Mehdi - assassinated for being an Ahmadi Muslim

### 3.1.6 Assassination: Dr Ali Qamar Mehdi

The mission learned that on 26 May 2014 Dr Ali Qamar Mehdi, an Ahmadi of Canadian nationality was gunned down in front of his wife and young son on account of his faith outside the Ahmadi cemetery in Rabwah. Dr Mehdi was a much loved doctor and a humanitarian.

Jonathan Kay in an article dated 3 June 2014 entitled “The murder of Dr. Mehdi Ali Qamar symbolizes Pakistan’s descent into self-annihilation” writes as follows in the National Post:

“Many of the wealthiest and best-educated Ahmadis fled Pakistan in the second half of the 20th century. But since then, this diaspora has fed money and humanitarian volunteers (Dr. Qamar was a perfect example) back into Rabwah. Despite the fact that the town sits in the middle of an impoverished rural area, Rabwah’s Ahmadi-run health clinics serve everyone. The Tahir Heart Institute (named after a former Ahmadi spiritual leader), where Dr. Qamar was helping train doctors, is renowned in the country.

Indeed, in purely humanitarian terms, the choice of Dr. Qamar as a target by Jihadi murderers was horrifically perverse: They killed a man who had come to Pakistan to help save the lives of not just Ahmadis, but all local Punjab residents. His killing will discourage other doctors from making the same trip, and thereby make life in this impoverished corner of Pakistan even shorter and harsher.

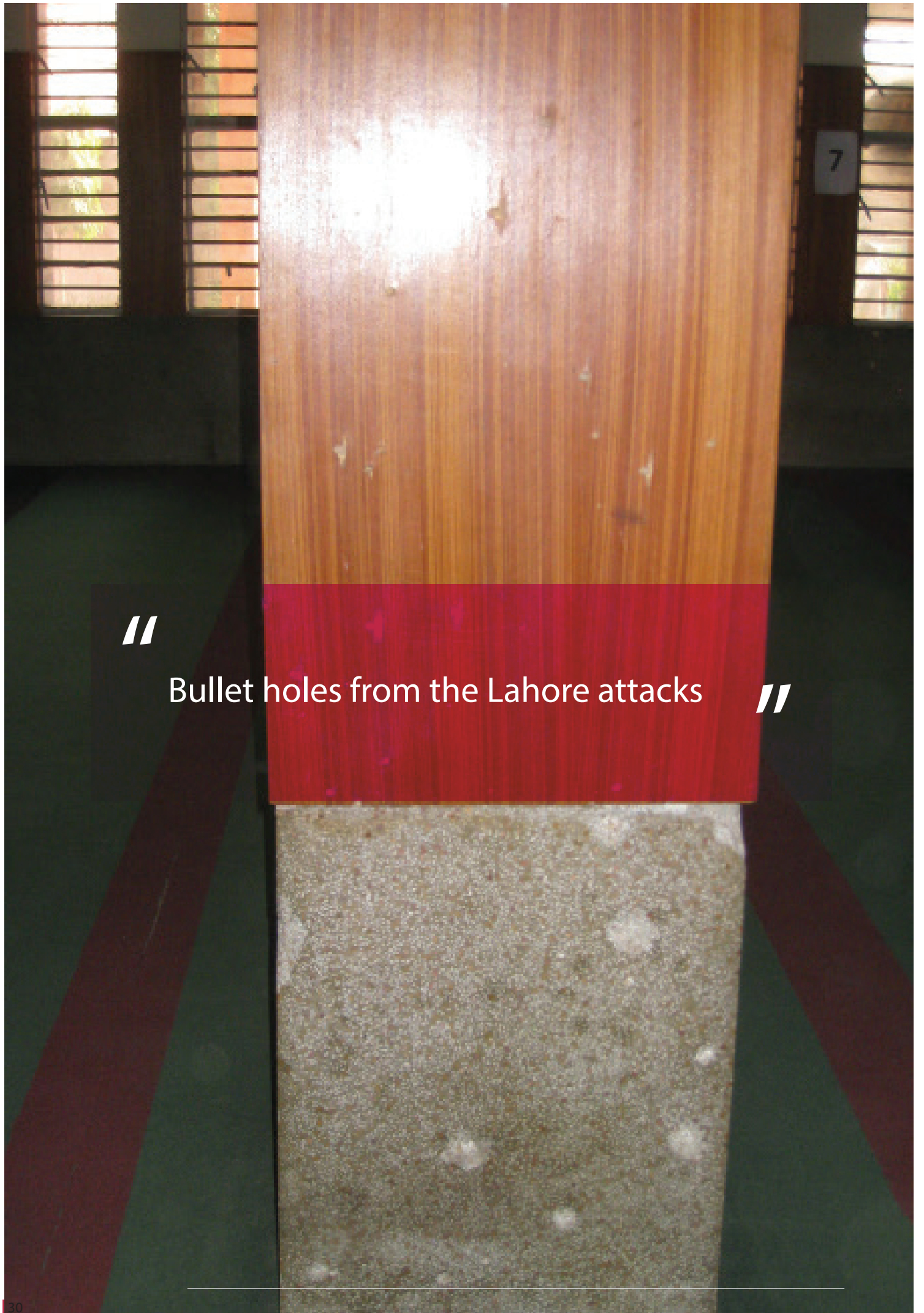
Some Pakistani politicians and diplomats have expressed regret and condolence for Dr. Qamar’s killing. But in the ways that matter, they do not really control their country.

**The Mullahs do — and many of them are more than happy to tell their congregants and Youtube viewers that killing an Ahmadi will get you into heaven. Even when the murderers are caught, they often are treated like kings in Pakistani prison, and get off with slaps on the wrist.**

In this way, the slaughter of Ahmadis in Pakistan is a species of “honour killing” — a symptom of a cruel, narrow-minded and spiritually addled society.”

The website [www.persecutionofahmadis.org](http://www.persecutionofahmadis.org) maintains a regular account of reported murders that take place on account of the individual’s Ahmadi faith. Since 2010 the following numbers of murders based on an individual’s Ahmadi faith is reported:

It became clear to the delegation whilst interviewing the many individual Ahmadis during our mission (from primary school children to well-known businessmen) that whilst those individuals who have a high profile due to their social standing or due to their involvement in the Ahmadi community may more readily draw the adverse attention of religious activists, the average man and woman or indeed anyone irrespective of their age or level of religious activity



“

Bullet holes from the Lahore attacks

”



could just as easily become the subject of targeting purely for their being identified as an Ahmadi. The reader is referred to other sections of this report where individual testimonies have been recorded.

At times targeted killings are preceded by death threats. Whether or not these are actually carried out in light of the regular murders occurring throughout the territory of Pakistan individuals thus threatened live in constant fear and their lives are turned upside down. The following case study illustrates this problem:

### 3.1.7 Death threats: CSN

On 9 December 2014 the delegation met a High Court lawyer called CSN. CSN is currently in hiding and met us at a discrete location in Lahore at considerable risk to himself.

CSN informed the delegation that on 7 October 2014, the second day of Eid, he received a package at his home in Lahore. The package contained three shrouds of cloth, three kalashnikov bullets and a letter from "Mullah Omar". A copy of the letter (with certified translation) and the First Information Report was given to the delegation and is attached as Annex 3 to this report. CSN told members of the delegation that for him the name "Mullah Omar" was symbolic of the militant organization known as the Taliban. The letter addressed CSN by his full name and mentioned his wife and son's names to show they knew details of his personal life. The letter went on to tell CSN that he was a "Qadiani" and an apostate. He was warned to leave his religion or else he would be killed.

## The mission was informed by members of the Ahmadi community that death threats can arise for simply being identified as an Ahmadi.

The author of the letter also challenged CSN to report the letter to any government agency in the country and seek protection. CSN said the author was making clear to him that not only would no one protect him but that the government agencies were on the side of the non-state actors.

Since receiving the letter, CSN has been forced to go into hiding. He has had to leave his practice as a lawyer and has no income. Since this incident he has lost a lot of weight. CSN's wife has left the country for her safety. His son was also practicing as a lawyer and has had to stop work to go into hiding. CSN's son applied for a visa to the United States but on the day of our meeting, CSN was informed that his visa was rejected.

The mission was informed by members of the Ahmadi community that death threats can arise for simply being identified as an Ahmadi. The very fact of belonging to the faith raises presumptions of blasphemy as Ahmadis are considered to be heretics and infidels in the minds of mullahs. False allegations of blasphemy are easily made by way of settling scores for personal vendettas. Once the dreaded word "blasphemy" is uttered the victim "is good as dead" as non-state actors stand in and take over the death penalty into their own hands.

The Ahmadi community believe the Gujranwala attack which was triggered because an infidel Ahmadi "had no right to defend Islam". This illustrates the lengths to which the fanatical elements would go.

The public and brazen incitement to the murder of Ahmadis which occurs at numerous anti Ahmadi conferences across the country can cause greater and more insidious harm when provided a wider audience on national television.

On 7 September 2008 (anniversary of the Constitutional amendment which declared Ahmadis to be "non-Muslim") Amir Liaquat Hussain, television anchor of a religious programme called Aalim on Line, incited his guest clerics to declare Ahmadis to be wajib ul qatal (liable to be killed) under Islamic teaching. **The following day two Ahmadis were murdered.\***



At the time of writing, Mr. Hussain invited religious scholars to give their views about the recent Peshawar School Attack of, on his GEO morning show of 22 December 2014. During the show that was broadcast live, while discussing the motives and people behind the recent barbaric school massacre a religious cleric, Arif Syed Shah Owaisi falsely accused the Ahmadiyya Muslim Community for the Peshawar School attack of 16 December. Mr. Owaisi declared "This enemy is a common enemy and an enemy of all Pakistan. And this enemy is the sect of Qadiani". His comments were followed by loud applause from the audience. He encouraged all Muslims to treat Ahmadis as enemies of Islam and Pakistan. He declared that Ahmadis deserve to be killed because they are blasphemers: "They are the ones blaspheming against the holy prophet (pbuh). All of us Muslims should recognise that enemy." Five days later on 27 December 2014, the eleventh Ahmadi victim of 2014 Luqman Ahmad Shehzad was shot in the back of the head near Bhiri Shah Rehman village, which is a small community of Ahmadis in the Gujranwala district.

image of  
luqman  
ahmad shehzad

### 3.1.8 Blasphemy and the death penalty

Aside from the targeted killing of Ahmadis by fanatical elements, the biggest issue that poses a threat to the lives of Ahmadis in Pakistan is being accused of blasphemy, an offense punishable by death under Pakistan's Penal Code.

We learned that whilst no one in Pakistan has yet been executed following trial for Blasphemy once the magnetic word "Blasphemy" is uttered in any false allegation the individual becomes a "marked" individual as religious activists and mobs under their control are zealously drawn to the affair.

The mission learned however that any attempt to reform the "Blasphemy laws" or indeed the Ahmadi specific laws are likely to be futile in the current climate. The Ahmadi representatives referred us to the assassination of two high profile politicians Salman Taseer and Shahbaz Bhatti and the allegation of blasphemy against Sherry Rehman, a prominent politician and former ambassador to the USA succeeding Husain Haqqani. Previously, she was the Federal Minister for Information and Broadcasting from March 2008 until March 2009. by way of illustration. This message was echoed by independent members the mission met.

### 3.1.9 Assassination: Salman Taseer

The former Governor of Punjab, Salman Taseer, who was a well-known and influential member of the PPP was shot dead at close range by his own bodyguard in Islamabad on 4 January 2011. The bodyguard, 26 year old Malik Mumtaz Qadri, is reported to have stated that he murdered Mr Taseer because of his interest in reforming the harsh and much abused Blasphemy laws. What is particularly concerning is that is that Khatme Nabuwat lawyers had thrown rose petals and treated the assassin as a hero for defending the Blasphemy laws. Within this backdrop and climate of encouragement and acceptance of such acts it does not seem plausible to reform the Blasphemy laws in the short-term.

The Dawn newspaper on 5 January 2011 reported thus on the day the Qadri was remanded by the Islamabad court:

"A rowdy crowd slapped him on the back and kissed his cheek as he was escorted inside. The lawyers who tossed handfuls of rose petals over him were not involved in the case.

As he left the court, a crowd of about 200 sympathizers chanted "death is acceptable for Muhammad's slave." The suspect stood at the back door of an armored police van with a flower necklace given to him by an admirer and repeatedly yelled "God is great."

More than 500 clerics and scholars from the group Jamat Ahle Sunnat said no one should pray or express regret for the killing of the governor. The group representing Pakistan's majority Barelvi sect, which follows a brand of Islam considered moderate, also issued a veiled threat to other opponents of the blasphemy laws.

"The supporter is as equally guilty as one who committed blasphemy," the group warned in a statement, adding politicians, the media and others should learn "a lesson from the exemplary death."

Jamat leader Maulana Shah Turabul Haq Qadri paid "glorious tribute to the murderer ... for his courage, bravery and religious honor and integrity."

<http://www.dawn.com/news/596300/lawyers-shower-roses-for-governors-killer>

The Express Tribune of 7 January 2011 reported on the transfer of the matter to Rawalpindi: "In a related development in Rawalpindi, hundreds of Sunni Tehreek (ST) activists gathered outside the Rawalpindi court premises carrying flags and banners to 'receive' Qadri. Together with some members of the lawyer community, they blocked the way of the ATC judge by lying on the road, on getting news of the request to the judge by the Islamabad administration.

"He will leave the court over our bodies" vowed the religious activists, aided by some members of the legal fraternity. A number of lawyers also submitted their consent in the court to plead the case for the accused.

The Punjab governor's killer's arrival in the court was almost identical to the reception he had received at the Islamabad District Courts on Wednesday but the number of religious party workers here was much larger."

### 3.1.10 Assassination: Shahbaz Bhatti

The intimidation meted out by clerics and hard liners was echoed in the assassination of the Minorities Minister Shahbaz Bhatti, a Christian some weeks later in March 2011. Two assassins sprayed the Minister's car before scattering ing pamphlets which described him as a "Christian infidel". The leaflets were signed "Taliban al-Qaida Punjab".

The Guardian Newspaper of 2 March 2011 reported as follows in relation to the incident:

"Last November (2010) Bhatti joined Salmaan Taseer in championing the case of Aasia Bibi, a Christian woman who was sentenced to death last November for allegedly committing blasphemy against the prophet Muhammad.

"This law is being misused," Bhatti told Open magazine at the time. "Many people are facing death threats and problems. They're in prison and are being killed extra-judicially."

The government later distanced itself from the blasphemy reformists, repeatedly stressing that it had no intention of amending the law, leaving Bhatti and Taseer politically isolated. Now that both men are dead, angry supporters say the government bears some responsibility for not protecting them politically, if not physically."

<http://www.theguardian.com/world/2011/mar/02/pakistan-minister-shot-dead-islamabad>

### 3.1.11 Death threats: Sherry Rehman

Relating Sherry Rehman's self-imposed exile following death threats for her stance on reformation of the Blasphemy laws Declan Walsh comments in the Guardian of 23 January 2011 thus:

"Yet Pakistan is not on the verge of becoming a totalitarian religious state. The fervour is being whipped up by the normally fractious religious parties, delighted at having found a uniting issue. Leading the protests is Jamaat-e-Islami, which made the mistake of boycotting the last election and now wants to trigger a fresh poll.

More significant is the lack of resistance from every other party. Rehman is polite when asked about the silence of her colleagues in the ruling Pakistan Peoples' Party on the blasphemy issue. "They feel they want to address this issue at another time," she says. The truth is, they have abandoned her.

The party played with fire over the blasphemy issue last November when President Asif Ali Zardari floated the idea of a pardon for Aasia Bibi, a Christian woman sentenced to death on dubious blasphemy charges. According to Rehman, he also agreed to reform the law. **But then conservative elements in the party objected, a conservative judge blocked the pardon and, even before Taseer had been killed, the party had vowed not to touch a law that has become the virtual sacred writ of Pakistani politics.**

The opposition has also been quiet. "The greater the failure of the ruling class, the louder the voice of the cleric," says politician and journalist Ayaz Amir.

The mess is also the product of dangerous spy games by the powerful army, which propped up jihadi groups for decades to fight in Afghanistan and India. Some of those militants have now "gone rogue" and allied with al-Qaida; others, according to US assessments in the WikiLeaks files, are still quietly supported by the military. "Our establishment, especially the army, is in league with these people," says Javed Ahmad Ghamidi, a moderate cleric. "And until they stop supporting them they will never be weakened."



### Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

### Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

### Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

### Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

### Article 11

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

The mission was informed that Ahmadis have no proper access to justice nor a right to a fair trial since the law enforcement agencies and judiciary are tainted by orthodox ideology or are intimidated by mullahs and mobs.

### 3.2.1 Law enforcement agencies

The Ahmadi community believes the Police have demonstrated their inability and unwillingness to respond to attacks on Ahmadis. It is reported they failed to respond effectively during the Lahore mosque attacks and throughout the Gujranwala attack in July 2014. The Ahmadi community believes that this is not so much due to poor training or incapacity but due to the lack of will and/or due to anti Ahmadi sympathies being shared by them. The mission met a police officer (see below) who expressed a different view. His view was that due to the influence of clerics police are not given sufficient manpower and security to handle mob violence. He also said the police might respond but feel they are not backed by politicians. It is difficult for the delegation to say whether this police officer's colleagues would share his views as the delegation met only one officer.

### 3.2.2 Master Qudoos: tortured in Police custody

The mission was referred to the death of Abdul Qudoos on 30 March 2012. Master Qudoos, a much loved and respected school teacher at a Government Primary School in Rabwah, a sportsman who volunteered his time, was falsely accused of murder. He was interrogated and tortured whilst in custody by local police in Rabwah and died in hospital of his injuries the day after his release.

### 3.2.3 Police Officer

On 12 December 2014 the delegation met with N, a policeman who has served as the Station House Officer (SHO) four times between 2009 and 2014 at a nearby police station. N is not an Ahmadi. Whilst other police officials were not willing to meet given the reprisals, N agreed to meet through contacts of the IHRC provided anonymity was maintained.

Mr. N was asked about the process by which charges are lodged against an individual. Although Mr. N was probed a fair amount about the procedure he gave little details about the process. He reported that an individual has to file a First Information Report (FIR) at a police station. Mr. N said that once someone files an FIR then the allegations within it are verified. The verification procedure itself was not made clear to members of the delegation.

Mr. N said that when there are sectarian issues (eg. Allegations under Article 298 or 295 PPC) then the matter is conveyed to the Deputy Superintendent of Police, (DSP) and District Police Officer (DPO). He specifically stated that when charges are filed under Section 295C then the DSP and DPO are notified.

Mr. N reported that in Rabwah there is a man known as Maulvi Allahyaar. He used to go to the police station on a daily basis to file blasphemy charges against various individuals. The police was of the view that his real motive was to blackmail the people he wanted to accuse. Mr. N reported that Mr. Allahyaar's attempts to file FIRs were not entertained by the police. However, now there is another man called Shakeer Usmani in Rabwah who regularly files FIRs against individuals in Rabwah.

Mr. N reported that charges can be filed under Section 506 of the Pakistan Penal Code (PPC) against someone who makes hate speech if there is incitement to murder. He also reported that charges could be filed under Section 153A of the PPC against an individual for causing agitation of a community.

Mr. N told the delegation that individuals can go directly to the High Court and file a petition seeking to arrest someone for inciting violence. The High Court can direct the police to issue an FIR.

When talking about violence perpetrated against the Ahmadis, Mr N informed the delegation that the police are not given sufficient manpower and security to deal with the situation. He reported faults in what he referred to as the entire government machinery. If an FIR is filed against someone for inciting violence then it needs to be taken forward. If an FIR is registered against a religious cleric then the DSO and DPO will be concerned that arresting the said person will become a big issue within the public.

Mr. N mentioned the risks police officers face if seen to be siding or being sympathetic with the Ahmadis. He said the religious clerics could cause problems by complaining to the DSP and DPO. Officers such as Mr. N would then be transferred to another station.

**Mr. N said there is no political intervention in legal cases and violence against the Ahmadi community.** Politicians talk

about equipping the police force with more resources such as cars and security but Mr. N expressed doubts about the reality on the ground.

### 3.2.4 Judiciary and Legal System

It was pointed out to the mission on several occasions that the legal system is very much weighted against Ahmadis. Commencing with the laws themselves which are Ahmadi specific and thus aimed at penalising Ahmadis for their very beliefs, Ahmadis in essence cannot have proper redress from the legal system. From the police who lack the will and interest in providing protection to any Ahmadis who may be subjected to violence and harm, to judges who prefer to pass the buck whenever sectarian issues come before them for fear of reprisal and thus arrange for the case to be transferred elsewhere for decision, Ahmadis believe they have no recourse.

The individuals we met described how some cases are delayed for many months and sometimes for many years in a manner reminiscent of Kafka's novel and that bail applications where Articles 298 or 295 have been invoked are often inordinately delayed. The mission was informed that even judges' offices have calendars which bear the Khatme Nabuwat propaganda against Ahmadis. The mission was shown one such calendar which instigates a total boycott of Qadianis and calls them apostates. A copy is set out at Annex [ ]

The delegation also met with a number of individuals who had been convicted under the PPC. One such individual from Hafizabad had been sentenced to 25 years imprisonment under Sections 295B and C for allegedly burning pages of the Holy Quran. The complainant, Ataullah, was a local lambar dar (member of the policing authority of the village) who belonged to the ahl-e-sunnat religious organization. The accused had actually burnt a thirty year old copy of al-Fazal newspaper that belonged to him. The complainant himself burnt pages of the Holy Quran and submitted the remains as evidence against him. The accused was whipped when he was detained at the police station but he served only three years of the twenty five year sentence. The conviction was some years ago.

The delegation also learned that a cleric from Khatam-e-nabuwat filed charges against one KI. The allegations were based on an interview of him printed in the local newspaper whereby the cleric felt that by quoting a verse from the Holy Quran that KI was posing as a Muslim and that this injured the feelings of Molana Hamadi and other Muslims. This case lasted for 6-7 years as various judges were afraid to handle the case until eventually a female judge dismissed the allegations as being frivolous. It was noted that it was typical for cases to linger on but in this case KI was acquitted which was not the norm.

### 3.2.5 Mujeeb ur Rehman

The mission met with Mr Mujeeb ur Rehman currently the most senior advocate of the Ahmadi community in Pakistan who has represented in the highest profile cases on behalf of the community.

Mr Mujeeb ur Rehman then (dates??) had sought to petition the Sharia Court when he realised that Ahmadis are unlikely to obtain redress from the civil courts of the country. As he had no rights of audience as an advocate in the Sharia Courts Mr Rehman petitioned them as a "Citizen of Pakistan" challenging the compatibility of Ordinance XX with Islamic laws. However the Sharia Court dismissed the petition stating that the Ordinance XX was "consequential to the Constitutional fait".

The Supreme Court of Pakistan in a majority decision declared the validity of Ordinance XX legitimised the power of the State to interfere in but revealed that Ahmadis are unlikely to have recourse to the courts in what Ahmadis term the "Coca Cola case". The term was coined as the judges had likened the copyright over the label "Islam" to the shape of a bottle of coke that only the trademark of Coca Cola may use.

An article written by Professor Martin Lau "The case of Zaheer-ud-din v. The State and its impact on the fundamental right to freedom" explains the case in some detail. See Annex [ 11 ] for further details.

### 3.2.6 Asma Jahangir

The mission met with Asma Jahangir at her office on 9 December 2014.

She has advocated in the defence of many religious minorities and defended human rights issues in the High Courts and the Supreme Court of Pakistan.

It was her view that religious intolerance is increasing daily. Whilst Christians had some support from the west and their numbers were larger and the Hindu community is also harassed she believed that the Ahmadi community is the most vulnerable from militants.

She believed that the laws are being used as tools of persecution. Whereas in Bangladesh another Islamic country the state has stated that it is not for it to legislate on who is or is not a Muslim in Pakistan the state has intervened to legislate on this matter.

### She stated that any attempts to change the Blasphemy or anti Ahmadi laws appears to unify militants.

She also stated that there is only so much civic society can do before threats are received or from the fear of reprisals. In this regard she mentioned how an Ahmadi, Munawar Shahid worked with her and other human rights activists generally on raising the plight of minorities in Pakistan but he had to leave for fear of reprisals. He is now in Germany but this underlines the deep rooted issues in Pakistani society. For non-Ahmadis they have to be even more cautious. She confirmed that before the Lahore attacks IA Rehman had met the Chief Minister for Punjab but that they failed to provide protection to the Ahmadi community. Religious militants are acting with impunity.

She stated that **the separate electoral list was a serious matter of concern** for the Ahmadi community.

### 3.2.7 Senior State Counsel

The mission met a senior government lawyer N, of some 18 years standing who explained that an Ahmadi has little prospect of being promoted to the bench. He informed the delegation that he represented two Ahmadis who were accused of blasphemy in a bail application about two years ago. After bail was granted and Counsel was speaking with his client in the court corridor the Prosecution lawyers who had Khatme Nabuwat sympathies came and assaulted N, Defence Counsel. The client's father who was also attacked tried to assist Defence Counsel but was detained once again for defending himself. When N reported the incident to the Chief Justice at the time his advice was to keep quiet about the matter. **N felt it would be futile to report the matter to the police since the Chief Justice himself suggested he lets the matter rest.**

N also informed the delegation that in his own local experience within the last two years there have been 16 cases in which a Blasphemy allegation has been raised against an Ahmadi as opposed to 5 against Christians.

He explained that the allegation of blasphemy is misused frequently and that once a label of "blasphemer" is suggested against an individual the person's "life is over".

N cited one instance where an allegation of blasphemy and charges under PPC Articles 295 A and B were made. After the grant of bail by two judges, due to Khatme Nabuwat interference the judges withdrew bail and the matter was transferred to the Chief Justice. The accused were finally bailed out having spent many months in detention.

N stated that 60 to 70% of all Blasphemy cases originate in Central Punjab. Thus blasphemy based FIRs were common in Lahore, Gujranwala, Shiekhupura, Faisalabad and Sialkot in particular although the reach of community's opponents was much wider.



### 3.3 Article 18 Freedom of Religion

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

The delegation was informed that the designation of Ahmadis as “Non-Muslims” by a constitutional amendment in 1974 was the first step in a series of measures and actions that have caused much harm to the freedom of religion and conscience of Ahmadis and damage to the fabric of inter community relations as well as the general security of Ahmadis. Until 1974 Ahmadis were considered to be Muslims. However, through this Constitutional amendment Freedom of Religion guaranteed by the 1973 Pakistan Constitution was rendered entirely impotent for Ahmadis.

The relevant articles of Ordinance XX from Pakistan’s Penal Code are reproduced in Annex [ 1 ]

In essence, being a relatively young denomination of Islam Ahmadiyyat also relies on its ability to propagate itself through proselytising to others. The founder of the community laid down a system of bai’at (pledging allegiance to the leader of the community) which in essence sets out the responsibilities of Ahmadis, including proselytization of the faith as a moral duty of Ahmadis. However, it is to be noted that proselytization takes many forms from a show of one’s conduct and behaviour to active preaching.

However, Article 298C PPC prevents Ahmadis from undertaking a most fundamental tenet of their faith namely propagating the faith. An Ahmadi becomes liable to be imprisoned for upto three years or face a fine if he or she “preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever”.

Ahmadis thus resort to covert means of propagating their faith and only do so when a relationship has been established with an individual and they feel it is safe to broach the subject. Any actions including charitable works that may show the Ahmadi faith in a positive light may be seized upon by opponents of the community as attempts to propagate the faith. Since the law forbids Ahmadis from propagating their faith Ahmadis thus resort to more subtle means of impressing others in the hope of leading by example whereby good works and behaviour may attract others towards the faith. Whilst the Ahmadi community undertakes many humanitarian and charitable works they also take the opportunities they present to engage in dialogue with any who may display an interest in the faith. Thus medical camps when free medicines and treatment are distributed to the wider community and community services such as road cleaning and repairs etc. present gentle means of reaching out, if and when the occasion becomes propitious.

Moreover, Ahmadis feel that their very essence has been sapped and outlawed by the fact that they are not allowed to express any aspect of their faith which has any connection with Islam or from referring to their faith as “Islam”. Article 298 C forbids Ahmadis from “posing as Muslims” directly or indirectly “or from outraging the feelings of Muslims” on pain of up to three years imprisonment or a fine. The loose wording means abuse of the law to harass Ahmadis is rife.

Article 298B forbids Ahmadis from inter alia referring to their place of worship as a Mosque, and any Ahmadi “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 the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to a fine.’

Given that Ahmadis believe themselves to be Muslims and follow all rituals and lores of the Islamic faith as well as following hadith and the Holy Quran like all other Muslims these laws, they feel, in effect undermines their very being which if objectively analysed is correct.

Ahmadis are constrained from uttering even the most basic of Islamic greetings such as “Assalamu alai kum” or referring to an Ahmadi place of worship as a “mosque”. Although not specifically referred to in the law anything that might remotely display the Muslim nature of their faith such as wearing a ring with a Quranic verse, displaying the “kalma” (Islamic creed) in one’s home or shop, being found in the possession of a Quran, beginning a letter with “Bismillahirrahmanirahim” (In the name of Allah, the Benevolent, the Merciful) as is customary for Muslims, saying “Insh’allah” (God willing) or even bearing a name such as “Mohammed” may incur the wrath of fanatical elements who may then take vengeance upon the individual as a case may be brought against them for “posing as a Muslim” since the law is very loosely drafted and thus a charter for abuse has been provided to fundamentalist elements. Alternatively they may take the law into their own hands since their belief is that by eliminating infidels by killing them one earns a place in heaven.

Due to the security risks Ahmadis are unable to attend mosques freely to pray in congregation. This is even more so felt by Ahmadi women as women and children have been advised for some time that they should not take the risk of attending mosque. Since Muslims profoundly believe that congregational prayer is of importance to strengthen the weight of the prayer Ahmadi women are particularly disadvantaged by the current situation. See section below on Women.

### 3.4 Article 19 Freedom of expression

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

The mission had the opportunity to meet with Ahmadi journalists who have been charged under the penal code and anti-terrorism laws for circulating religious publications within the Ahmadi community.

#### 3.4.1 Meetings with Ahmadi Press

#### 3.4.2 Daily Al Fazal

AK

The mission met the Editor of Al Fazl a daily newspaper intended for circulation only among the Ahmadi faith community. It was the first newspaper that began in post partition Pakistan and had initially been printed in Qadian in India. The anti Ahmadi laws are equally applicable to publications and thus all epithets denominating the religion of Islam are suppressed and replaced with ... or -- in all articles. Al Fazl daily is headed by the words “**Intended for Ahmadis**” and is only circulated amongst subscribers to avoid falling foul of the Penal Code which forbids propagation of the faith. Nevertheless the newspaper has been banned on several occasions in the past, the longest period of banning being between 1984 to 1988 during Zia ul Haq’s tenure although the ban continued beyond his demise. Following a case brought by the Ahmadi community in the High Court the ban was finally lifted in 1988.

The most recent case against Al Fazl is in April 2013. Case number 510/13 commenced on 10 April 2013. Four young Ahmadis were distributing Al Fazal to Ahmadis in Lahore and they and the Editor and the Printer & Publisher (six in total) had an FIR filed against them under Article 295B and 295 C as well as under Section 7 Anti Terrorism Act 1997. Thus the charges levelled against them are for blasphemy which carries the death penalty and under anti-terrorism legislation which also carries the death penalty. These are “non bailable” offences which means that only the Supreme Court has the power to grant bail. In this case however the Supreme Court rejected bail and referred the matter back to the High Court. Having spent 1 year and 3 months in detention the Editor has now been granted bail and is currently in an undisclosed location due to fears for his safety. He is at risk of arrest at any time again under the Blasphemy laws or of the clerics whose religious feelings are injured or if they take the law into their own hands and assassinate him.

The Ahmadi community believes that the moment the word “blasphemy” is uttered by an opponent of their community the individual concerned becomes easy prey for all opponents of the community as fundamentalist elements consider that murdering a blasphemer enables the assassin to earn himself a place in paradise. This has been corroborated and verified by many independent people the mission met. Thus all too often the blasphemy laws and the anti-terror laws are misused to ensure that bail is denied and to ensure the maximum death penalty. This is also the



case against other minorities such as Christians.

The case against the Al Fazal six has at the time of writing been referred to the anti-terror court in Lahore and the High Court has instructed that court to make a final decision. The Ahmadi community believes that in cases involving allegations of blasphemy the Courts are very reluctant to become involved as courts tend to “pass the buck” between them prolonging the processes and leaving prosecutions hanging over the heads of individuals for years. Moreover the community feels that it is very difficult to find legal representation for cases brought against their members particularly under the blasphemy laws as lawyers defending them as well as judges come under the pressure of mullahs. Whilst under normal circumstances unless one has a direct interest in a case as a party or representative one may not be present in the High Court or Supreme Court. In cases where blasphemy is alleged it is not uncommon up to 50 mullahs or KN lawyers to flood the court room gallery often making intimidating and loud comments such as “God forbid!”. The Shia judge who finally granted bail in the present case to the Editor of Al Fazal has now been transferred elsewhere for fear of reprisals.

Since 1984 around 90 separate cases have been filed against Al Fazal. The former Editor has also spent one month in detention and both the former editor and publisher and printer have fled Pakistan. Note Al Fazal Daily is printed and published in Pakistan whilst Al Fazal weekly is printed in the United Kingdom. Both cover religious and social affairs of the Ahmadi community and its gatherings and the anti Ahmadi clerics are believed to be seeking an unconditional ban upon its printing and publication.

### 3.4.3 Ansarullah

S

The Mission met the Editor of another Ahmadi Community faith publication “Ansarullah” destined for Ahmadi community male members aged 40 years and above. The magazine is also only circulated within the Ahmadi community. The Editor of this religious and social affairs magazine had made a speech during a gathering in 1988 in Gujranwala (the town where arson attacks against Ahmadi women and children took place in July 2014 which left three females and an unborn child dead). Nine local Ahmadis and 2 from Rabwah including S were booked under Articles 295C, 298 and 188 of PPC. Article 188 had been invoked as a religious speech had been made on government property. Bail was refused initially and the accused were held in the District jail in Gujranwala. When the bail application was renewed before the Sessions Court and heard over four days about a thousand mullahs surrounded the Court. Lahore High Court then on 10 April 1990 sentenced them for two years imprisonment with hard labour but the allegation under Article 295C was dropped. An appeal was made to a higher court against the conviction and they were finally acquitted ... date... and court...

Another separate case was brought against the magazine Ansarullah in 2001 in Sindh. The Complainant mullah alleged that in an article the Holy Prophet was addressed as “My Lord” by an Ahmadi and verses of the Holy Quran were quoted in the article whereas Ahmadis being Non Muslim had no right to do so. The Mullah further alleged that a copy of Ansarullah had been left at his (non Ahmadi) mosque the allegation thus being that an attempt had been made to proselytise the faith. Thus the charges under PPC read under Article 295 B (for quoting verses from the Quran) and Article 295C (blasphemy for referring to the Holy Prophet as My Lord) and Article 298 for propagation of the Ahmadi faith.

The case was finally brought before the High Court in Sind in 2004 (3 years after arrest) where bail was finally granted. Following the grant of bail in 2004 S is obliged to present himself in court regularly every ... travelling some 1000km to attend court on each occasion. An application was made to transfer the case to Karachi **however in open court when the Defence advocate commenced his arguments KN lawyers started shouting threatening to kill Qadianis intimidating everyone present including the judge.** The Hindu judge hearing the matter ordered the court room to be closed in an attempt to restore order. Even outside the court a crowd of some 50 to 60 anti Ahmadis had gathered and S was obliged to telephone the regional Ahmadi community Amir to provide him with relief and security from among the community itself. An hour later the Judge reconvened limiting the audience to only those directly party to the case. The Defence attorney had made an application for dismissal of the complaint for want of prosecution under 265K of CRPC since the case remained pending after many years. S believes that unfortunately the Hindu judge was transferred elsewhere. A new Muslim judge was appointed to the case. S feels he was reasonable initially however once again following the presence of about 10-13 mullahs in court once again placing pressure on the judiciary this judge had succumbed to the pressure and dismissed the application under 265K. The case has since been transferred between the Supreme Court, Sessions Court and the Trial Court in Karachi.

Thus the case remains unresolved some 13 years after first instigation.

### 3.4.4 Lahore Weekly

Y

The mission also spoke with Y the Ahmadi Editor of another weekly publication named the "Lahore Weekly" which is owned and run by him but which is not an official Ahmadi community publication unlike the above. A complaint has been made against Y on the false allegation that he was seen distributing the weekly outside the High Court the day before its due date of publication. Since this is an offence an allegation has been made under Article 298C also for "posing as a Muslim" since Islamic terms have been used in the publication by a non-Muslim. Although an FIR has been registered proceedings have not yet commenced and the publication house has now been closed down and its Editor is currently relocating between unknown places of abode.

### 3.4.5 Meetings with Pakistani national press

The mission also met a number of journalists from both the vernacular and English language press in Pakistan. Whilst most were non Ahmadi they explained that they feel they must use journalistic code and self-censure in the way they report on incidents relating to Ahmadis to avoid a backlash against the newspaper or to avoid being individually targeted. One journalist explained that the watershed for Ahmadis (and we presume this is the same for Christians and other non-Muslims minorities) was the assassination of the Governor of Punjab who supported reform of the Blasphemy laws. He also believed that non state actors are in fact buoyed up by the state and that the country was in danger of imploding.

One journalist informed the delegation that as the incident in Gujranwala was occurring, he contacted the Deputy Superintendent of Police (DSP) of the area. The DSP's response was that it is just a few people protesting and burning tyres. The DSP said there was no danger of any sort. He also said that it was not a major issue and everything was under control. The journalist later realized that when the DSP said this to him there was actually a huge mob outside the home where three Ahmadis were killed. He also realized that it was not tyres the mob was burning but items that belonged to the Ahmadis who had been attacked.

The journalist also tried calling the District Police Officer in Okara who did not answer his phone. He said he was trying to get the police's attention to the fact that people were dying at that very moment in Gujranwala.

**The journalist said that in Pakistan it is easier to oppress the marginalized society than to pacify the mob. The police will take the mob's side. The "mobs are motivated by hatred and hard core Mullahs."**

One journalist interviewed by the delegation said that even BBC Urdu, a global brand has had to succumb to pressure and intimidation. For example, their partner channel Aaj News in Pakistan refused to broadcast BBC Urdu's show twice because it had a report about Ahmadis. The journalist also noted BBC Urdu's reluctance in covering the story about the desecration of Ahmadi graves. When the incident happened, BBC Urdu did not have anything on their website for the first twenty four hours. They published a story online on the second day but immediately took it down.

As well as a number of respected liberal thinking non Ahmadi independent journalists the delegation met with two journalists from highly regarded newspapers whose accounts are worthy of highlighting below. J1 is non Ahmadi and J2 is Ahmadi:



Quote for image here



### 3.4.6 Meeting with Journalist 1 (J1)

J1 is a journalist for BBC Urdu and is a columnist for a national Urdu newspaper. He has also worked as an editor for other Urdu newspapers.

J1 explained that he had asked the Minister of Information about the Gujranwala incident. The Minister reported that he told the Inspector General of Police about the incident. **The police were then sent to the scene but reported they did not control the mob because politicians would not back them up.** Following the spontaneous attacks on multiple Ahmadi places of worship in Lahore in 2010, sweets were distributed in Gujranwala. Moreover, the only politician that visited the mosque after the attacks was the Governor of Lahore, Salman Taseer who was later assassinated. **There was no public display of sympathy for the families of Ahmadis who were murdered from politicians**

Well known cleric Hafiz Tahir Ashrafi is the older brother of Hassan Muavia. Hasan Muavia thrives on filing complaints of blasphemy against Ahmadis. \* (See below for recent incident in Rabwah) Often the life of the accused is blighted after such an allegation and the spoils are being able to take over the property and businesses of the accused. J1 explained that the Urdu press is more conservative than its English counterpart. **Only 1% of the population reads the English press and the masses respond to the Urdu media. The English press allows Pakistan to pose as a liberal state to those who are overseas.**

When J1 writes for the Urdu press on delicate issues such as the persecution of the Ahmadis he is careful with his wording. He has become accustomed to the practice of self-censorship because he knows what material he may not be permitted to print. J1 said he does not directly refer to the Ahmadi community when writing about them. For example, when writing about the arson attack on the Ahmadi home in Gujranwala in 2014, J1 referred to the Ahmadi victims as the community that was declared non-Muslim. Human rights issues are considered to be a foreign agenda. Journalists risk being labelled "foreign agents" who want to pollute the local environment.

In 2010, when the Ahmadi mosques were attacked in Lahore, J1 was a journalist of a Urdu newspaper. He suggested to the editor that they should not use the term "Qadiani" (a derogatory term for Ahmadis). (J1 and the editor appeared on television in relation to the incidents and later they received threats from viewers. J1 informed the delegation that Al-Islam, the Ahmadi website is blocked in Pakistan.

J1 said that liberal academics, legal professionals and journalists (the intelligentsia) are a miniscule minority of the population. He was not hopeful about the situation in Pakistan changing for the better. He believed Pakistan was in danger of imploding.

### 3.4.7 Meeting with Journalist 2 (J2)

The delegation met J2, an Ahmadi journalist who works for an international news channel in Pakistan. J2 believed the state is an accomplice in human rights violations in Pakistan. **It is a widely held belief that you are doing a national service by stopping Ahmadis from saying their prayers, saying the traditional Muslim greetings and from partaking in anything considered to be Islamic. This is because Pakistanis are told since their childhood that Ahmadis are apostates and should be killed.** The belief is endorsed by Pakistan's constitution and anti-Ahmadi ordinances issued by General Zia-ul-Haq. J2 commented on the silence of the international community over the issue. Pakistan is signatory to several human rights treaties and while the international community may raise the issue of Ahmadis with the Pakistani government there are no tangible results. J2 feels there must be clear objectives about what to achieve. For example, the international community must find out who is inciting violence through pamphlets.

J2 talked to the delegation about the dedicated campaign against the Ahmadis by religious clerics. They are easily able to identify who the Ahmadis are by looking at the electoral list.

J2 reported that there has been a sharp decline in the businesses of Ahmadis. This is in large part due to Khatam-e-Nabuwwat and their threats to businessmen.

J2 did a report on Sheikh Arif Mehmood, an Ahmadi man who was shot on his hip but his laptop in his bag saved his life. The incident occurred in Mardan city in Khyber Pakhtunkhwa. In the same attack his father and his young and brother-in-law died.

J2 went to the scene of the Gujranwala incident and reported that he cannot forget the image of the babies who were victims of that attack. J2 also stated with despair that Ahmadis have no control over their future.

J2 said that when he studied at Nisar Shaheed Degree College in 1998, his Urdu teacher told the students in class that Ahmadis should be killed. The teacher was part of the tableeghi jamaat from Raiwand.

J2 informed the delegation that he received threats to his life after which he moved to the UK for four months. The threats always came via telephone calls from unknown numbers. The sender sometimes referred to himself as Col. Imtiaz and sometime as a Major Amjad. The threats were because of J2's work covering controversial human rights issues in Pakistan not relating to the Ahmadis. But the callers categorically made clear to J2 that his "cover" would be blown. The caller also said he knows where he goes to pray. J2 understood the caller to mean that he would expose his Ahmadi identity. The caller also said nothing else would need to be done on his part as anyone would consider it a noble job to kill him. The caller also asked J2 how he would feel if his father's head was chopped off and sent to him, suggesting that J2's father was at risk of an attack. J2 stated his concerns about his safety and for his family. He said he has a bullet on his mind every time he steps outside his house. For this reason, he has written his will and left it with his wife.

In spite of the dangerous situation, J2 chooses to live in Pakistan because of his love for the country. He reported precautionary steps he takes to mitigate the risks of being an Ahmadi. For example, he varies the routes he takes to travel to work and instead of booking taxis he will take random ones.

### 3.5 Article 20 Freedom of peaceful assembly

#### Everyone has the right to freedom of peaceful assembly and association.

The mission was informed that whilst anti Ahmadi rallies are held several times a year in Rabwah and elsewhere in Pakistan, Ahmadis are forbidden from holding any peaceful gatherings whatsoever in Rabwah. Whereas mullahs shout inflammatory slogans against Ahmadis through loud speakers the Ahmadi community is not allowed to use any public address systems at all. Moreover Ahmadis were even forbidden from holding their annual basketball tournament in 2008 in Rabwah and some of the teams who had attended expecting to participate in the games were obliged to return home. See Annex [ ] which sets a notification from the DSP regarding the cancellation of the basketball tournament.



Congregational prayers have been denied to Ahmadi women for a number of years now particularly since the Lahore attacks. Equally, as explained elsewhere in this report congregational prayers are now carried out under the cloud of threat and fear where the Imam is surrounded by armed body guards during prayer time and the mosque precincts

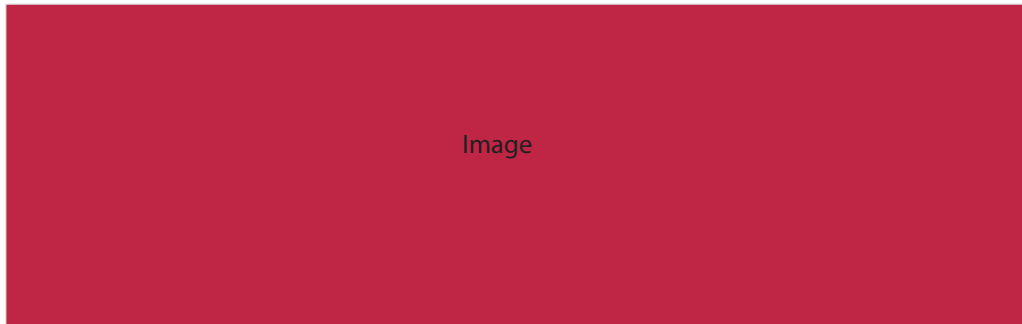
are fortified by high walls and barbed wire.

### 3.6 Article 21 Freedom to elect representatives

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

#### 3.6.1 Separate Electoral list

Several interlocutors informed the delegation that Ahmadis have been discriminated against by being placed upon a separate electoral list where their names and addresses and their religion is made public. In order to be included in the general list of voters Ahmadis would be obliged to denounce their founder and accept being called Non-Muslims. Ahmadis have therefore refused collectively to vote via such a system. The concern of the community is also that individuals are exposed and vulnerable to the opponents of the community who will easily identify and locate Ahmadis through the separate electoral roll. **It is only Ahmadis who are on the separate list whereas all other minorities such as Christians, Hindus and Sikhs are on the general list.** See below.



The Mission had an opportunity to meet with an MNA who was a “friend of the Community”. When the MNA was asked why Ahmadis appear in a separate electoral list he commented that Ahmadis should take part in main stream politics to improve their lot. When it was put to him that it may be imprudent to expose individual Ahmadi voters with their names and addresses in the current climate and a secret ballot where religion is irrelevant to the casting of the vote would enable them to participate more freely he was evasive. When asked why the ability to vote was linked to one’s religion he replied “This country’s situation is very bad. If anyone says it is possible to bring about change then they’re not being realistic. That will not be true. We need a big change. You need a big movement. The change will not come at a political level – it will come through the court.”

When he was asked pointedly what he can do to improve the situation he made no reply other than to remind us what happened to Salman Taseer the Governor of Punjab and Shabas Bhatti the Minister for Minorities and commented that “We have to live”. It was put to him that the country appeared to be being governed by Mullahs rather than elected Members of Parliament and he made no reply. **It was clear that whilst he may have sympathies for the**

plight of the Ahmadis fear of reprisal and the fate of Salman Taseer and Shabas Bhatti who were gunned down for their efforts to change the laws would prevent MNAs from speaking out in public in defence of the Ahmadi community.

### 3.6.3 Representative of Parliamentary Standing Committee on Human Rights

The mission met a senior member of the Parliamentary Standing Committee on Human Rights of Pakistan who presented us with the Progress on Human Rights between 2009 and 2011. He expressed the view that there was a non-tolerant atmosphere in Pakistani society brought about largely by the proliferation of madrassas\*. He believed that the financial and other support by the west during the Afghan war to Islamist militants has contributed to the growth of fundamentalist ideology. Before the Afghan war there were some 100,000 students in madrassas whereas now the number was 1.5 million. He felt that the position of minorities is "not fine" and that "minorities do not have equality". He stated that until 2012 there was no independent Human Rights Commission in Pakistan. He stated that the Parliamentary Standing committee has prepared a cross party multi-dimensional progress report which seeks to address the human rights issues concerning minorities. He believed the Constitution and Laws provided guarantees to all citizens under Article 25 but that the actual situation was not in accordance with the constitution. He felt that the government and judiciary were reluctant to provide support for aggrieved persons. He believed that there was considerable jealousy towards the Ahmadi community who were generally considered to be "rich".

It was put to him that fear of reprisal from the mullahs appeared to deter virtually everyone from taking a stance in support of the Ahmadi community.

**We asked whether he would publically be able to admit to supporting Ahmadis and if he would be able to accept an invitation for lunch in Rabwah at Eid. He made no reply.**

He acknowledged that the Governor of Punjab, Salman Taseer (on 4.1.11) and Minister for Minorities, Shahbaz Bhatti (on 2.3.11) were assassinated and that Sherry Rehman, former Pakistani Ambassador for USA has received death threats and has been accused of committing blasphemy, because of their interest in reforming the blasphemy laws.

It was also put to him that one of the burning issues for Ahmadis besides the changes to the law declaring them to be "non-Muslims" and Ordinance XX, is that they have been placed on a separate electoral list. He believed that of the 342 seats in the assembly 10 seats were reserved for minorities and that Ahmadis should seek representation in main stream politics and that he was not aware of a separate electoral list as there was a resolution for a joint electoral list.

It was put to him that originally all so called "non-Muslim minorities" (Christians, Ahmadis etc.) were placed on a separate voting list but in January 2002 General Musharraf sought to introduce a joint electoral list. However by Chief Executive Order 15 of 27 January 2007 Ahmadis (See Annex [ ]) were singled out to be placed in a separate electoral list whilst all other minorities were returned to a joint electoral list. It was put to him that Ahmadis found it unacceptable that they have been singled out and that religion should define their ability to vote, since it is their right as citizens of Pakistan to vote. Moreover, it was of considerable concern to the Ahmadi community that names and addresses of their electors are available to all, making them even more easily targetable to those who are seeking to harm their community. He was silent on this issue.

It was also put to him that whilst he was concerned with the growth of madrassas as being the biggest menace to Ahmadis and other religious minorities, the fact that in government school text books for children in the 9th class, Ahmadis are openly declared as being "kafirs" (infidels) will have an equally detrimental effect since generations of children are being brought up believing this. He had not seen any such books. When such a text book was presented to him he made no comment but underlined the offending lines stating "This is a problem". The portion of the text-book underlined by the politician is attached as Annex 14.

### 3.6.4 The mission's observations:

Whilst this politician was clearly sympathetic to the situation of Ahmadis in private it was very clear that he could not

make a commitment to defending the human rights of Ahmadis in public.

In examining the report produced by the Parliamentary Standing Committee the absence of any proper investigation into the position of Ahmadis was stark. The report is headed National Assembly of Pakistan entitled "Two Years Progress Report of the Standing Committee on Human Rights - June 2009- June 2011". **This 78 page report was revelatory in its paucity of reference to the Ahmadi community. A total of three lines have been consecrated to the position of Ahmadis referring almost in passing to the massacre of some 86 Ahmadis** at the spontaneous attacks on multiple Ahmadi places of worship in Lahore as:

"The Committee expressed its serious concern over the **attack** on the Ahmadis worship places and firing incident at Jinnah Hospital Lahore" and recommends "better training of Police Department officials to strengthen their skills to counter such cases and to eliminate growing incidents of Human Rights violation".

However among the success stories quoted in the booklet, in relation to the migration of 70 Hindu families from Tharparker in Sindh, the allegation of a forced conversion of a Hindu girl to Islam an enquiry was set up and "The Committee said that the incident of forced marriages may bring a bad name to the Country and suggested to make State the party and lodge an FIR in such cases". The paragraph concludes with the DCO/DPO Tharparker concluding that the couple had in fact consented and "Thus, the Committee helped to circumvent a false story to tarnish the image of Pakistan."

Whilst the Parliamentary Human Rights Committee is able to instigate a semblance of an enquiry into the above, to circumvent giving the country a bad name, the Mission believes in the present climate of absence of political will and fear, it is unimaginable that the State would lodge an FIR or that the Courts would take suo motu action (on its motion) to positively protect the rights of Ahmadis or even merely to prevent harm to them, although clearly such options do exist within the legislative framework.

### 3.7 Article 23 Access to employment and livelihood

The mission had an opportunity to meet with a number of businessmen and workers. They explained they had experienced considerable harassment and death threats on account of their faith. Pamphlets inciting the boycott of Ahmadi businesses and "hitlists" naming individual Ahmadis that have been selected for elimination as being "wajib al qatal" exist. Those who have drawn the adverse attention of hard line clerics become marked individuals and once an allegation of blasphemy is made, in particular, have little hope of escape.

#### 3.7.1 Meetings with Ahmadi businessmen

T

T lives in Karachi and is a committed Ahmadi. T informed the delegation that he joined Pakistan Military Academy in Kakul. He was a cross belt holder, one of the highest appointments a military cadet could get.

In 1974, when Zulfikar Ali Bhutto was the Prime Minister, T was in his final term at the Academy and was forced to resign. He was told that he had no future in the army as an Ahmadi. T reported that eleven of his non-Ahmadi course mates became generals even though some of them did not have the coveted cross belt appointments. It is an unwritten but understood rule in the army that Ahmadis are not to be promoted beyond the rank of Colonel and are not to be given command of army units.

T runs a highly successful business. His business has suffered severely which he attributes to his persecution on the basis of his Ahmadi identity. T reported that his company had forty-three retail outlets in Karachi, Lahore, Gujrat, Gujranwala, Okara and Rawalpindi. Now there are only two left, one in Karachi and the other in Lahore. By 2015, T will be left with just one outlet because the lease for his building will not be renewed. This is because when owners of the retail outlets came to know that T is an Ahmadi they refuse to extend the tenancy agreement. Retail outlets where T had extended rent agreements also had to be closed because of threats by Mullahs and religious extremists. T also reported that on certain occasions there were posters pasted outside the shops warning that anyone who dealt with the outlet would become a kafir. T also said that even though most of the staff at the outlets were non-Ahmadi, they were threatened for working at the shop and had to leave work.



T informed the delegation that several members of his family have been shot and killed because of their religious beliefs because of their religious beliefs. His brother-in-law, uncle and daughter's father-in-law were killed in the attacks on the spontaneous attacks on multiple Ahmadi places of worship in Lahore.

T stated that the situation for Ahmadis is worsening in Pakistan and he is forced to keep his beliefs low profile. His staff is also scared even though they are non-Ahmadis. T reported that he has received a total of six telephone calls in the last three years from unknown persons threatening to kill him because of his religious beliefs and demanding money. Once T was told that his son would be killed.

The threats are always on his mind. T told the delegation he lives under fear of an attack because of his religious beliefs twenty-four hours a day and seven days a week. He always has to watch his back. When driving his car, T said he is always looking out for men on motorbikes who may be out to kill him.

T told the delegation that he and members of his community generally try not to stay out too late out of concerns for their own security. If family members are not home by seven-thirty or eight at night then there is general concern about the safety of the loved one. He frequently changes his travel routes, mode of transportation, attire and has guards following him in another car or sometimes with him in the same vehicle. He said that going out of the home and going to work is like moving into a prison. At home he changed his bedroom from ground floor to the first floor so he can see the main entrance to his home and remain vigilant.

T said Ahmadis like him take precautions and necessary steps to ensure their safety. For example, before leaving the house, T sends scouts of his armed employees on motorbikes to ensure no one is waiting to attack him. T applied for a licence for armed protection from the Ministry of Interior but his request was denied. Eventually he had to bribe the authorities for the licence.

T pointed out that he is wealthy and his safety measures are not available to ordinary Ahmadis in Pakistan. The level of fear varies from person to person but any Ahmadi could become a target.

At the time of writing, T shared with the delegation a threatening letter he received from khatam-e-nabuwwat threatening to harm him and his children if he does not leave his religion and accept their interpretation of Islam. This letter is set out at Annex [ ].

Q

Q owned a mobile phone shop in Kot Abdul Malik. There are around 70 other Ahmadis in the area. He related how numerous posters and stickers have appeared in various public places in his home town on buses, post boxes, shoe shops and even banks denouncing Ahmadis. He had seen such a poster put up in the shop opposite his and he had taken it down. When Khatme Nabuwat who had placed it there demanded who had removed it a charge was brought against him under Article 298C and the situation was contained finally with Q giving an undertaking to the Police that he would not say "Asalamu alai kum" (Muslim greeting) and do other things Muslims do. **The Police refused to give him a copy stating that Q might try to go abroad and claim asylum.** The case against him was suspended however as a result of a boycott of his shop instigated by mullahs his sales have gone down to 1/3 of its previous figure. The posters declaring fatwas against Ahmadis brazenly carry phone numbers of the Mullahs. He related how the posters declare Ahmadis and those who consider them to be Muslims to be **wajib al qatal (deserving to be killed) and that they are agent of the British.** Q also related that when an Ahmadi Khalil Ahmad who was falsely accused under PPC 295A was shot whilst in police custody about six months ago (16 May 2014) by an 18 year old student of a madrassa in District Sheikhpura local mullahs declared that **he who killed him has earned a great reward.** Q provided the mission with examples of anti Ahmadi posters. These are set out in Annex [ 10 ].

U

U belonged to the trade of gold merchants and clothes shop in Faisalabad in a family business. He related that he had set off from work in the night of 1 April 2010 and that his father, uncle and cousin left their place of business about half an hour later travelling in one car and had been attacked by gunmen who had ambushed them in a car. His father had been a peace loving man and there was no other motivation for the killing than their Ahmadi faith. The three members of his family died from their gunshot wounds on the way to hospital. Six months previously another Ahmadi had been kidnapped, interrogated and released on the payment of a ransom. They had had information a couple of months prior to the incident that certain unknown individuals had made enquiries about the family. Since

the incident U now has 2 armed guards at his residence and 4 at his shop. He changes his routines and takes additional precautions.

R

R recounted how pamphlets are being distributed in Faisalabad setting out lists of businesses that mullahs are encouraging people to boycott on account of their Ahmadi faith. One such leaflet is set out at Annex [ ]. His business had also appeared on such a "hitlist". As a businessman he cannot even so much as give credit to a customer since if a customer decides not to repay they would simply turn to mullahs. He related how in front of the judge prosecution lawyers threatened to kill an Ahmadi. He believed that whilst well to do and prominent Ahmadis may attract adverse attention of mullahs those who are less well to do are equally at risk from mullahs on account of their faith but unfortunately do not have the means to protect themselves with armed guards etc. **He believes that whilst there is much anti Ahmadi propaganda Ahmadis are unable to defend themselves by countering or educating people against these as the Ahmadis would then be accused of propagating their faith and charged under the Penal Code.**

S

S and his family ran businesses in Electrical goods and sports goods in Mardan. His father and his six uncles had started the family business. In June 2008 one of his uncles was kidnapped and released on payment of a 2 million rupees but was told that he must pay extortion money monthly or leave Mardan. When his uncle refused to pay his shop was bombed. His uncle built a new shop and worked hard to make it successful. On 10 March 2010 the day before the wedding of R and of his brother R's shop was also blown up. On 3 September 2010 the Ahmadi mosque in Mardan was attacked by a suicide bomber and R and his cousin were both injured. Two months later on 23 December 2010 one of his uncles and a cousin were shot and killed in front of their own home by gunmen on a motorbike. R's father, his uncle and cousin had been driving home from their shop. His father was injured also but survived the attack but died in February 2013 from a resultant heart problem. Other relatives have also been killed on account of their faith over the years. **S has now sought some sanctuary elsewhere but feels no safer. He has been threatened even since he left Mardan whereby mullahs demand that he embraces Islam by publically renouncing Ahmadiyyat and demand extortion money as an alternative.**

### 3.7.2 Problems in employment

The delegation met a group of ladies and teachers who also raised issues in relation to problems of discrimination in the work place and in relation to promotions. See sections below relating to Teachers and Women. One of the ladies, SI, was a Colonel in the army and served as a medical doctor.

SI

SI explained that there is an unwritten rule in the army that an Ahmadi will not be promoted beyond a brigadier. She confirmed that since 1986, no Ahmadi has ever been promoted beyond the rank of brigadier.

SI attended the Army Medical College in Rawalpindi as a medical cadet. During her first week in college, SI was summoned by the principal, MG, to his office. **MG warned her that she would suffer all her life because she is a "Qadiani" and suggested she should declare herself as a Muslim.** SI explained to the delegation that Ahmadis do not like to be called "Qadianis" or "Mirzais" as these are derogatory terms. SI explained she cannot deny her faith and his response was that "It can be in your head". MG called SI's father and explained his point of view. Her father responded by telling the principal that he could rusticate her if he was not happy with his daughter's faith.

SI said that throughout her army career she had to work forty to fifty times harder than all her colleagues. She was frequently discriminated against because of her religion. For example, SI was not sent with her colleagues as part of the Haj mission to Saudi Arabia because of her faith. Once, SI expected to be sent to the US for a course but instead her juniors were sent. SI was not selected despite the fact she had the necessary merits. When SI was to be promoted in the army she was called by an officer and questioned about her religious beliefs.

SI said that when her brother lived in Rawalpindi callers identifying themselves as the Taliban threatened to kidnap and kill him unless they were given a huge sum of money. SI and her family negotiated the amount demanded over a period of six months. During that period, firecrackers were thrown at her brother's clinic and his property was damaged. SI was concerned about their safety and in spite of repeated calls to law enforcement agencies her brother was not provided with any security. **Eventually, the family paid the potential kidnapper's a lot of money and SI's brother fled Pakistan. A year later, SI's father received similar calls.**

NN

NN is a female lawyer practising environmental law in Lahore. Four or five years ago she was teaching law at Lahore University of Management and Sciences (LUMS). One day she was headhunted by Punjab University in Lahore to teach there. NN had explained she was already busy with her work but the University representatives aggressively pursued her. She decided to visit the campus and meet the principal. **She was asked to complete a form and one of the questions in the form was about her religion. NN wrote down that she is an Ahmadi. After that day she never heard back from them and she believes the only reason they changed her mind was because of her religion.**

### 3.7.4 Recent Incidents

#### 3.7.5 Local businessman in Peshawar forced to close down his business on 29.2.14

An Ahmadi businessman from Peshawar was accosted by a mob of some 150 accompanied by maulvis who tried to challenge his faith in an extremely derogatory manner with abuse and demanded that he renounce his Ahmadi faith. They then sought to assault him but he escaped. However, the maulvis intimidated others in the area demanding a pledge that they would not greet, trade or share a meal with the victim. The workshop remains closed for now.

#### 3.7.6 Two Ahmadi Muslim Teachers sacked in Attock

A campaign was started against a non Ahmadi Professor of Islam on the mistaken belief that he was Ahmadi. On 25 November 2014 a demonstration of some 60 people shouting anti Ahmadi slogans marched six kilometres. As a result of this incident two Ahmadi teachers were sacked.

## 3.8 Article 26 Access to Education

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

The mission had an opportunity to meet with a number of students from primary school pupils to university students. We also spoke with a group of teachers who explained their experiences.

It became clear to the delegation that Ahmadi students face harassment throughout their educational careers and sometimes the severity and systematic nature of the same leads to them abandoning their education or in the least suffering irreparable disruption in their studies.

It is noteworthy that the mission was also shown a text book that is used in Islamiyyat at class 9 level (ages ... to ...) This book is endorsed by the Ministry of Education and refers to Ahmadis as "....." The implications are dealt with at .... of this report. [AWAITING SCAN OF BOOK]

### 3.8.1 Meeting with Students

On 12 December, the delegation met a number of school pupils and students.

TK (College student)

TK informed the delegation that she had to appear for her matriculation exam privately as she was expelled from three different schools in her locality because of her religious beliefs.

TK stated she used to study at Jinnah Ideal School in Dara Wali, Hafizabad. She said that prior to her promotion to class 9 she was expelled from school. The headmaster told her that the school authorities were helpless and had to expel her because someone complained about TK's religious identity. TK experienced some instances of hostility at Jinnah Ideal School before she was expelled. For example, she said her teachers openly said in class that Ahmadis are not Muslims, that they do not recite the kalma and it is forbidden in Islam to eat food with them. In her Islamic Studies class, TK explained that when the teacher referred to the Prophet Muhammad she made it a point to say that Ahmadis do not have the same beliefs.

TK was then admitted to Chenab Public School in Hafizabad. There other students refused to sit next to her because she was an Ahmadi. Once again, she was made to leave the school because of her religious beliefs. Next, she was admitted to Sublime Public School in Hafizabad and was once again expelled for the same reason. .

TK also related that she was once called upon to a school in her village to teach young children. When she arrived

at the school however the authorities told TK that the children did not want an Ahmadi to teach them. She was then asked to go home. TK had to appear for her matriculation exam privately because she was unable to secure admission in any school.

#### MJ (7 years old)

MJ also told the delegation that she was expelled from Jinnah Ideal School because of her religious beliefs. She was then admitted to Allied School in Hafizabad. MJ does not attend school on a regular basis because students can cause problems for her when they complain about her religious beliefs to the teacher. To compensate for her irregular presence at school, MJ now studies with a private tutor. **However, she is obliged to attend the private classes late at night because her teacher is concerned that neighbours may discover that MJ is an Ahmadi and cause trouble.**

#### JM

JM is studying in her 3rd year at Sargodha University. JM has to travel 45 km from her hometown to get to class. She has not been given accommodation on campus. JM is of the view that she has been denied accommodation because of her religious beliefs. This is because there are students who live much closer to the university in towns such as Khushab and are given accommodation on campus. JMs noted there was a time when Ahmadi students were able to live in student housing on campus as her older sister had done some years previously. JM told the delegation that when her sister was at Sargodha University however, a group of female students got together and kicked her and the other Ahmadi students out. Since Ahmadi students such as JM are not given the opportunity to live on campus, they have arranged for a van to transport them to and from the University. JM said that in 2012, when the van was on its way to the university and passing through the town of Laian, some people threw stones at it.

**JM also stated that khatam-e-nabuwat have a student society on campus. They organize student gatherings and are responsible for putting up anti-Ahmadi posters on campus. JMs said she has seen pamphlets saying that Ahmadis should be killed ("wajib al qatal").** She also reported that anti-Ahmadi banners have been put up by students on campus at the behest of teachers in the Islamic and Urdu studies department. JM said that two months earlier there was graffiti on campus saying the Ahmadis are wajib-ul-qatal. She expressed her view that since the population of Ahmadi students is increasing on campus there is greater hostility towards them.

During her first two years at the university, JM said she used to have afternoon classes. That meant both her afternoon prayers had to be offered when she was on campus. **JM and other Ahmadi students attempted to offer their prayers together but were prevented from doing so by the other students. They said the Ahmadis could not pray on campus and then proceeded to lift their prayer mats.**

JM said that once her Islamic Studies teacher abused the founder of the Ahmadi religion. On another occasion JM was made to leave the lecture hall by the class representative.

#### SAF (11 years old)

SAF reported that in 2013, a teacher at her school, Government Primary School in Khushab, who is also a Muslim cleric, brought a picture of Mirza Ghulam Ahmad and asked students to trample over it. SAF went home and told her mother who cried.

#### BA (13 years old)

BA, was also expelled from the following four schools because of his religious beliefs: Jinnah Ideal, Chenab, Sublime and Alpine School.

For the past year, BA has been studying by himself at home. At times his sister is available to assist him. BA said that when he was in school the other children did not play with him because of his religion. Instead, they hurled abuse at him and asked him why he was an Ahmadi. They told him they did not want to speak to him and he should run away. BA resorted to playing by himself in school.

### NA (16 years old)

In 2010, when he was in Class 6, NA was told by other students that he was a “Mirzai” and should go sit by himself on the side. NA was also asked what “the guy in London” (implying the Caliph) does for him and was encouraged to leave his religion. The students told NA that if he joined their religion then he would be rewarded with money and cars.

After this incident, NA’s father spoke to the principal who assured them that it would not happen again. But soon after, one of the teachers at school sent a couple of boys to beat NA. When NA confronted the teacher he denied any involvement. The teacher also kicked NA out of class and said he would not be let back in. One day NA met the teacher at a local market. The teacher asked NA to come to class. When NA returned to class the teacher beat him up again. After that incident NA moved to Ahmed Nagar and was admitted to al-Ahmad Academy in Rabwah. The school is run by Ahmadi and therefore NA does not face any problems there.

### EA (19 years old)

EA reported that four years ago, he was in Class 9 at the Government High School in Chakwal. A total of eight Ahmadi students studied there and eventually they were all expelled.

EA said boys at his school picked on him. They called him a Qadiani and a non-Muslim and said no one should speak to him. When EA spoke to the teachers about it they said not to worry and to concentrate on his studies instead. Later, some teachers at school also started referring to EA and other Ahmadi students as Mirzais. When an important subject such as science or mathematics was being taught, Ahmadi students were often made to leave the classroom. Sometimes they were allowed to remain in class but had to sit at the back.

The day the Ahmadi students were made to leave the school a crowd of about twenty to twenty-five people gathered at the school. The crowd pelted stones at the Ahmadi students. EA reported “the whole day was dedicated to persecuting us. It was like a day of celebration.” Since EA’s home is in the same village as the school their hoem was also pelted with stones.

EA then did his matriculation exams privately. His younger brother does not want to go to school after what happened with EA. EA believes his brother has become mentally disturbed as a result of the problems he has faced at school. EA has little hope for the future and has had difficulty being accepted by any colleges. He therefore helps at his family’s wood and metal workshop.

EA expressed the view that teachers should know better than to discriminate against their own pupils. He said, “Ahmadis want to be treated just like other Muslims. Unless teachers treat Ahmadi students equally, everyone else will continue to be the same. There should be a ban in the classroom about talking about religion.”

## 3.8.2 Meeting with teachers

On 12 December 2014, the delegation met a group of Ahmadi teachers in Rabwah. The reader is referred also to the incident relating to the murder of Master Qudoos under Access to Justice in relation to police brutality. There now follows the account given to us by some of the teachers the delegation interviewed.

MT

MT told the delegation about an attempt in 2009 to kill him. At the time he was a resident of Chakwal in Punjab where he had lived for ten years. He worked at a government college as an assistant professor of Economics.

On 31 May 2008, MT received a telephone call from a man who asked if he was Professor MT. When MT confirmed he was the professor the caller threatened to kill him and his wife. The caller said he was from Parachinar and had been given the instructions. MT said he traced the number and it came from Raiwind.

On 21 May 2009, two men came to MT’s residence and said they were going to rent a room next to his residence. MT said he recognized them to be members of the militant group, Sipah-e-Sihaba because both wore a black turban,





typically worn by men belonging to the group. One man said he was from Jehlum and the other said he was from Peshawar. They continued to ask MT questions about his background to which he responded that he belonged to the jamaat.

Then one man took out his gun and pressed it against MT's head. MT flung the gun aside with his hand. Then one of the men took out a knife and stabbed MT in the chest and the back. He also slashed the knife against MT's neck. The two men then ran away from MT's home.

As soon as the men left MT's residence, he went in search of someone willing to take him to the hospital. One man stopped his car to help but he was told by a bystander on the road that MT is a Qadiani so he refused to help and sped away in his car. MT was then able to seek assistance from a man on a scooter. MT arrived at GHQ hospital in Rawalpindi around 11:45pm that night.

MT filed an FIR following the incident and two men were arrested for the attack. One gave an interview saying the purpose of the attack was to kill the professor. In his statement to the police, the man said he had been after the professor since he discovered three years earlier that he is an Ahmadi. The man also said that he was given instructions to kill the professor by the religious organization he belongs to. Both the accused men spent six months in jail but the legal proceedings against them were dropped. MT said this was a result of pressure on the police from Sipah-e-Sihaba.

Following this incident, MT moved to Rabwah. He said he does not feel safe in Rabwah either. MT said recently a man unknown to him came to his home in Rabwah. MT asked the man what he wanted but he did not give a specific response. He just said he was from Jhang and was trying to call someone but was unable to connect on his phone. MT was suspicious of the man and so he closed his door but noticed the man stayed there for a while longer before he left.

ST

The delegation met ST who currently lives in in Sargodha. ST is forty-three years old and was married six years ago to a non Ahmadi. ST said her in-laws strongly oppose her religious beliefs. She also has a difficult time at the elementary school where she teaches. At school there is a janitor who filed an application against ST accusing her of proselytizing. Representatives of khatam-e-nabuwwat went door to door in the village warning parents of the consequences if they sent their children to the school. Parents were forced to boycott the school and for their own security and the school had to shut down.

An application was given to the authorities to close down the school. The DPO and police came to the school and questioned the school about ST. The school authorities said ST had not proselytized. They also gathered a petition vouching for ST. The DPO and police said that even if ST had not done anything wrong she was still an Ahmadi. A local cleric, Maulvi Tufani, also stated that the community did not want their children taught by ST. As a result, ST was transferred to another school. She still has to walk to school via the area where her old school is and is thus scared of being attacked. Recently, two men in the new area shouted "Qadiani murdabad," at her.

QS

The delegation met QS who currently runs a private school in Dunya Pur.

QS was living in Libya till 2006 when she decided to move back to Pakistan to serve the country by opening a school. She spent fifty million rupees on building the school for two hundred and fifty students. It took about three years to complete building the school. QS said she started advertising her school in February 2011. At the same time a big campaign was started against her school. Leaflets about the school were torn and the media were asked not to place any advertisements about the school in their newspapers. Pamphlets were printed against QS and the school.

On 2 March 2011, a meeting about QS's school was organized by the district authorities. QS was informed about the meeting fifteen minutes before it was due to start. The TMO, DCO and DPO were amongst the authorities that were present at the meeting. When QS arrived for the meeting there was a mob outside the venue. People at the meeting said the school should close down and that QS and her husband were wajib ul qatal. QS told the people that most of them had been her mother's students. At the end of the meeting, the authorities decided that it was their unanimous decision that the school had to close down for the sake of peace and order of the city. QS's husband told the authori-

ties that the school was not going to be shut down because their religion had nothing to do with the way the school was run.

The authorities then created a committee formed of religious leaders in Dunyapur. The committee included men like Maulana Rizwan and Qari Muhammed. The committee obtained support for closing down the school from different sections of society.

On the 18 March 2011, QS was given the decision from the committee. She and her husband decided not to obey their decision. On 6 April 2014, representatives of the EDO came to QS's school and obtained copies of files. In June 2011, banners in Dunyapur called for a boycott of the school. Then QS met the DPO, Agha Yusuf, and explained to him that she was bringing money from abroad to invest in Pakistan. She explained her wishes to share her hard earned money with the community by building a modern school to give quality education to the children. Mr. Yusuf advised QS to take the issue to the High Court. A case was filed in Multan's High Court by QS's lawyer, Rashid Rehman. QS was concerned about Mr. Rehman's security because of his work on her case. Mr. Rehman told her that since everyone has to die at some point they should at least try to do their best to get justice even if the work is risky. While QS's case was still pending, Mr. Rehman was shot and killed by members of a religious organization in Multan because he represented a university lecturer accused of blasphemy.

BN

BN worked at a school in Sialkot. The school authorities terminated her contract before the academic year finished and filed an FIR against her under Section 295-A. Following this incident, BN resettled in Rabwah.

MS

The delegation met MS who worked as a teacher in Hafizabad. Everyone at the school knew MS was an Ahmadi and he was not permitted to drink from the same water fountain as the others. One day the teachers at school got together and said MS should not be allowed to work there because of his religious beliefs. They chanted slogans against him. The principal advised MS to leave for his own security and that was what he did.

The next day MS returned to school and was told that he could not teach Islamic Studies or Urdu. Instead, he could teach science and mathematics. MS told the school authorities that he could not teach science and mathematics because they were not his subjects. MS was forced to leave the school and is still officially on leave.

The delegation met another government teacher from Chak Chatta, Hamir Pura. He said that the villagers wanted him to leave because of his religion. The children had called him a Qadiani.

His son studied at the same school where he taught. When there was a school function the other children said they would boycott it if the father attended it. So he did not attend the school function to avoid embarrassing his son. His son asked him why he was not present at the function and he did not know how to explain the situation to his son. He was also told at the school that he should "come to the straight path" or he will be killed.

# 4 Specific issues

## Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

### 4.1 Religiosity and social boycott

The delegation was made aware that many aspects of life in Pakistan is diffused with religiosity. It transcends one's social or economic standing, education or achievements. In the case of Ahmadis their faith overshadows all other aspects of the individual and otherwise the most acclaimed individual will become a persona non grata due to his Ahmadi faith.

Thus one's religion has become an important element in job applications, promotions, entry for school public examinations and one's ability to vote. Since Ahmadis appear on a separate electoral roll, access to services and virtually all aspects of life are either denied or severely curtailed

In applications for Pakistani passports and for ID cards Ahmadis are obliged to denounce the founder of their own faith as an "impostor" if they wish to be represented as Muslims. Alternatively they will only be able to retain the appellation of "Ahmadi".

The Mission was shown a copy of a passport application form, with a section showing 'Religion–Ahmadiyya' and the 'Declaration in case of Muslim':

"I consider Mirza Ghulam Ahmed Qadiani [founder of the Ahmadiyya faith] to be an imposter nabi and also consider his followers whether belonging to the Lahori or Qadiani group to be non-Muslims".

The reader is referred to the Appendix [ ] at the end of this report.

It is the view of the mission that a mindset that requires such a precondition is one that will be very difficult to alter. It is also evidence of state endorsement of anti-Ahmadi ideology.

The many accounts the mission heard related how individuals were refused to be served in shops, were denied jobs and promotions and were expelled from schools and universities for no other reason than their Ahmadi belief. These accounts appear throughout this report but were also provided to us by some of the Ahmadi women we spoke with.

#### 4.1.1 Post Mission: Recent incident

At the time of writing the mission has learned about Khatme Nabuwat holding anti-Ahmadi conferences in colleges in Lahore.

On 11 December 2014 in a private college in Shadman (Nobel College) two Dawat e Islami clerics held a three day Khatam e Nabuwat Programme in collaboration with the college administration. The college administration, teachers and students participated.

They had brought with them a set of Ahmadi Literature and a projector. During the lecture they showed a picture of the Founder of the Ahmadi faith and used highly abusive language and encouraged the students to do the same

which they did. They incited the students to take action against the Ahmadis.

## 4.2 State complicity or acquiescence?

In Pakistan the law itself clearly discriminates against Ahmadis. The constitutional amendments introduced in 1974 declaring them to be Non-Muslims and the subsequent amendments to the Pakistan Penal Code criminalising the Islamic nature of the Ahmadi faith and the Chief Executive Order 15 placing Ahmadis in a separate electoral roll, the prerequisite of denouncing the faith to obtain basic official papers such as passports and ID cards, all demonstrate that the State itself interferes in religious matters and makes provision for the differential and adverse treatment of Ahmadis. The lack of political will to safe guard and protect the rights of Ahmadis became apparent throughout the work of the mission. The inaction of law enforcement agencies in the face of violence against the Ahmadis, the reluctance of politicians to be seen publically supporting Ahmadis and the failures of state generally to take positive or vigorous action to take punitive action against perpetrators of violence and incitements to hatred and murder, all combine to permit a charter for the persecution of Ahmadis and this, with near impunity.

Ahmadis believe the penetration of fundamentalist ideology within the State machinery is evidenced also by the presence of billboards of Khatme Nabuwat conferences bearing the Punjab Province emblem and the failure of local authorities to forbid the circulation of hate material declaring Ahmadis to be worthy of being killed note the mission did not have an opportunity to see all of these for themselves in the streets due to security and time constraints but were shown at least two of the banners which are set out at Appendix [ ]. The fact that the former federal Minister for Religious Affairs Dr Amir Liaquat Hussain openly promotes the murder of Ahmadis on national Television and is neither censored nor reprimanded is telling of state infiltration of fundamentalism. The mission notes that following the recent incident on Geo TV (see below) Amir Liaquat Hussain has denied he encouraged his guests to declare Ahmadis as being "liable to be killed" and states that it is an inevitable hazard of live TV. Nevertheless, he has now been seen nodding and clapping in agreement with the hard line clerics who incite violence against Ahmadis on more than one occasion and given his national popularity, public profile and position as a former federal minister the questions that arise are of accountability and responsibility.

The mission asks itself the following questions:

Is the state merely acquiescing in the persecution of Ahmadis as a willing bystander or is it complicit?

Alternatively, does the recent incident in Peshawar where many young military school children were attacked show that the State is powerless in the face of the threat from the radicalisation of Pakistani society?

Are judges, the police and politicians all intimidated and bowing to the pressure of hard line clerics?

What recourse then does this leave for this beleaguered community?

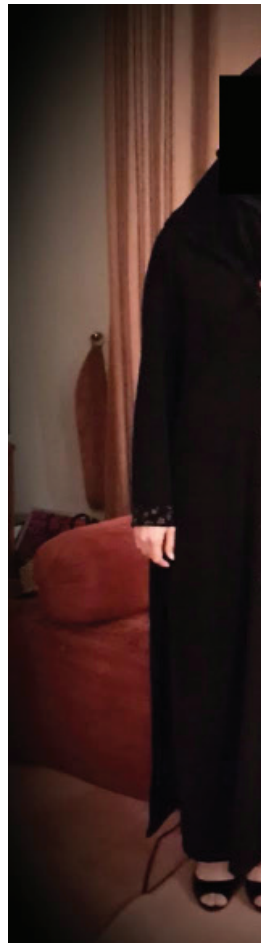
Following the Gujranwala attack of July 2014 one journalist (Daily Times 29 July 2014) asks the following questions:

"Despite the regular murder of Ahmedis in Pakistan, the government and law enforcement agencies have done absolutely nothing to curb the rising hate. Their hands are stained with blood just as much as the actual criminals themselves. Why has the blasphemy law not been amended to safeguard the minorities against abuse? Why are we so desensitised to the barbarity we have subjected them to? Will these latest murders do anything to change our indifference to the issue?"

<http://www.dailytimes.com.pk/editorial/29-Jul-2014/ahmedis-burned-to-death>

## 4.3 Women

### 4.3.1 Meeting with Ahmadi women



The delegation had the opportunity to meet a group of Ahmadi women in a room adjacent to the main mosque at Darul Zikr on 9 December 2014 as well as elsewhere during our mission.

The women expressed fears for the safety of their children and families. They clearly experience the same issues as the men in terms of social harassment and targeting in education and employment and the issues which apply to men are universal and omnified. However, gender specific issues arise due to the fact that they are female in a highly Islamised society and in traditional Ahmadi attire they have an additional handicap in that their clothes make them very obviously Ahmadi.

Ahmadi ladies generally wear a jacket which resembles a long coat and which descends to their ankles unlike their Sunni counterparts and many wear the veil in a different fashion covering the hair and mouth but leaving the nose uncovered with an easy to wear tubular one piece head covering. This means that out on the streets they become quite easily identifiable as being Ahmadi. The delegation understood that the way the head scarf is stitched and worn by many Ahmadi women can be distinctive from which a stranger could guess the Ahmadi faith of the woman. This clearly makes them soft targets.

Moreover, Ahmadi women have now been denied the opportunity to engage in congregational prayers in view of the security situation.

Whilst in Islam it is not compulsory for women to attend the mosque Ahmadi women have always encouraged their womenfolk to attend the mosque unlike men who are expected to attend. Ahmadi women however have attended mosques habitually in the past and enjoyed this as an opportunity to pray in communion with others. Muslims believe that the strength of prayer is profound and heightened if carried out in congregation with others and thus Ahmadi women had enjoyed this freedom. However due to the security threat Ahmadi women have been advised not to attend mosque even for Friday or Eid prayers which they find particularly distressing.

The problem is further exacerbated by the fact that since the vast majority of marriages in the Ahmadi community take place at a mosque, the Nikah or Islamic marriage ceremony cannot now even be attended by the Bride let alone the Bride's mother, sisters or aunts and other female relatives or friends. The opportunity to celebrate a marriage or to have any noticeable gatherings whatsoever, even at home, due to fears relating to security mean that Ahmadi women feel stifled and distressed.

The mission observed that whilst Ahmadi women suffer the same levels of harassment and persecution as the men, they are in some senses further disadvantaged as they draw adverse attention more easily and have been denied the right to engage in prayer in communion with others which is considered by Muslims to be a very important aspect of their religious lore. The women were mostly fearful for their children and husbands. They expressed deep concern about the harassment their children were facing on a day to day basis.

Regrettably the time available and the social stigma that would be attached to the same in an Islamic country prevented the delegation from enquiring into the possible incidence of any forced marriage or sexual violence perpetrated against Ahmadi women. This is a gender specific issue which would require much more time to build trust and privacy to investigate meaningfully.

Ahmadi women encourage girls to be educated and follow higher studies and some of the ladies we met were therefore highly qualified individuals. The delegation noted that women faced the same issues in relation to discrimination in the work place as the men. They also expressed difficulties in accessing goods and services because of their faith on account of their faith.

ST, one of the teachers the delegation met (see above), stated that within the last two years, she has had three miscarriages. The doctor informed her it is due to stress.

S

S told the delegation that after the spontaneous attacks on multiple Ahmadi places of worship in Lahore on 28 May 2010, people in her neighbourhood realized she is Ahmadi. This is because there were many members of the Ahmadi community coming in and out of her home to mourn the community's loss. **When S's neighbours came to know that**





she is Ahmadi she faced discrimination in different ways. For example, shop keepers stopped selling her goods and people would curse her family. S's son was blatantly asked by one neighbour, "How many of yours have been killed?"

S's son is in class 12 but has been facing difficulties due to his faith since he was in class 8 when everyone realized he is Ahmadi.

S reported that one of her son's teachers said that it is a good deed to beat Ahmadi. The teacher lectured the children for one hour, saying that the founder of the Ahmadi community is no good. One day when S's son went to school to appear for his class nine examinations, a boy went up to him with a pistol and said it is sewab to kill him because he was Ahmadi. S's son's friends came to protect him from the armed boy and he ran home.

When S's son had to appear for his exams he was very scared so his father accompanied him to the examination centre. His father sat there till the exam was over. S reported that her son went on to college and was lucky that no one there discovered that he is an Ahmadi.

FL

FL said that in 2008, two of her sons were admitted to Medical College in Faisalabad. Part of the admission process required them to fill out a form declaring their faith so students came to know that they were Ahmadi.

One day in college some students posted irreverent pictures of the founder of the faith. FL's sons complained to the authorities on campus. In response to the complaint, a number of students at the college gathered together and accused the Ahmadi students of blaspheming. The Ahmadi students were made to sit and answer questions about religion for two hours while students at the college watched this happen. FL stated that as soon as she heard about the incident she called 15, the number for the emergency police. The police went to the campus and reported back that nothing out of the ordinary was happening on the college campus. The next day the complete list of all the Ahmadi students was published in a local Urdu newspaper and the students were rusticated.

FL reported that her sons have developed psychological problems as a result of the incident. She said when they stop at a traffic light they get scared of men with beards in surrounding vehicles.

KA

KA told the delegation that she has a masters in child development and psychology. She has been working on the administrative side of the educational sector for the last thirty years. She has served as the Vice Principal at a local College .

KA opened a school with two other women. All three were co-directors of the school. On the first day of school one of the co-directors said KA could not pray in the school premises. KA also wanted to put up a picture of Professor Abdus Salam (Nobel Prize laureate who is an Ahmadi ) on a board but the same co-director said that she could not put it up. KA said that her colleague made her feel like an invisible partner in the business. KA ended up leaving the school.

AB

AB said that in the area where she lives everyone knows she and her family are Ahmadi. They came to know after the mosque attacks on 28th May 2010. This was because they had a lot of visitors in the days after the attacks. AB said her next door neighbour told others in the neighbourhood that no one should talk to her family. One neighbour approached the Principal of the school where AB's children studied. Her children were in class 7 and class 4. The neighbour told the Principal that they should not be allowed to study there. The Principal then said her children could not study at the school any longer because he did not want to spoil the environment of the school. AB then had her children admitted to another school that was some distance from where they lived. The same neighbour's children would harass her children on their way to school. Her children were shouted at because of their religious beliefs. AB said her children were disheartened so she then admitted them in a third school. So far AB's children have not had any problems at the third school.

AB reported that once she went to a shop in the Anarkali area of Lahore to get a sweater. A passerby recognized that she was Ahmadi because of her veil.

AC

AC stated she and her husband went into an electronics shop on Ghalib Road in Lahore. **The shopkeeper asked if they were Ahmadi and when they confirmed their religious identity the couple was kicked out of the shop.**

AD

AD said she went to buy shoes for her eight year old daughter for Eid. The shopkeeper refused to sell her the shoes because she was Ahmadi. Her daughter started crying and asked her mother "Why are we Mirzai?"

AE

AE reported that when she was studying at King Edward Medical College in Lahore another student found out that she was an Ahmadi. She was in a class of three hundred students and no one spoke to her once news about her religious identity spread across the campus. She always ate alone and had no friends.

AF

AF reported that she married a non-Ahmadi. The woman's husband was repeatedly told by his mother to leave his wife. She promised to marry him off to anyone else he wishes if he would leave his Ahmadi wife.

Some women reported that when they go out shopping people will openly refer to them as infidels. Some women also said their head scarfs are pulled at. Another woman said men have spat on the ground she has to walk over.

The women also explained that it is customary for food to be sent to neighbours on religious occasions such as Eid. Some of the women reported that when they have sent food to neighbours it has been thrown away. One woman also reported that the trash collector in her street was paid by the neighbours to collect all the garbage and place it in front of her door step.

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One of the female teachers the mission met whilst making enquiries in Rabwah also recounted how she was harassed at work and on the streets: She worked at a government school. She explained that her colleagues turned others against her. They called the police to school who told her that no matter what she does, they will not leave her alone. In May 2014, a number of people on bikes circled around her and said she was a Qadiani teacher. She was extremely frightened and ran away as fast as she could. A few days later she was on her way home with her brother and when they were about twenty five kilometres from Faisalabad some boys came and pointed a pistol at her. **They asked if she was Ahmadi and she replied "Yes". They started to take off her veil. When her brother tried to stop them, they slapped him and stole his mobile. As they left, they said they would not leave her alone. She receives threats over the phone to this day.**

#### 4.3.2 Congregational prayers

The women stated that the regional office for women was open twice a week.

Women reported that they would very much like to pray at the mosque. However, they had to stop going when the community made a collective decision for them to pray at home instead. The decision was made because women and children's safety is a priority for the Ahmadi community and they did not want to put them at risk given the security situation

One woman said she has four sons and every day when they go to pray at the Ahmadi mosque she gets scared of what may happen to them. She tries to keep one at home each time for fear of losing them all.

#### 4.4 Growth of Madrassas

The New York Times in an article "Pakistan's Islamic Schools Fill Void, but Fuel Militancy" dated 3 May 2009 by Sabrina Tavernise reports on the growth of the Madrassas. Whilst in 2009 a conservative estimate of the number of Madrassas was 12,000 the reader will note from section ..... that it is now estimated to be .....million across the land.

The journalist records in 2009, "But if the state has forgotten the children here, the mullahs have not. With public education in a shambles, Pakistan's poorest families have turned to madrasas, or Islamic schools, that feed and house the children while pushing a more militant brand of Islam than was traditional here... In an analysis of the profiles of suicide bombers who have struck in Punjab, the Punjab police said more than two-thirds had attended madrasas... Though madrasas make up only about 7 percent of primary schools in Pakistan, their influence is amplified by the inadequacy of public education and the innate religiosity of the countryside, where two-thirds of people live."

"In Punjab, the country's most populous province, the despair and neglect have opened a space that religious schools have filled.

"Madrasas have been mushrooming," said Zobaida Jalal, a Member of Parliament and former education minister.

The phenomenon began in the 1980s, when General Zia gave madrasas money and land in an American-supported policy to help Islamic fighters against the Soviet forces in Afghanistan." These words were echoed by member of the Parliamentary Standing Committee on Human Rights the mission met. See section.....

Whatever may be the root causes it became clear to the mission that the proliferation of madrasas and the Islamisation of education by far poses one of the biggest threat to the future of Ahmadis in Pakistan.

The article resumes the journalist's findings thus; "The madrasas offer almost no instruction beyond the memorizing of the Koran, creating a widening pool of young minds that are sympathetic to militancy".



The question of the possibility of internal flight to those fleeing from harm has already been considered by a previous mission in the Rabwah report. Since then the position of Ahmadis has deteriorated further and it is acknowledged at least by the United Kingdom's tribunals that the persecutory laws which are of country wide application are in themselves the mischief. This means that the question of internal relocation would not arise where it is clear that the individual has or might wish to engage in the prohibited behaviour. The delegation considered nevertheless whether Rabwah might present an internal flight option. It was clear that whilst in the very short term there may be some shelter in the safety of numbers the ever present threat for Ahmadis manifests itself with greater force in Rabwah. This is because opponents of the community are fully aware that there is a concentration of Ahmadis in Rabwah and seek to focus their attention upon this city.

Thus, we were informed, every year thousands of Khatme Nabuwat supporters from across the country converge on this beleaguered city and boisterous demonstrations which intimidate the local population take place on three or four times in the year. Each year at least three rambunctious anti Ahmadi conferences are held in Rabwah with "opponents of the community" bussed in from elsewhere in Pakistan. The October conferences are attended by up to 9000 to 10000 vociferous individuals who shout anti Ahmadi slogans via loud speakers whilst the community barricades

itself in. By contrast the Ahmadi community is forbidden from holding any gatherings whatsoever, including sport tournaments and are banned from using any public address systems whatsoever. Thus “refugees” who seek sanctuary within Rabwah hoping for safety in numbers feel no safer there than elsewhere in Pakistan.

Rabwah which has a majority population of some 95% Ahmadis (officially now re-named Chenab Nagar) appeared to be an enclave where each entrance to the town is controlled by guards who vigilantly enquire into the business of all entrants to the town. Notably we learned that 100% of the local police force and local councillors are non Ahmadi and that the city is hemmed in by the Muslim Colony where madrassas have sprouted and that neighbouring Chiniot is reportedly a hotbed of anti Ahmadi activity. The mission was informed that Mullah Manzoor Chinioti who is a known anti Ahmadi activist is based here and is thus only 8km away from Rabwah.

#### 4.5.1 Post Mission Incident

The delegation has been informed of a significant incident which occurred following the mission at the time of writing this report which is worthy of note.

Shakoor Bhai’s Shop Gol Bazar Rabwah: Incident of 3 January 2015

A prolific adversary of the Ahmadis, Hassan Muawiah (also known as ‘Toti’ of Lahore) who is understood to be a frequent complainant in numerous FIRs against Ahmadis is reported to have taken two books of the Ahmadi Muslim Community on Saturday 3 January 2015. He has alleged that blasphemous literature and books are being sold at Shakoor Bhai’s shop in Gol Bazar, Rabwah. Hassan Muawiah had taken two clerics with him and in the presence of 15 police officers who had attended the shop spoke contemptuously against Ahmadis and incited hatred towards them. Hassan Muawiah accused Shakoor Bhai/Ahmadis of producing blasphemous literature. The police required the owner to open up the shop and impounded 20 books of Ahmadi faith literature. The Ahmadi community believes that the Police will then investigate and seek legal opinion about whether charges can be brought.

The observations of the mission:

The mission considers that incident is of significance for a number of reasons:

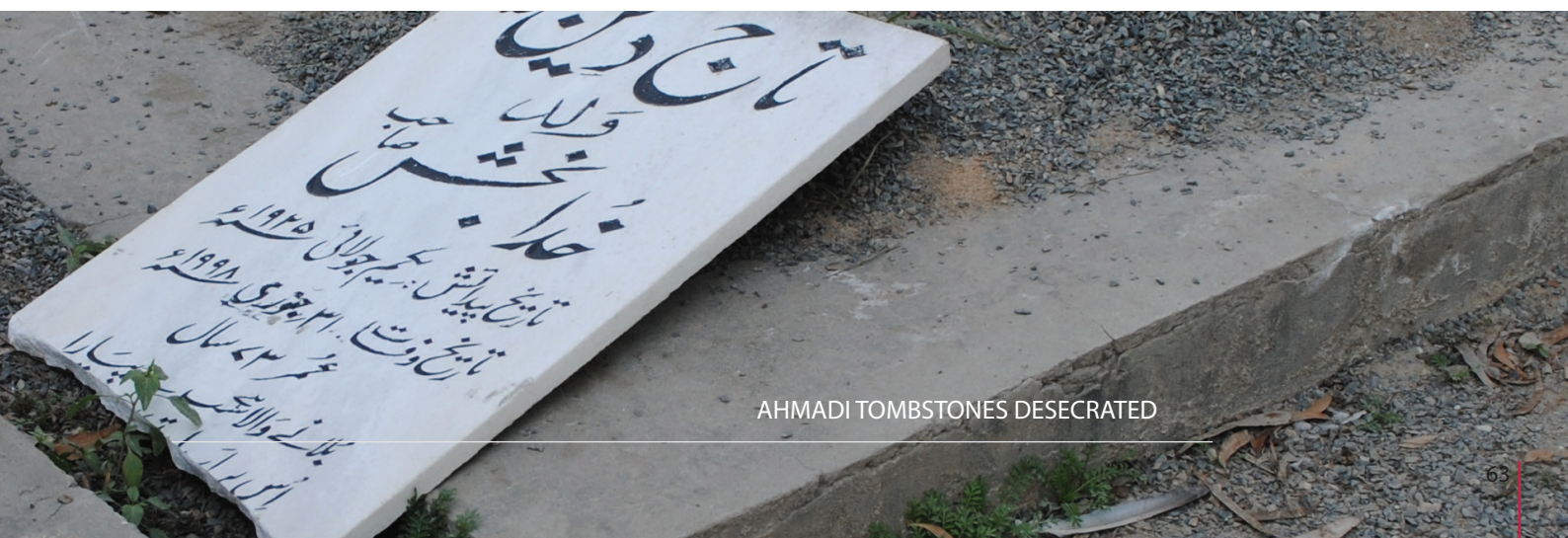
Firstly, it demonstrates that Rabwah presents no safer a haven for Ahmadis than anywhere else in Pakistan since the reach of the orthodox clerics there.

Secondly, although Hassan Muawiah is reputed to have brought many vexatious complaints against Ahmadis, the local Police in Rabwah attended in force at the instigation of mullahs.

Thirdly, mullahs proactively seek out opportunities to harass this community rather than taking action against incidents that they consider to be against the law.

Fourthly, Ahmadis are being denied an opportunity to circulate their faith literature among their own community as in the case of the allegations of blasphemy levelled against the Ahmadi newspapers Al Fazal (See section on Freedom of expression in this report).

#### 4.6 Desecration of graveyards and minarets



AHMADI TOMBSTONES DESECRATED

## 4.6.1 Model Town Q Block Desecration of Graveyard

In the night of 2 December 2012 (in the early hours of 3.12.12) at around 1.30 am masked gunmen numbering some 12 to 15 had attacked the Ahmadi community's graveyard in Model Town. They had tied up the caretakers and dug up and broken up over 100 tombstones. The attack had lasted just over half an hour. The attackers had claimed to belong to a banned organisation.

The mission has since learned that in the preceding months a group of Khatme Nabuwat lawyers had approached local police to demand the removal of the tomb stones as they carried Islamic inscriptions of the Kalima (Muslim creed). The Express Tribune reported on 3.12.12 thus: "When the SHO was contacted by The Express Tribune at 11:51am, he was not aware of the desecration incident. "I will send someone to look into this, when I get a call," he had said."

## 4.6.2 Minarets at Ahmadi mosque

AM

The delegation met AM from Chak 332 in Toba Tek Singh. AM said he owned and ran two private schools in Toba Tek Singh. One was an elementary school and the other a high school.

AM also served as the district president of the jamaat's youth organization in Toba Tek Singh till three days prior to his meeting with the delegation.

In October 2013, there was an issue regarding minarets of an Ahmadi mosque in the village of Koto Wali in Toba Tek Singh. The jamaat sent AM along with another representative of the Ahmadi community to give their stance on the issue. AM was already known in the community because of his work with the community , so his involvement with the negotiations came to be known.

Khalid Warraich, an MNA in the district offered to be a mediator. He told AM that if the law was on their side then the religious clerics could not have it their way. All parties met over a period of three days. Mr. Warraich told AM that that he spoke to the Prime Minister, the Chief Minister of Punjab about the issue and both said the minarets are against the law. The MNA said the minarets would have to be taken down.

The clerics wanted the kalima removed from the mosque. They also wanted the minarets concealed with a wall or steel sheet. An agreement was reached whereby the police would conceal the Islamic inscriptions. But the agitators were not satisfied so they began protesting. AM started receiving threats from religious clerics. They called him on his phone and sent him text messages demanding that he should step back from the negotiations. AM informed the police about the threats but they did not take any action. Mr. Warraich advised AM to stop advocating against the wishes of the clerics.

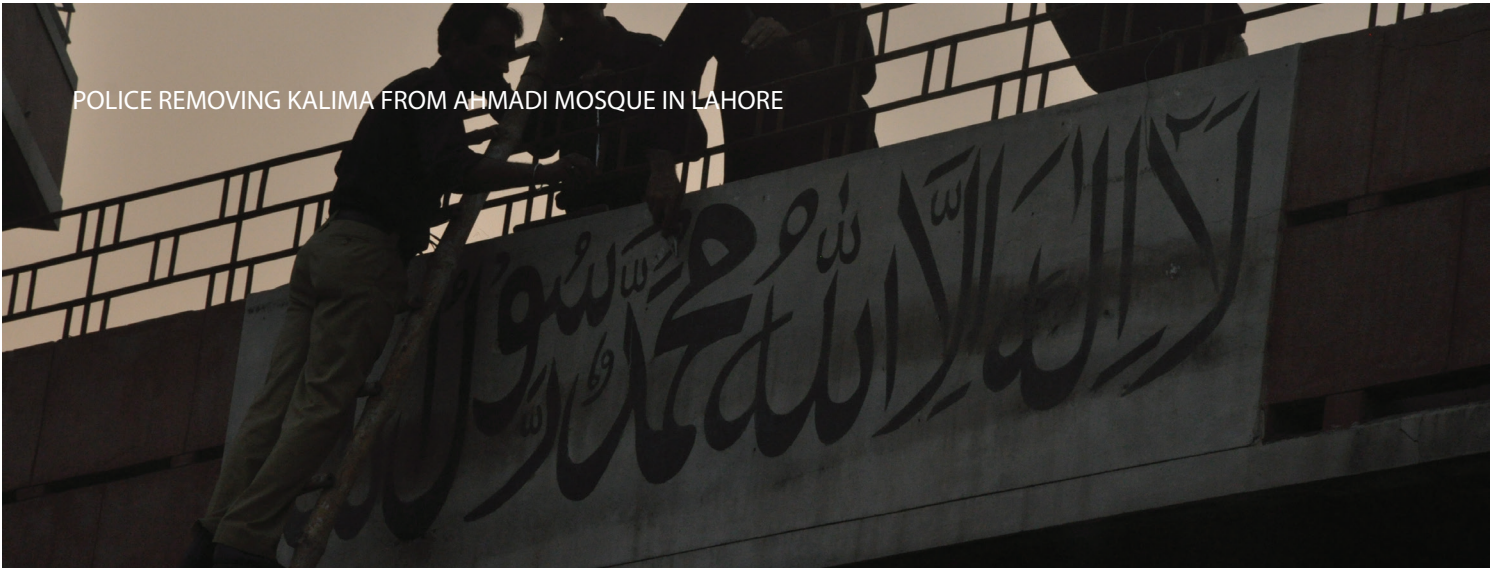
AM then switched off his phone. The religious clerics then attempted to shut down AM's schools. They went door to door telling people in the community not to send their children to AM's schools.

Meanwhile, pressure was continuously mounted on AM not to pursue the Communities view on the minarets. AM continued to tell everyone that the community would protect their place of worship as long as they can.

Eventually, it was decided that the minarets could stay but they had to be concealed. Nineteen lakhs of rupees were spent to cover the minarets.



POLICE REMOVING KALIMA FROM AHMADI MOSQUE IN LAHORE





## 4.7 Deportees

### 4.7.1 Treatment on return and future

The mission met with a group of returned asylum seekers mainly those who had been returned from Sri Lanka recently.

The mission learned that some 325 Ahmadis were removed from Sri Lanka between 1 August 2014 and mid October 2014. Many were those who had had first interviews with UNHCR but were still awaiting second interview more than a year later. Thus were legitimately within the territory of the state under the protection of the UNHCR although in some cases the individual had overstayed prior to their claim for asylum.

However Sri Lanka is not a signatory of the UN Convention relating to the Status of Refugees and a challenge taken by the Christian community in Sri Lanka on this basis had failed at the Supreme Court in Sri Lanka.

In some instances Sri Lankan immigration officials had arrived at the homes of individuals and the male heads of households were rounded up and detained at Boosa camp or a detention centre in Colombo on the basis that the detention was merely temporary for two or three days. However the period of detention proved to be considerably longer and was anything up to three months since this was the maximum period of time an individual could be detained for without charge.

In a number of cases families were separated with the male member of the household being removed whilst the wife and children remained in Sri Lanka. Whilst few were currently detained and deportations appeared to have halted at the time of writing it was unclear what caused the mass detentions and removals in the first instance other than an upsurge in numbers of asylum seekers awaiting process nor indeed why they had halted abruptly.

In many cases individuals had disposed of all their wealth to escape from Pakistan and thus found themselves stranded upon their return with the Ahmadi community taking over their shelter and protection. Many felt unsafe in returning to their original homes and were at undisclosed locations supported by the community. They were unsure what the future would hold for them as they felt there was now nowhere to turn.

The mission also spoke to one individual who had been returned from the UK. He had been returned in 2011 following process under the Detained Fast Track procedure and he believed that his application for Judicial Review was still pending at the time of his removal.

Notes of the mission's meeting with the deportees are below:

### 4.7.2 Deportees from Sri Lanka

Man 1

I spent 65 days in detention in Sri Lanka. There were Christians and Shia there as well but 80% were Ahmadis. There were 143 Ahmadis detained in Boosa camp. There were also 26 Christians and 8 Shia. I went to Sri Lanka in March 2013. On 10th June 2014– 3 immigration officers came to my house. They said to my family that I would be back after two or three days. They said you've been here for more than one year six months. I was taken to Boosa Camp. The conditions were very poor. Finally on 14th August 2014 I was released and taken to the airport and removed to Pakistan although I was registered with UNHCR for resettlement. My claim was being processed by UNHCR when I was detained by Sri Lanka immigration authorities.

I had gone through one interview by the UNHCR. I was told I would be called back in about 12 months. The time between the initial interview and substantive interview was normally a year. You are not allowed to work and children cannot attend school until refugee status is recognized. The UNHCR give you a stipend to help with living expenses.

The law in Sri Lanka is such that you can't be kept in detention without charge for longer than 3 months.

About 50 to 60 were deported. Others in Sri Lanka. None of them are in detention anymore. They have had their second interview and are no longer in detention.

Ahmadis knew that people were being arrested and so some people hid.

Whilst we were in detention the Red Cross came and visited us two or three times and brought us toothbrushes and tooth paste. They gave us a card and arranged for a family visit.

In the meantime my family was contacting the UNHCR. The only response from UNHCR was that they were trying their best.

On return to Pakistan there were arrangements that were made by our Ahmadi Community. They were expecting us. A group of deportees came outside and the FIA tried to pick them up – there were women in the group. This was in Karachi and it was the first group. The Community organized safe passage for them.

The Community got us released and we live undercover. From the airport the Jamaat got us released and they took us to a guest house. We were advised not to leave the guest house for our own safety. We stayed in the guest house for a day or so and then left for Rabwah.

The problem is that it is very difficult to find work now. When they see you are from Rabwah they know you are Ahmadi.

Man 2

I had my first interview in Sri Lanka. I was deported before my second interview with UNHCR. My family has had second interview after we were deported. Wife and mother were very worried about us. UNHCR have interviewed them but have not given them refugee status. We applied for asylum together in Sri Lanka.

The men of the family were being separated deported and whilst the women were still there in Sri Lanka.

People who were being deported did not know where they were being taken. When we came back to Pakistan a couple of the deportees were beaten.

The first group came on the 1st of August, the 2nd group came on the 2nd of August and I came with the 5th or 6th group on the 14th.

I was the Jamaat President in the area so I was prominent. I used to get threats before the incident which made us flee from Pakistan. The incident was in the newspapers. My sister was also the President. I can't pray and can't go out to shop, can't send children to school.

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Man 3 (Son of Man 2)

I was sent back with the second group that was deported from Sri Lanka. Once we cleared the airport, the FIA took us in. They took our passports. The community got us released.

Some women were kept at the detention centre called Mariana Camp in Colombo.

Man 4

My parents and sisters are still in Sri Lanka but I was sent back. One sister is 22 and the other is 24.

Before going to Sri Lanka there was a case under Article 298B against me. The charge was that I do tabligh. My father was also accused. We are from Lahore. They came and arrested me.

The Mullahs went to the Sessions court and registered a case against me. The police was looking for me and I came to Rabwah to take refuge.

Once or twice I went to the Sessions court and I had to prepare for my exams. I wasn't able to appear for my exams because I had to go to court for the hearing.

The case went to the High Court. The High Court said the case has to be heard in the lower court. The High Court also gave orders for my arrest but at the time I had a roll slip for my exams.

I went to Sri Lanka with my family after a few months. The immigration authorities came and knocked on the door. They asked for our passports and our papers. They took me to the detention center. They said it was just a formality. My father was not fit because he was a heart patient. We talked for some time and then they listened and did not take him.

My mother kept asking the officials to let me stay and she was told that I could only be gone for 2 or 3 days. But I was deported back to Pakistan.

The rest of my family is still there. They have only had a short interview with UNHCR so far and so their claims are still pending too.

Woman 5

We had had our short interview with UNHCR on 30th June 2013.

The initial interviews are short and are about your background and why you're there. It lasts about 30 to 45 minutes. They take pictures for your ID from UNHCR.

On 15th October 2014 around 11 am the Sri Lankan immigration authorities came for us. I had the first short interview. They broke into our house. The next day my daughter who suffers from a kidney problem and my husband was in a bad way as well. He has a heart condition and also has high blood pressure.. We were supposed to go to the doctor's the next day. We pleaded and said please do not do this to us. Our conditions are bad at home (PK) and we need to see the doctor. There were four immigration officers and one police officer. We begged them to let us be because we have problems in Pakistan. My whole family was at home and although I pleaded my husband was detained.

We had seen people being taken away by the immigration authorities so we were quite tense about the situation.

I told the officials they can check their files if they don't believe us. The immigration officers said they can't look at the papers because they were specifically told by the government that they must deport them.

We were all deported from Sri Lanka two days after being detained.

We contacted UNHCR during those two days and asked for help. We said our lives were in danger in Pakistan. They said, "We're sorry, we can't do anything about it".

We were kept like prisoners in detention in Sri Lanka. We were in the room all day. There were about 20 people in a small room and that was including children. I had 3 children and there were maybe 5 or 6 other children. We just cried so much when we entered. There was no medical care but we were given food. We slept on mattresses or on beds.

We cannot go back to my house in Gujranwala. My husband used to work in a showroom and the owner of the showroom found out that he was Ahmadi and got him beaten. When he went to register a case with the police a mob pressured the police not to let him register the case.

There is no future for us in Pakistan. Our children are not free. They can't do anything. They can't go anywhere. We are being housed in a community guest house for now.

None of the deportees have been able to return to their homes. 60 people were deported from Boosa camp but in total there were well over 300 Ahmadi who were deported. The deportations started on 1st of August 2014.

My family and I were deported on 15th October just the day after our detention. Another group was deported on 19 October 2014. There was one last group after that in November 2014.

There is still one family in detention I believe.

Man 6

My story is similar to the others. I had had only the short interview by UNHCR. I was in Sri Lanka for about 16 to 17 months. Now UNHCR have speeded up the consideration of claims.

### 4.7.3 UK deportee

Man 7

I've been going there since 2005 for Ahmadi annual conventions. I'm a businessman. I buy and then sell wholesale grocery.

By 2011 things were really bad because I was attacked and threatened. So I had to seek asylum. When I sought asylum and they detained me and put me in the Fast Track procedure. For about four or five months I was detained in Harmondsworth Detention Centre. Then for two months I was detained at Dover. My case was still pending at the High Court when I was removed from the UK.

I don't know on what basis I was sent back as my case was pending. This was happening with a lot of Ahmadi in those days. They came at night around 11pm to get me from detention and I was driven around for some time and I was sent back in the morning on plane around 8am after giving me breakfast at Mc Donalds. I had been handcuffed but they took off the cuffs once on the plane.

I had trouble when I returned to Pakistan. I was handed over to Pakistani immigration. They said, "Here is a gift for you," as I was handed over. They handed over my passport which contained a 3 year visa for the UK. This was in 2011.

The UK officials who accompanied me on the plane knew I had some money on me and they had advised me to hide it in my socks as they thought it might be confiscated by officials at the airport.

On arrival at Lahore the Pakistani officials took me to another room. I knew I would have trouble if I didn't cooperate with them. They kept me for 10 to 12 hours. Then they started negotiations with me. They wanted me to give them money so that I could be released. There was non-stop questioning at Lahore airport. It was like a revolving door, a lot of people would come and ask me questions. The bribe I had to pay was around 570 GBP in total (50,000 rupees). They exchanged my money into Rupees and even gave me the change from the agreed bribe.

They asked why I was seeking asylum. I told them that I have all these problems in Pakistan. They were not sympathetic. They did not beat me but words were harsher than physical harm sometimes. They were calling me Mirzai and Qadiani and ridiculed me.

Otherwise they would not even give me money. They wouldn't even accept that I'm Pakistani. They exchanged his money for him. The remainder they gave back to me.

One day you might hear of my murder. I have received many threats for many years. From time to time even in business when someone doesn't want to pay they say they'll tell the Maulvi.

### 4.7.4 Man from Gujranwala victims of arson attack July 2014

I can't go back to our old home now because of the danger to my life. Right now we're just surviving. My son is in jail though he is innocent. The mob of people who attacked us are free and roaming the streets. Our property is abandoned. We will have to try for asylum again. In our home town we have no future and it is too dangerous.

The people in Gujranwala think we are still in Sri Lanka. They have printed pamphlets with our names. It says these are the other relatives and their names should be put on an Exit Control List so they cannot leave Pakistan. Three men deported from Sri Lanka are on that list and two other relatives are on there as well.

Having been returned to Pakistan from Sri Lanka we are now only able to go for prayers and we have to keep a very low profile for our own safety. We do not know what the future holds for us.

Post Mission: Recent Incident

Ahmadi Muslim deported from Sri Lanka threatened with death

On 6 December 2014 young Ahmadi man was abused and jostled out of a sports club. On his way home when he sought to obtain some medicine a KN cleric intervened and he was denied the goods. On a subsequent occasion he was threatened with a fire arm by motorcyclists and at a second incident threatened with death again.

#### 4.7 Psychological harm

It became evident to the mission from the outset of our task that serious mental health problems are an issue for the community. It became apparent from the level of emotion and tears from grown men speaking to us that many individuals who were caught up in the Lahore mosque attacks still suffer from the traumatic experience. Whilst there were regrettably no trained psychologists amongst our delegation it was evident even to a lay person that they suffered from some form of post-traumatic stress.

The mission noted that this level of stress and anxiety was also present in others who were not witness to the Lahore attacks. It became clear speaking to many other individuals who suffer on a day to day basis from anxiety and stress as many members of the community live looking over their shoulders and hampered in performing the basic aspects of their faith which they regard as being very much part of their identity.

Clearly young children who are being harassed by their teachers and who are told regularly that they are kafir or impure will grow up believing they are outcasts and will suffer psychological damage from such abuse. The young children who survived the Gujranwala attack still suffer from anxiety and nightmares when they fear the Mullahs may come for them. The delegation learned about several young people who have given up their studies as they could not withstand the pressure from social boycott they were victims of.

Regrettably no member of the mission was qualified to assess this aspect of our observations with greater authority and expertise.

#### 4.8 Ahmadi Community verification procedure

Among the tasks of the mission was to report on the Ahmadi community's own verification procedure.

The delegation interviewed Mr Saleem ud Din who is the Spokesman and Nazir Umur Amma (Director of Public Affairs) Headquarters of the Ahmadi community based in Rabwah.

He informed the delegation that the diaspora of Ahmadi overseas have formed associations in various countries. The structure follows similar patterns in each country and the world wide Head Quarters of the community is largely based in Rabwah although some functions have been decentralised in London.

The community is highly structured and divided into chapters and regional sections in each country. Presidents of local chapters are elected every third year by members on the basis of their commitment to the Community and most importantly only righteous, respectable and trustworthy members are appointed as such.

When individuals who are overseas seek verification of their membership or activities they are required to complete a form in their adopted country. (See appendix at the end of this report). This request is then relayed by the national Secretary Umure Amma in the head office of that country (in the UK this is done in London) and that form together with any supplementary information is then sent through the Additional Wakilu Tabshir (Directorate of Foreign Missions) London to the Nazir Umur-e-Amma in Rabwah.



In Rabwah the Nazir Uur-eAmma then faxes the query to the Amir (District President) of the local chapter in Pakistan from whence the individual hails or from the chapter where his claimed activities were reported. Where the individual has moved within Pakistan on several occasions it becomes relatively lengthier to source the information. The information is then collated by the Nazir Umur Amma in Rabwah and imparted in the form of a fax back to the Wakilu Tabshir (Director of Foreign Missions) Rabwah and through its London office to the Amir (National President) of the adopted country and through him to the national Secretary Umur-e- Amma where the request originated in Urdu. The Secretary Umur-e-Amma then provides a letter in the language of that country but such letter may be signed by an authorised person in the country.

Ahmadis are generally encouraged to report serious incidents to their local President and most cases, though perhaps not all, are recorded locally. Thus when a request is made for information the local President is in a position to verify their records or make enquiries locally from the relevant post holders.

The procedures are adhered to strictly and are such that whilst delays may occur due to the level of other commitments of the local chapter and its President and any intervening power cuts or other variables the information can ,be sourced relatively quickly, although a set time line cannot be given.

This is because resources are not available and the community is reliant on volunteers whose primary objective is to deal with matters of a religious nature. Thus whilst strenuous efforts are made to provide information as independently as possible (without undue influence by the member or his family or friends) the absence of human resources means that not all details requested can be obtained as some information is difficult to access or verify. However any information that is provided is given as accurately as possible within the available resources and may thus be relied upon by the member, his representatives and any authorities of that country.

## Security post at Lahore Graveyard





## 5. Conclusion

It became rapidly apparent to the delegation that hostility towards Ahmadis is very much prevalent in Pakistan. The community is treated as a pariah community and this is felt by Ahmadis in all walks of life and is experienced by all ages. From young children to the elderly and from primary schools to universities, in shops and in hospitals, in the work place and in the graveyard Ahmadis are hounded and targeted on a daily basis. As a former member of the military force SA, who is also a very senior member of the Ahmadi community, summarised:

### “They won’t even leave our dead alone”.

The mission found that Ahmadi Muslims from all walks of life, irrespective of their prominence either within or outside of the Ahmadi community, appear to be “under siege” in Pakistan. The persecution of Ahmadis has evidently escalated in recent years. Since 2008 (including the spontaneous attacks on multiple Ahmadi places of worship in Lahore in 2010) and the end of December 2014 144 number of Ahmadis were killed and X number were charged with “posing as Muslims” and blaspheming. This is in sharp contrast to the previous six years between 2002 and 2008 when X were killed and X faced similar charges.

Non-state actors such as hard line religious clerics and organizations regularly harass, intimidate and threaten Ahmadis. Pamphlets inciting the boycott of Ahmadi businesses and “hit lists” naming individual Ahmadis for elimination are openly distributed in Pakistan.

Freedom of the press is severely curbed in relation to Ahmadi issues. Ahmadi journalists, doctors and other professionals have been charged under the penal code and anti-terrorism laws for circulating religious publications within the Ahmadi community. The few non-Ahmadi journalists or members of civic society interested and willing to write about the persecution of Ahmadis have to tread carefully to avoid being labelled as Ahmadi sympathizers and being persecuted in turn.

Discrimination at the work place is a common occurrence for Ahmadis. Competent Ahmadis in the army, civil service, in schools and colleges etc. (in all walks of life) are denied promotions, privileges and access to employment given to others who are less qualified. Ahmadis often face discrimination by their colleagues and boycott them socially. Non-Ahmadi often refuse to eat lunch with their Ahmadi colleagues in the work place.

Ahmadi women who wear traditional Ahmadi style “burqa” are more easily identifiable on the streets and are thus more vulnerable. They are subjected to insults and denied access to goods and services. Ahmadi women have been denied the opportunity to engage in congregational prayers (notably Friday and Eid prayers which they habitually attended in the past) on account of the serious security threat and are unable even to attend wedding ceremonies (Nikah) which are held at Ahmadi mosques. Thus in many ways Ahmadi women are doubly disadvantaged.

Ahmadi students face harassment throughout their educational careers of Pakistan. School textbooks declare them to be non-Muslims and teachers encourage other students to mistreat Ahmadi students. Sometimes the severity and systematic nature of the same leads to them abandoning their education or in the least suffering irreparable disruption in their studies as well as psychological harm.

Hate speeches and brazen incitement to the murder of Ahmadis occur across Pakistan. Large Anti-Ahmadi conferences are held in Rabwah annually but Ahmadis are not permitted to hold small peaceful assemblies. At the last conference in October 2014 up to 10000 vociferous individuals attended and shouted anti Ahmadi slogans via loud speakers whilst the community barricaded itself indoors.

Hate rhetoric against Ahmadis causes greater insidious harm when provided a wider audience in mosques, madrassas, via pamphlets and banners on public display. Religious clerics declaring Ahmadis as worthy of being killed are allowed airtime on popular television and these incitements have been followed by the murder of Ahmadis.

The persecution of Ahmadis is institutionalized within Pakistani bureaucracy. Passport and identity card applications for all Pakistanis require applicants to declare their religion. If applicants wish to identify themselves as Muslims they are required to denounce the founder of the Ahmadiyya faith as an “impostor” and Ahmadis as non-Muslims.

Similarly, religion plays an important part in job applications, promotions, entry for school public examinations and access to public services.

Similarly Ahmadis are obliged to denounce their founder and accede to being called “non-Muslims” if they wish to be included in the general list of voters. Since Ahmadis refuse to denounce the founder of their own community, the government has put them on a separate electoral list containing their names and addresses rendering them more vulnerable to attack. Ahmadis are effectively disenfranchised from voting

State endorsed laws prevent in essence the very existence of Ahmadis as the law forbids them from “posing” as Muslims or from outraging the religious feelings of Muslims or using any outward sign of Islam or using Islamic nomenclature denying Ahmadis the very essence of their religious identity.

Ahmadis have no proper access to justice nor the right to a fair trial since the legal system is very much weighted against Ahmadis. The law enforcement agencies and even the judiciary are tainted by orthodox ideology or are intimidated by religious clerics and mobs. This includes the police who lack the will as well as training and resources to protect Ahmadis subjected to violence or harm and judges who pass the buck endlessly within a Kafkaesque legal system when sectarian issues come before them for fear of reprisal. Bail is regularly denied and cases are inordinately delayed in cases where the accused are Ahmadi.

False allegations of blasphemy or other abusive prosecutions under Ordinance XX made by way of settling scores for personal vendettas blight the lives of Ahmadis. Once the dreaded word “blasphemy” is uttered non-state actors step in and take over the death penalty into their own hands

Failed Ahmadi asylum seekers find themselves stranded or mistreated upon their return with the Ahmadi community itself being obliged to take over their shelter and protection. Long term solutions are unavailable to such individuals as many feel unsafe in returning to their original homes and live at undisclosed locations.

The rapid expansion of madrassas in recent years and the underlying fear of violent reprisal from orthodox Islamist elements in the population, who are represented in the higher echelons of society and state organs, combine to make change to the much misused Blasphemy legislation and Ahmadi specific repressive laws, virtually impossible in today's Pakistan. Religiosity which percolates through all aspects of life in the country appears to be an immutable feature engrained in the national psyche. Consequently, there appears to be little distinction between the State and Religion.

The appellation of “kafir” (infidel) attached to Ahmadis in Ministry of Education endorsed school text books for children aged 9 and the overt beckoning to kill Ahmadis in the streets make for a heady mix of hateful rallying calls against Ahmadis. Settling of personal vendettas through a hostile misuse of the “anti Ahmadi laws” and religious vigilantism is rife and are used to harass and lynch this minority community, with a view to its total obliteration in order to preserve what the orthodox Islamists consider to be the “purity” of Islam.

*The most striking feature for the mission throughout this inquiry was the fear that permeated all the delegation saw and those to whom the delegation spoke. Even the representatives of a highly regarded and well known international organisation that the delegation met with felt unable to comment officially from within the territory of Pakistan for fear of reprisal to its humanitarian work if they are seen to be commenting on sectarian issues.*

Fear of attack has led to the Community to building high walled fortifications which now surround Ahmadi places of worship, crowned by coils of thorns in the shape of barbed wire. Armed sentinels on constant alert at even graveyards of the Ahmadi community and the loss of an unborn infant during the Gujranwala arson attack in July 2014 are testimony to the fact from cradle to grave a shadow of fear looms heavily over this beleaguered community.

The delegation understood that after the spontaneous attacks on multiple Ahmadi places of worship in Lahore during Friday prayers, which is the most significant prayer time in the Muslim world (equal to the Sunday service for Christians), armed guards surround the pulpit of the Murabi leading the prayers at the Lahore mosques.

Khatm-e-Nubuwwat, an orthodox Sunni Islamic organisation, whose raison d'être is to protect the finality of Prophet-hood and which thus regards itself as being diametrically opposed to the philosophy of Ahmadiyyat, seeks to annihilate the community as their main preoccupation, using repressive means somewhat reminiscent of a latter day Spanish Inquisition. Other fundamentalist groups such as the Tehrik-i-Taliban Punjab wing (who claimed responsibility for the

spontaneous attacks on multiple Ahmadi places of worship in Lahore) and Jamat-e-Islami join in the fray of anti-Ahmadi activity, although unlike their 15th century counterpart, modern weapons of destruction are in their grasp to inflict damage and pain on a wider scale. Meanwhile the sources of funding for the ubiquitous madrassas that are grooming the next several generations of orthodox militants remain “officially unidentified”.

The Amendment to the Constitution on 7 September 1974 which designated Ahmadis as “Non Muslims” and Ordinance XX of 1984 appear to have provided a charter for persecution for opponents of the Community who act with impunity before the law, which itself bends and bows to pressure from hard line clerics. Reigning through terror and coercion is evidently widespread.

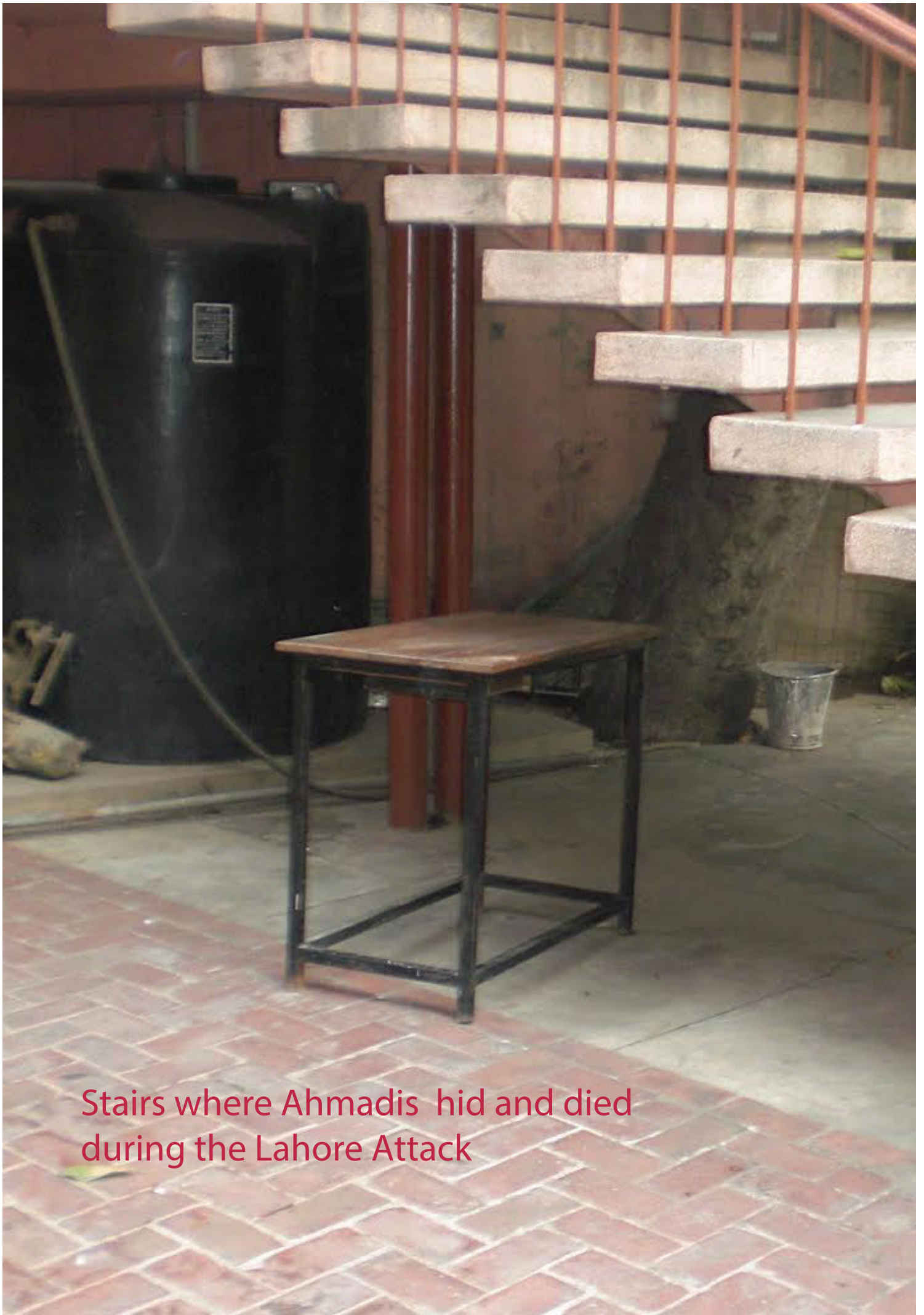
The systematic and institutionalised targeting through repressive legislation, or in the very least, state endorsed acquiescence and the helplessness of the Ahmadi community in the face of such, is reminiscent of nothing less than the situation of the Jewish community in pre-war Germany. A build up to the “final solution” is hauntingly predictable in a country where the overall literacy rate is at 55% (and female literacy is at 3% in some tribal areas). Thus the minds of a large proportion of a population of 188 million is ripe for indoctrination from a young age to despise Ahmadis. Many reported that prejudice and discrimination was common even among the educated classes in relation to Ahmadis. If left unchecked, the insidious and prevalent human rights abuses inflicted against this small but significant minority in Pakistan, may well prove to be another episode of shame for humanity.

Fear of reprisal appears to prevent all those who can do something to relieve this besieged community in Pakistan from offering any assistance.

*Perhaps the most telling aspect of the mission's discoveries came from the Pakistan Parliamentary Standing Committee's Report dated 2009-2011 subtitled “Two years progress on Human Rights in Pakistan”. This report was revelatory in its paucity of reference to the Ahmadi community leaving aside any progress in that regard. Approximately three lines have been consecrated to the human rights of Ahmadis in a report of some 78 pages.*

If the state's Standing Committee on Human Rights Progress is unable to so much as engage in the discussion and given that all those individuals and organisations who had any means of making a difference sought very quickly to distance themselves from the plight of Ahmadis in public, the mission sees little hope for this harassed community.

In short, the Ahmadis, a pariah community in their own land, appear to be cornered and “under siege” from all sides in a land where religiosity seeps through every aspect of day to day life. Fear of violent reprisal and thus an unwillingness to engage in the debate about the situation of Ahmadis, pervades every strata of Pakistani society including parliament, the judiciary and organs of state whilst the community itself silently turns the other cheek. They feel they have no choice or recourse through the justice system as any action they take would merely lead to a worse fate for themselves. Their only hope is that the international community might take an interest in their plight as they see no recourse or redress being offered to them from within the territory of Pakistan. They see little prospect for improvement in the foreseeable future and certainly not within the next two or three generations. Whilst some ardent patriots among the Ahmadi community such as SA above say they would not wish for international sanctions against Pakistan, as they do not wish to harm the people of Pakistan, without international pressure and snipping the umbilical cord of funding which feeds an ever growing monstrosity, the authors of this report see no solution being offered from within the nation's frontiers.



Stairs where Ahmadis hid and died during the Lahore Attack



## 5.1 Recommendations

Following our observations the mission had identified a number of areas in which there is much needed improvement to ensure that some progress is made towards assuring the basic human rights of the Ahmadi community in Pakistan.

Clearly little progress can be made whilst the mindset remains highly charged with an “overzealous” outlook which is based on violence. It is equally clear that until more liberal and sensible politicians pool together their strength and find the political will required to resist the pressure from the fanatical elements in the orthodox clergy headway cannot be made. Whilst training and encouragement may treat some of the dystopiac symptoms of the country only an abatement of the sources of the funding for madrassas and long term investment in secularisation and freely available state education to remove the core reasons that make individuals become radicalised will alleviate the propagation of the fundamentalist thinking and eradicate the terrorism that plagues the nation.

Whilst we realise in today’s climate it is unlikely that a wholesale reform of the Blasphemy laws would be “unrealistic” we believe that failing short of that for the time being the Government should entertain at least the following measures so that the process of reform and modernisation can begin.

The global threat from terrorism and Islamic radicalisation closer to home as evidenced by the attack on the Parisian magazine Charlie Hebdo on 9 January 2015 and numerous incidents around the world will make it more pressing that the international community pays close attention to the need for urgent action to check the ever rising tide of fundamentalist ideology.

We have identified the following core essentials by way of long term and short term recommendations on the one hand to the state of Pakistan and on the other to the international community.

### 5.2.1 Long Term

#### To the State of Pakistan

1. Repeal articles of the Constitution of Pakistan so that Muslims and Non-Muslims have equality of treatment as definition of a part of the population as Non-Muslim has prepared the way for the persecution of all those who are designated as Non-Muslims
2. Repeal several sections of Pakistan's Penal Code which forbids Ahmadis from the peaceful practise propagation of their faith
3. Invest in state education to avoid the poor turning to madrassas as educational options for the young
4. Work towards a more secular state education system and ensure teachers are trained to avoid inflammatory remarks against minorities and minority religions
5. Positively promote religious tolerance in schools by including the study of other faiths as part of the curriculum as well as Islamiyat
6. Permit Ahmadis to hold peaceful gatherings in public and to undertake their annual gatherings and sporting tournaments free of fear by having police presence to avoid attacks and clashes

## 5.2.2. Short Term

### To the international community

Take note of what is happening to religious minorities such as the Ahmadis in Pakistan and carry out more public awareness campaigns

To ensure there is only voting list in Pakistan irrespective of ones faith or religion.

Assist in the release of Ahmadis kept in prison under the Blasphemy or Anti-Ahmadi laws.

It speedily processes the applications of those Ahmadi Muslims fleeing Pakistan so that they are recognized as refugees.

An allocation is made for Ahmadi Muslims to be taken under the quota assistance by member states.

### To Pakistan

1. Positively encourage and require the Pakistani government to take steps to amend and repeal the Blasphemy laws and other persecutory measures in Pakistan Penal Code
2. Abolish the separate electoral list and ensure all Pakistani citizens have the unfettered right to vote, irrespective of ones faith or religion
3. Return Ahmadi property confiscated by the State immediately
4. Take punitive measures against all those individuals who incite to murder or incite violence.
5. Train law enforcement agencies to prevent and deal with mob violence against Ahmadis and other religious minorities.
6. Provide rapid back up and support to the police by using the elite forces or armed forces where mob violence or terrorist attacks against religious minorities are taking place to rapidly quell any such violence or attacks.
7. Take concerted action to locate and bring to justice all perpetrators.
8. Censor incitement to violence on television and ensure all religious programmes are pre-recorded to enable this.
9. Promote freedom of press and a press standards agency is empowered to ensure this and to avoid inflammatory material being disseminated.
10. Outlaw pamphlets, posters or bill boards that promote religious intolerance and spread hatred and violence particularly those endorsed or affiliated to the State.











# Annex 1

## Copy of Ordinance XX

Copy of Ordinance No. XX Of 1984 and 1986

Amendment to the section 295c of the Pakistan Penal Code

EXTRAORDINARY  
PUBLISHED BY AUTHORITY  
ISLAMABAD, THURSDAY, APRIL 26, 1984

### PART 1

Acts, Ordinances, President's Orders and Regulations including Martial law Orders and Regulations of the Government of Pakistan

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS (LAW DIVISION)

Islamabad, the 26th April 1984 No. F.17 (1) 84-Pub.

The following Ordinance made by the President is hereby published for general information.

ORDINANCE NO. XX OF 1984

### AN ORDINANCE

to amend the law to prohibit the Quadiani group, Lahori group and Ahmadis from indulging in anti-Islamic activities:

WHEREAS it is expedient to amend the law to prohibit the Quadiani group, Lahori group and Ahmadis from indulging in anti-Islamic activities:

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action:

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:

### PART I – PRELIMINARY

1. Short title and commencement.

(1) This Ordinance may be called the Anti-Islamic Activities of the Quadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984.

(2) It shall come into force at once.

2. Ordinance to override orders or decisions of courts.

The provisions of this Ordinance shall have effect notwithstanding any order or decision of any court.

### PART II - AMENDMENT OF THE PAKISTAN PENAL CODE (ACT XLV OF 1860)

3. Addition of new sections 298B and 298C, Act XLV of 1860.

In the Pakistan Penal Code (Act XLV of 1860), in Chapter XV, after section 298A, the following new sections shall be added, namely:

"298B. Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places.

(1) Any person of the Quadiani group or the Lahori group (who call themselves 'Ahmadis' or by 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 'Ameerul Mumineen', 'Khalifa-tui-Mumineen', 'Khalifatul-Muslimeen', 'Sahaabi' or 'Razi Allah Anho'
- (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 (Ahl-e-bait) of the Holy Prophet Muhammad (peace be upon him), as 'Ahl-e-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 Quadiani group or Lahori group (who call themselves 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 the 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.

298C. Person of Quadiani group etc., calling himself a Muslim or preaching or propagating his faith.

Any person of the Quadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), who, directly or indirectly, poses himself as Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of 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."

ACT III OF 1986

CRIMINAL LAW (AMENDMENT) ACT, 1986

An Act further to amend the Pakistan Penal Code and the Code of Criminal Procedure, 1898 (Gazette of Pakistan, Extraordinary, part 1, 12th October 1986)

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 5th October, 1986 and is hereby published for general information:

WHEREAS it is expedient further to amend the Pakistan Penal Code (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1893), for the purposes hereinafter appearing:

It is hereby enacted as follows:

SECTION 295C PAKISTAN CRIMINAL CODE

1. Short title and commencement

- (1) This Act may be called the Criminal Law (Amendment) Act 1986.
- (2) It shall come into force at once.

2. Insertion of new section 295-C, Act XLV of 1860. In the Pakistan Penal Code (Act XLV of 1860), after section 295-B, the following new section shall be inserted, namely:

"295-C. Use of derogatory remarks, etc. in respect of the Holy Prophet.

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



## Annex 2

### FIR Against the whole population of Rabwah

First Information Report, about a cognizable offence under Section 154 of Penal Code

No: 254 - Police Station: Chenab Nagar, District Jhang - Date & Time of Occurance:  
28/29 May 2008

1.	Date and time of report	On 7 June 08 at 5.45 p.m. Report No.17
2.	Name & Residence of person reporting and complainant	Receipt of confidential diary of Muhammad Yunus 468 H/C. Police Post Chenab Nagar, Police Station Chenab Nagar, sent by Nasir Abbas I/SHO Police Station Chenab Nagar
3.	Brief description of the crime (with relevant section) & property if something has been lost	Crime under PPC 285, 298-C, 337 H2
4.	Place of occurrence & its distance and direction from the Police Station	Within the area of Chenab Nagar town, at 1 KM south of PS, Book No.17
5.	Investigation carried out. If any delay in registering the complaint, its reasons.	On receipt of the report
6.	Date & time of departure from the Police Station.	June 8, 2008 at 0800

Signature: Muhammad Aslam Rank: DO  
1169 HC  
DO Police Station Chenab Nagar  
June 7, 2008

Note: Under the report, there should be the signature, seal or thumb impression of the informer, while the recording officer of the FIR should sign as a token of attestation.

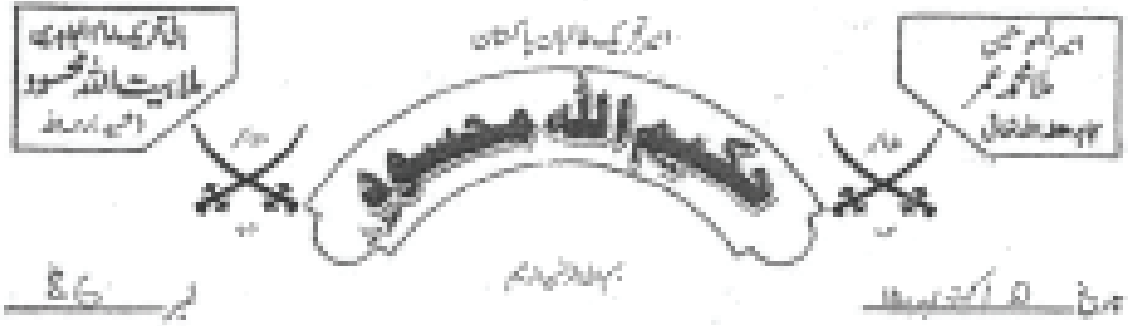
Confidential Diary concerning Celebration of the Ahmadiyya Jamaat Khilafat Centenary on night 28/29 May 2008. Police Station Chenab Nagar, District Jhang

Sir, I submit that I was on duty at night 28/29 May 08 in Chenab Nagar town for the expected program of the Centenary Celebration of Jamaat Ahmadiyya Khilafat. I was patrolling on duty in the town of Chenab Nagar. After about 8 p.m. residents of all Mohallahs of Chenab Nagar had full illumination by lighting earthen lamps at their homes and offices of Jamaat Ahmadiyya; (they) launched the centenary celebrations of Jamaat Ahmadiyya's Khilafat by hoisting paper burnings at their homes and offices of Jamaat Ahmadiyya. Mr Yunus son of Mirza Ahmad Bux, caste Mughal, address 9/1 Darus Sodar Gharbi Chenab Nagar was selling badges and papers caps at his shop near Gulshan Ahmadiyya nursery. On the caps was written: "Greetings over the Khilafat Centenary. I am an incarnation of God's power. And after I am gone there will be some other persons who will be the manifestation of the second power. God has promised to those among you who believe and do good works that He will, surely, make them Khalifa in the earth". Moreover, tyres were put on fire at hills near Babul Abwab, Darul Yuman and Darul Nasar. Fire crackers and aerial fire was set off in various mohallahs. The youth raised slogans of Khilafat Ahmadiyya, Zinda Bad; Naara Takbir, Allahu Akbar, in their mohallahs. This action of belts hurt the religious feelings of Muslims of Chenab Nagar and suburbs. Responsible community officials of Jamaat Ahmadiyya oversaw the entire program by moving about in vehicles. The diary is hereby dispatched. Signature in Urdu: Muhammad Yunus 468 HC Police Post Chenab Nagar on 29 May 2008. Certified by I/SHO Police Station Chenab Nagar, signed in English Nasir Abbas dated 29 May 2008. Action by police: Confidential diary written by Muhammad Yunus 468 HC regarding centenary celebration of Khilafat Jamaat Ahmadiyya by Nasir Abbas I/SHO P.S. Chenab Nagar received and reproduced verbatim above. As the confidential diary points to events that prima facie point to violation of PPC 285, 298-C, 337 H2 the FIR is prepared accordingly. Copy of the police file is sent by hand of Zahur Ahmad 279C to A/Ab Ahmad Inspector Incharge Investigation.

Muhammad Aslam 1169 HC, DO Police Station Chenab Nagar 7.6.08

Annex 3

CSA Letter and FIR



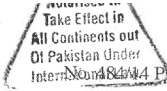
اسلام، عوام و رحمت اللہ

ہم اپنی تعریف کے مطابق کسی طرف سے اسلام قبول کرنے کی دعوت دیتے ہیں اور اصدوقہ و حرزیت سے توبہ کرنے کی اور سزا عطا کرنے کو چھوڑنا اور رسوا ہونے کو انہی کی دعوت دیتے ہیں، ہم امید کرتے ہیں کہ تم چھوڑی سلیم احمد ناصر احمد ایلو ہوا ان دعوت کو قبول کرو گے۔ تاریخ کو اپنے کہ مسلمانوں سے ہیں مسلمانوں کے ساتھ بددعا لایا ہوا ہرگز کوئی انکار مسلمان ہونے کی دعوت دے اور جو مسلمان ہو گئے وہ بددعا خوں و خونریزی سے بچاؤ وہ جو اسلام پر ایمان نہ لائے انکا حق نہیں تاریخ میں موجود ہیں۔ اس لیے ہم آپ کو اپنے مسلمان ہونے کے نظریے چھوڑنے مسلمان ہونے کی دعوت دے رہے ہیں اگر تو اپنے بددعا سے معرتہ ہو کر اور بددعا سے اسلام قبول نہ کیا اور اس انہی اور کھینٹی مولا کو پالنے سے گوارا نہ کر لیا اور خدا ایسے ہو گا جو کھینٹی بددعا کے پالنے کا پورا ہے اور بددعا سے اس ننگہ کی سزا اصدوقہ اور حرزیت سے ہے۔ تمہارا کھیر اور خندان ہماری پٹ لٹا ہے اور کھینٹی تمام جو کھینٹی کا دوسرے وغیرہ تمام ہیں، انہوں نے خط پھیلنے کے ساتھ ہی اطلاع کولوں تم لوگوں کے نام لے کر اور تمام معلومات لاشکر چھوڑ دی، جو اس مسجد اور تمام دیگر جگہوں پر انہوں نے جا رہی ہے ننگہ اگر تم اپنے اسلام قبول نہ کیا تو لوگ بچ کر نہ جا سکیں۔ تم لوگوں کو کھینٹی کھینٹی کھینٹی کے ساتھ ہمیں کھینٹی یا کھینٹی میں کھینٹی اور انہی حفاظت کھینٹی جو ہیں کر سکتے ہو کر لو۔ ہر ایک رکھو اس ننگہ سے ساتھ تم لوگ بچ نہیں پاتے گے۔ ہم امید کرتے ہیں کہ تم لوگ سزا اصدوقہ سے توبہ کر کے اسلام کی پاد میں اپنا کہے ورنہ انہی تمام کے تم خود کھینٹی ہو۔

امیر خیر فرید  
ملائیبت اللہ محمود

امیر خیر فرید کی پاکستانی نسل





FIRST INFORMATION REPORT FOR OFFENCE U/S 154 Cr. PC.

Model Town, District Lahore. Date & Time of Occurrence.  
07-Oct-2014 7:00 AM

1. Date and Time of report: Through Report No. 22 Dated 07-10-2014 at 9:55am
2. Name and Address of Informer: Through Application from Ch. Saleem Ahmed Nasir  
R/O 86-G Model Town Lahore written by Ghulam  
Murtaza ASI P.S Model Town Lahore.
3. Type of Crime (Offense under Section) Offense U/S 506 T P AO. 13-20 / 65
4. Distance of occurrence from Police Station 86-G 1-1/2 K.M West Station
5. Delay, if any, in investigation After The FIR has been endorsed on written application  
Receiving the information
6. Date and time of Departure from Police Station Through Special Report

Signed: Shahzad Hassan

Designation: TAST/DO

(WRITE DOWN THE FIRST INFORMATION)

Note: Put the signature or stamp or thumb impression of informer under information and it is signed by the officer (endorser of First Report) as Attestation.

Respected Station house officer of Model Town Police Station Lahore. I am a practicing Advocate of The Lahore High Court and I am residing at the address given above. Today on 07-10-2014 at 7:00 Hrs when I returned to my house I saw a Plastic shopper's bag lying on the driveway. My wife opened it and found that it contained three Cotton cloth shrouds with my name and name of my son and my wife written on it and each shroud contained one live bullet of rifle and a letter contained in an envelope. (The letter in original and its translation is attached) The letter purported to have been sent by Tehrik-e-Taliban Pakistan and it has the name of Mullah Umer, Baitullah Mahsood and Hakim Ullah Mahsood embossed on it. The Content of letter stated that we belong to "Mirzaiyat" and we should renounce our faith otherwise we all will be killed. The letter was written on 05-10-2014. You are kindly requested to take action as per the law.

Signed: Ch. Saleem Ahmed Nasir

Police Action:

I ASI Shahzad Hassan Incharge investigation along with Constable Muhammad Saleem 14186/c on vehicle LEG 1206 with Driver Akhtar Abbas 23969/c am present at the address of the complainant Ch. Saleem Ahmed Nasir has given a written application and also handed over one envelope of brown color containing three pieces of cloths measuring 02 Yards in length and 3/4 yard in width with names of Saleem Ahmed, Maooz Saleem and Rehana, One printed letter containing the threatening contents and three live bullets of 223 Caliber. The letter is on the letter head of Tehrik-e-Taliban Pakistan (TTP). The case material has been taken into custody and sent to the Police Station. The case has been registered under Cr. PC. 506 T P AO. 13-20/65



Shahzad Hassan TAST/DO  
Model Town Police Station Lahore  
Dated: 07-10-2014

ATTESTED

Ch. M. Rashid Advocate







## Annex 5

### Separate Electoral List for Ahmadis

#### Annex VII


#### Fresh discriminatory orders of the Election Commission of Pakistan to make separate electoral list of Ahmadis for Elections 2013







# Annex 7

## Passport Form



Government of Pakistan  
Ministry of Interior  
Directorate General Immigration  
and Passports  
Faisalabad, Pakistan





1 0 4 0 1 5 8 6 9 3 0

Token No: 249      Date: 4/1/2011  
Application Status: Normal      Receipt No: 41  
Operator's Name: Wasil Ur Rehman

Application Type New      Passport Type Ordinary

Applicant's Full Name Bizwan, Laiba

Identity Card Number 33402-0599565-2      Old Passport Number \_\_\_\_\_

Other Citizenship \_\_\_\_\_      Passport Number \_\_\_\_\_

Date Of Issue \_\_\_\_\_      Place of Issue \_\_\_\_\_

Father's Name Mansoor, Bizwan

Identity Card Number \_\_\_\_\_      Nationality Pakistan

Spouse's Name \_\_\_\_\_

Identity Card Number \_\_\_\_\_      Nationality \_\_\_\_\_

Present Address H.No 5/7, Dar-UI-Sadar Gharbi Chenab Nagar Lalian Chinot Punjab Pakistan

Permanent Address H.No 5/7, Dar-UI-Sadar Gharbi Chenab Nagar Lalian Chinot Punjab Pakistan

Date of Birth (DD/MM/YYYY) 31/10/2010      Place of Birth Chinot, Pakistan

Phone Number 03009792642      Gender Female      Marital Status Unmarried

Qualification Other      Profession Other

AJK National No \_\_\_\_\_      Pakistani By Birth      Religion Ahmadiyya

Whether registered on Government expenses or not? No

Whether employed in Govt./Semi Govt./Autonomous body/corporation/local bodies/State owned industry? No

Whether served in Armed forces? No

Whether reservist in Armed Forces? No

**Declaration**

To the best of my knowledge and belief the information given in this application is correct.

**Declaration in case of Muslim**

Signature: Fauzia Rizwan

I hereby solemnly declare that:-

(i) I am Muslim and believe in the absolute and unqualified finality of the prophethood of Muhammad (peace be upon him) as the last of the prophets.

(ii) I do not recognize any person who claims to be a prophet in any sense of the word or of any description what soever after Muhammad (peace be upon him) or recognize such a claimant as prophet or a religious reformer as a Muslim.

(iii) I consider Mirza Ghulam Ahmed Qadiani to be an imposter and also consider his followers whether belonging to the Lahori or Qadiani group to be non-Muslims.

Signature: \_\_\_\_\_

**Attestation**

Applicable in case of person who has not attained the age of eighteen years and is not issued with an Identity Card, under the National Registration Act, 1972. I, as father/guardian/attester hereby certify that the information given above is correct to the best of my knowledge and belief that the photograph on top of this form bears the true likeness of the applicant.

Signature of Father / Guardian / Attester: Fauzia Rizwan      Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Insulting Anti-Ahmadi declaration on passport application form, required from Muslim applicants**



## Annex 9

### Letter from Election Commission of Pakistan regarding Separate Electoral List

#### Annex II

No. F.1(6)/2001-Cord.  
ELECTION COMMISSION OF PAKISTAN



SECRETARIAT,  
Constitution Avenue G-5/2,  
Islamabad, the 17<sup>th</sup> January, 2007

Subject: **PREPARATION OF SEPARATE LIST OF DRAFT  
ELECTORAL ROLLS FOR AHMADIS/QADIANIS.**

Dear Zahid Sahab, *احمد علی*

I am directed to say that the competent authority has been pleased to decide that separate supplementary lists of draft electoral rolls for Ahmadis/Qadianis for the electoral areas concerned, wherever they are registered, may be prepared and published thereby mentioning "قادر یا غیر (مرد/خواتین)" as the case may be.

2. The draft specimen is enclosed, which before printing, may be got approved from this Commission.

Encl: As Above.

Mr. Zahid A. Khan,  
M/s KalSoft JV (Pvt.) Ltd.,  
House No.29, St. No.37, F-8/1,  
Islamabad.

Yours faithfully,  
Sd/-  
(Iftikhar Hussain Shah)  
Deputy Secretary (Els)

Copy, alongwith a copy of draft specimen referred to above, is forwarded for information and necessary action to all the Provincial Election Commissioners.



(Iftikhar Hussain Shah)  
Deputy Secretary (Els)

**OFFICE OF THE PROVINCIAL ELECTION COMMISSIONER, PUNJAB, LAHORE**  
No.F.3 (1)/2006-Els.(E/Rolls) Lahore the 27<sup>th</sup> January, 2007.

Copy forwarded for information and strict compliance to:-

- i) All Deputy Election Commissioners/Registration Officers. In the Punjab.
- ii) All Assistant Election Commissioners/Registration Officers in the Punjab including Islamabad.
- iii) The Liaison Officer, O/o PEC, Punjab, Lahore:

*27/1/07*  
(Rana Muhammad Aslam Khan)  
Assistant Election Commissioner (Els)

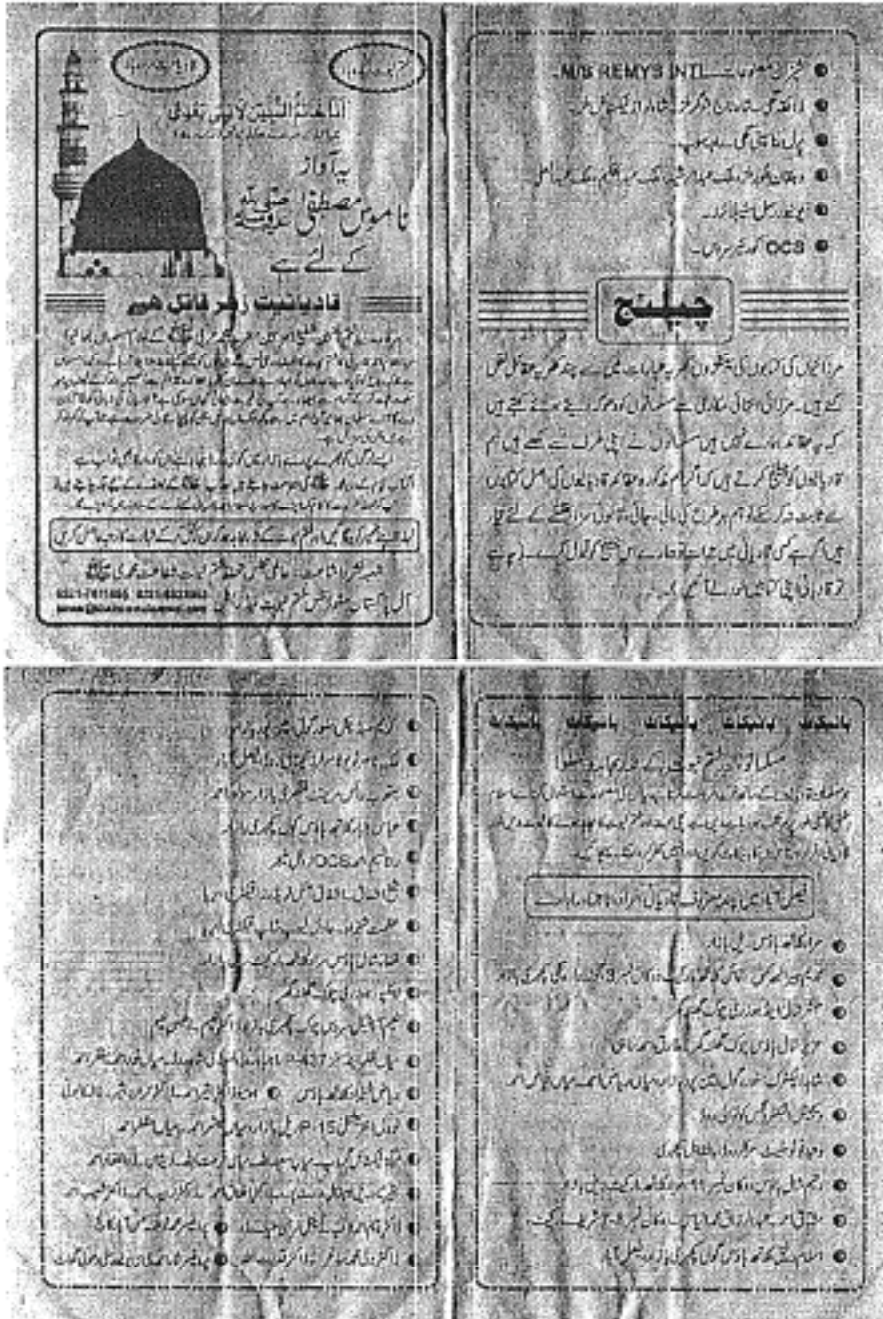
(X) Translation : "For Qadianis (men)/women" (sic)



Annex 10

Anti Ahmadi Leaflets

An openly distributed pamphlet that exhorts people to kill Ahmadis



Note: This pamphlet issued by Aalami Majlis Khatme Nabuwwat urges the 'dauntless Mujahedeem of End of Prophethood to shoot and kill Ahmadis in the open bazaar as it is a pious and rewarding act'. It provides to that end a list of 36 prominent Ahmadis and Ahmadi-owned businesses in Faisalabad. The publisher has printed his address and phone numbers on the leaflet. The authorities did not hold him accountable, as expected.



### Hateful anti-Ahmadiyya stickers

قادیانیوں کے ساتھ بول چال اور لین دین بالکل حرام ہے

نام \_\_\_\_\_ رول نمبر \_\_\_\_\_

کلاس \_\_\_\_\_ سکول/کالج \_\_\_\_\_

رابطہ: ورلڈ تحفظ ختم نبوت کونسل 0334-4090965, 0321-4081955

**It is strictly prohibited in Shariah (Haram) to speak to or do any business with Qadianis.**

Name: ..... Roll no: .....  
Class: ..... School/College: .....  
Contact: World Tahaffuze Khatme Nabuwat Council 0334-4090965, 0321-4081955

محبت رسول کی پہلی نشانی۔ قادیانیوں کا مکمل بائیکاٹ

نام \_\_\_\_\_ رول نمبر \_\_\_\_\_

کلاس \_\_\_\_\_ سکول/کالج \_\_\_\_\_

رابطہ: ورلڈ تحفظ ختم نبوت کونسل 0334-4090965, 0321-4081955

**The first sign of love of the Prophet is total boycott of Qadianis.**

اگر آپ کا کوئی استاد قادیانی ہے تو اس سے پڑھنے سے انکار کر دیں

نام \_\_\_\_\_ رول نمبر \_\_\_\_\_

کلاس \_\_\_\_\_ سکول/کالج \_\_\_\_\_

رابطہ: ورلڈ تحفظ ختم نبوت کونسل 0334-4090965, 0321-4081955

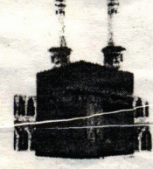
**If your teacher is a Qadiani, refuse learning from him.**





سیدنا

# جامعہ مسجد انوار مدینہ



فیض روڈ مسلم ٹاؤن لاہور سب آفس: عالمی تنظیم ختم نبوت لاہور

فون نمبر: 042-35912644 موبائل: 0322-4404482

ای میل: siraat@mustaqeem.com.net

## وارننگ

آپ کو وارننگ دی جاتی ہے کہ آپ عرصہ ایک ماہ میں یہ علاقہ  
بلکہ لاہور چھوڑ دیں ورنہ آپ اپنے اچھے برے کے خود  
ذمہ دار ہونگے۔ آپ کے باقی افراد کو بھی نصیحت ہے کہ وہ  
اپنی تمام سرگرمیاں ترک کر دیں۔

مرزا لطیف مدنی  
Warning  
notice to an  
Ahmadi from  
the Jamia  
Anwar Madina

داعی الخیر حافظ عبدالعزیز صاحب

مرکزی آفس: عاکف سعید

Ph: 042-36316638, 36366638 E-mail: markaz@tanzeem.org

چناب نگر

047-6211523 0301-3138803

چیچہ وطنی

040-5482253 040-5482257

ملتان

061-7811961 0300-8160191

سب آفس

042-35294905, 042-35294906

042-35294906

0300/0321-4634112

addawato\_elallah@hotmail.com

info@addawata.com



Note: No Qadiani/Mirzai is allowed to undertake the Islamic practice of animal sacrifice as per law, Sharia, morality, under penal code 298-B,C. If he does that, contact Hafiz Mohammad Akram Toofani at (phone #) 0300-9606593

From Aalami Majlis Tahaffuz Khatme Nabuwwat  
Sargodha

Glory of Sahaba – Long Live  
Crown wearer of End of Prophethood – Long Live



Photo of a bazaar in Sargodha where an anti-Ahmadiyya banner stayed on display during the Eid festival

## Annex 11

### Zaheer-ud-din case, Professor Martin Lau

# CIMEL Yearbook Vol.1: Islam and Fundamental Rights in Pakistan

The case of Zaheer-ud-din v. The State and its impact on the fundamental right to freedom of religion by Martin Lau

## I. Introduction

The decision of the Supreme Court of Pakistan in the case of Zaheer-ud-din v. The State 1993 SCMR 1718 can be regarded as the most important judgement of a Pakistani court on the fundamental right to freedom of religion since Pakistan came into being in 1947. The case contains ground-breaking judicial pronouncements on the scope of the fundamental right to freedom of religion in an Islamic state and discusses in extenso the legal definition of religion: it is for this reason that this decision is of interest to anybody concerned with the development of modern Islamic law.

The case concerned inter alia the constitutional validity of the Anti-Islamic Activities of the Quadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984, which added the new sections 298B and 298C to the Pakistan Penal Code, 1860, and amended section 99A of the Code of Criminal Procedure, 1898 and section 24 of the West Pakistan Press and Publications Ordinance, 1963. The constitutional vires of the Ordinance, which was promulgated in the last year of President Zia-ul-Haq's martial law regime, were challenged by a number of Ahmadis, who had been charged with criminal offenses under the provisions of the Ordinance. In their appeal against the convictions it was argued that the Ordinance was violative of the constitutionally guaranteed fundamental right to freedom of religion as provided in Article 20 of the Constitution of Pakistan. Article 20 states that

Subject to law, public order and morality-

every citizen shall have the right to profess, practise and propagate his religion; and

every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

The Supreme Court of Pakistan has the power to strike down any law which is violative of any of the fundamental rights contained in Part II, Chapter 1 of the Constitution of Pakistan.

The Ordinance has to be seen in the light of a legal development, which began in 1974, when the Government of Prime Minister Zulfikar Bhutto declared all members of the Ahmadiyya community to be non-Muslims. Up to then the Pakistani state had regarded Ahmadis as a religious minority within Islam. Members of the community were therefore governed by Muslim personal law in the area of family law. They were furthermore allowed to contest elections as Muslims and were able to assume public offices reserved for Muslims. In short, their legal status was not any different from any of the other Muslim communities in Pakistan, like for instance the majority Sunni sect or the minority Shia sect. Attempts to declare Ahmadis to be non-Muslims had up to 1974 been firmly rejected by both the respective Governments and Pakistan's higher judiciary.

The spirited defence of the Ahmadiyya community is well illustrated in the case of Abdul Karim Shorish Kashmiri v. The State of West Pakistan PLD 1969 Lahore 289 where it was held that Ahmadis as citizens of Pakistan were guaranteed by the Constitution the same freedom to profess and proclaim their religion as any other citizen of Pakistan and that Ahmadis are within the fold of Islam. The Court furthermore held the legal process as being incapable of determining who is a Muslim holding that there is an "absence of any legal right [...] to have this abstract question determined by any right legal process, unless it is somehow linked with any right to property or right to an office [...]" [at p. 307]. The Court asserted that the true Islamic precepts and injunctions of Islam as manifested in the Holy Quran guarantee freedom of religion in clear mandatory terms and concluded that the persecutions of Ahmadis "are sad instances of religious persecution against which human conscience must revolt, if any decency is left in human affairs" [at p. 308].

The change of the legal status of Ahmadis from Muslims to a non-Islamic religious minority was achieved by an amendment to Article 260 of the Constitution, which defines terms used in the Constitution. The Constitution (Second Amendment) Act, 1974 added to these definitions a new clause 3 which provided that:

A person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (Peace be upon him) the last of the Prophets or who claims to be a Prophet, in any sense of the word or of any description whatsoever, after Muhammad (Peace be upon him), or recognises such claimant as a prophet or a religious reformer, is not a Muslim for the purposes of the Constitution or

the law.

The new clause was clearly aimed at Ahmadis, since it was alleged that Ahmadis regard Mirza Ghulam Ahmad, the founder of their religious movement, as a Prophet. The legal effect of the re-definition of Ahmadis as non-Muslims, was, however, limited. They were barred from contesting general elections as Muslim candidates or voters and were given special minority representation in Parliament along with Christians, Hindus, Sikhs and other non-Muslim communities but attempts to prevent Ahmadis from describing themselves as Muslims under Pakistan's civil law failed. In *Abdur Rahman Mobashir v. Amir Ali Shah* PLD 1978 Lahore 113 the High Court of Lahore decided that no permanent injunction could be granted to bar Ahmadis from continuing to perform religious practices associated, as it was alleged by the petitioners, exclusively with Islam as defined by the majority Sunni community. The Court held that civil law could only be used to protect rights of a legal character and explained that religious practices or religious terms could never constitute a proprietary right stating that 'a suit regarding such matter is only competent if it involves dispute about right to property or office'[at p. 143]. The Lahore High Court furthermore held that religious terms do not fall within the domain of intellectual property law either, holding that: "Rights in trademarks or copyrights are matters which are the concern of the statutory law. There is no positive law investing the plaintiffs with any such right to debar the defendants [i.e. the Ahmadiyya community] from freedom of conscience, worship, or from calling their places of worship by any name they like"[at p. 139].

The Court further held that neither public nuisance law nor any direct application of Islamic law based on the equitable jurisdiction of "equity, justice and good conscience" could be used so as to prevent Ahmadis from calling themselves Muslims. A further constitutional amendment, carried out under the provisions of the Constitution (Third Amendment) Order, 1983, clarified the definition of non-Muslims as contained in Article 260 by inter alia adding a new sub-clause (b) which states that "'non-Muslim' means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), or a Bahai, and a person belonging to any of the scheduled castes."

The difficulties in using the ordinary civil law to curb the religious practices of the Ahmadiyya community was overcome by resorting to the area of criminal law: for Ahmadis to call themselves Muslims was now elevated to a criminal offence. The Ordinance XX of 1984 provides that:

298B. Misuses of epithets, descriptions and titles, etc., reserved for certain holy personages or places.

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

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', 'Khalifa-tul-Mumineen', 'Khalifa-tul-Muslimeen', 'Sahabii' or 'Razi Allah Anho';

refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as 'Ummul-Mumineen';

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

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.

Any person of the Qadiani group or the Lahori group (who call themselves '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 the 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.

298C. Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith.– Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), who, directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of 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.

Legal representatives of the Ahmadiyya community initially tried to challenge the validity of the Ordinance before the Federal Shariat Court. This Court has the power to invalidate certain laws, including criminal laws, if they are in the opinion of the court repugnant to the injunctions of Islam. In the case of *Mujibur Rehman v. The Federal Government of Pakistan* PLD 1985 FSC 8 the Federal Shariat Court upheld the validity of the Ordinance arguing that Ahmadis were not Muslims according to the tenets of Islam and that therefore any restrictions imposed on the Ahmadis's claim to be Muslims would not be repugnant to Islam as laid down in Quran and Sunnah.

The constitutional challenge of the Ordinance before the Supreme Court was therefore the last resort for the Ahmadiyya community to regain their right to freely practice their religion. It should be noted that Ordinance XX of 1984 has been vigorously enforced in Pakistan: Up to 1992 a total of 1790 criminal cases had been filed under the Ordinance XX of 1984 and were pending before the courts.

## II. The Decision in *Zaheer-ud-din v. The State*

The Supreme Court of Pakistan in *Zaheer-ud-din v. The State* rejected by a majority decision of four to one the contention that the Ordinance XX of 1984 was violative of any of the fundamental rights guaranteed by the Constitution.

### i. The Minority Judgement

The minority judgement delivered by Shafiqur Rahman held that the restrictions imposed on the Ahmadiyya community on the use of the terms 'Azan', meaning the call for prayer, and 'Masjid', the Urdu term used to denote a place of worship, were unconstitutional since they formed part of the Ahmadi religion having been used by them for a long time:

Historically this [i.e. the naming of the place of worship by the Ahmadis as 'Masjid' and calling of 'Azan'] has been shown in the Lahore High Court case [PLD 1978 Lahore 113, quoted above] to be a tenet or a practice of Ahmadis or Qadianis not of recent origin or device and adopted not with a view to annoy or outrage the feelings and sentiments of non-Ahmadis and non-Qadianis. Being an essential element of their faith and not being offensive per se prohibition on the use of these by them and making it an offence punishable with imprisonment and fine violates the Fundamental Right of religious freedom of professing, practising and propagating and of [the] Fundamental Right of equality inasmuch as only Qadianis or Ahmadis are prevented from doing so and not other religious minorities[at p. 1747].

Furthermore, he held that the restriction on the Ahmadi's right to propagate or to preach their religion, contained in section 298C of the Pakistan Penal Code as amended by the Ordinance, to be violative of the fundamental right to freedom of religion. Shafiqur Rahman concluded his argument by asserting that the wearing of badges by members of the Ahmadiyya community carrying religious messages pertaining to Islam would not constitute a criminal offence since "for ascertaining its peculiar meaning and effect one has to reach the inner recesses of the mind of the man wearing or using it and to his belief for making it an offence." This would be beyond the scope of the law and "in any case it will infringe directly the religious freedom guaranteed and enjoyed by the citizens under the Constitution, where mere belief unattended by objectionable conduct cannot be objected to" [at p. 1749].

### ii. The Majority Judgement

The majority judgement, delivered by Abdul Quadeer Chaudhary did not follow Shafiqur Rahman's liberal approach and dismissed the appeals. The decision, discussed in more detail below, was based on the following arguments:

1. Certain religious terms are peculiar to Islam. In analogy with the law on trademarks and copyrights these terms can be protected by the state from being used by other religious communities.
2. An Islamic state is under an obligation to protect Islam. In order to do this, it can prevent religious communities from claiming to be Muslims. It follows that Ahmadis are only allowed to use religious symbols and terms which are not already being used in connection with Islam.
3. The right of freedom of religion extends only to the integral and essential parts of a religion. It is up to the Courts to determine the nature of these integral and essential elements of a religion. However, even these essential elements, which are protected by constitutionally guaranteed right to freedom of religion can be restricted if their exercise leads to law and order problems.
4. The fundamental right to freedom of religion together with all other fundamental rights is subject to the limits imposed by Islamic

law since Islamic is the positive law of the land.

#### a. Islam and Intellectual Property Rights

Chaudhary's judgment is firmly based on the argument that religious terms can be protected by law from being used by those who are not members of the religion who has an exclusive right to their use. With reference to the terms mentioned in section 298 B of the Ordinance XX of 1984 he holds that

It will be appreciated that some of the epithets, descriptions and titles etc., as given in section 298-B have been used by the Qur'an for specific personages (See 33: 32, 33: 54 and 9: 100) while others undoubtedly and rather admittedly are being used by the Muslims, for those mentioned there, exclusively, for the last about 1400 years. These epithets carry special meaning, are part of the Muslim belief and used for reverence. Any person using them for others, in the same manner, may be conveying impression to others that they are concerned with Islam when the fact may be otherwise. [at p. 1751]

Having established that the terms listed in the Ordinance XX of 1984 are peculiar to Islam Chaudhary argues that legal protection of the use of names or terms is an established feature of English, Indian and Pakistani law. In a list of examples Chaudhary quotes inter alia Indian commercial law stating that:

'Section 20 of the Indian Company Law also lays down that no company shall be registered by a name which, in the opinion of the Central Government is undesirable and that a name which is identical with, or too nearly resembles, the name by which a company in existence has been previously registered, will be deemed to be undesirable by the Indian Government. The Indian Constitution has similar Fundamental Rights as ours but we have not seen a single decision of any Court there, declaring the restriction violative of these rights.' [at p.1752]

He continues this line of argument by proceeding to examine the law on trademarks in India and Pakistan arguing that:

'It is thus clear that intentionally using trade names, trade marks, property marks or descriptions of others in order to make believe others that they belong to the user thereof amounts to an offence and not only the perpetrator can be imprisoned and fined but damages can be recovered and injunction to restrain him issued. This is true of goods of even very small value. For example, the Coca Cola Company will not permit anyone to sell, even a few ounces of his own product in his own bottles or other receptacles, marked Coca Cola, [...].Further, it is a criminal offence carrying sentences of imprisonment and also fine. The principles involved are: do not deceive and do not violate the property rights of others. [at p. 1754]

Chaudhary then extends his findings to the protection of Islamic religious terms in an Islamic state holding that:

It must be appreciated that in this part of the world, faith is still the most precious thing to a Muslim believer, and he will not tolerate a Government which is not prepared to save him of such deceptions or forgeries.[...] If a religious community insists on deception as its fundamental right and wants assistance of Courts doing the same, then God help it. [at p. 1754]

The only way for Ahmadis to exercise their right to freedom of religion is by using a new, distinctive set of terms since

Do they not realise that relying on the 'Shaairs' [i.e. distinctive characteristics of Islam] and other exclusive signs, marks and practices of other religions will betray the hollowness of their own religion? It may mean in that event that their religion cannot progress on its own strength, worth and merit but has to rely on deception. [...] It must, however, be mentioned here that there is no law in Pakistan which forbids Ahmadis to coin their own epithets etc. and use them exclusively and there is no other restriction of any sort, whatever, against their religion.[at p. 1754]

#### b. The Definition of Religion

The obvious difficulty of squaring the demand that Ahmadis should be forced to coin their own terms for their religion with their constitutional right to freedom of religion is met by Chaudhury with two arguments. Firstly, courts are allowed to determine what constitutes a particular religion. He arrives at this conclusion by analyzing two leading Indian decisions on freedom of religion, Commissioner H.R.E Air 1954 SC 282 and Durgah Committee AIR 1961 SC 1402, which establish the principle that

[...]though religious practices are protected by the term 'freedom of religion' yet only such practices are so covered as are integral and es-



essential part of the religion. [...] it is for the Courts to determine whether a particular practice constitutes [an] essential part of the religion or not. [at p. 1762]

Secondly, he states that the right to freedom of religion can be restricted not only in the interest of the maintenance of law and order but also by the limits on the scope of all constitutionally guaranteed fundamental rights imposed by the positive law of the land, i.e. Islamic law.

#### c. The Restriction of Religious Freedom or: The Protection of Islam

The essential parts of a religion are, however, not protected as absolute rights under the fundamental right to freedom of religion. The State is allowed to interfere even with these 'essential' parts of a religion if they are liable to disturb law and order. Applied to the Ahmadiyya community this argument leads Chaudhary to assert that, firstly, the Muslims of the Indian sub-continent regard the movement as "a serious and organised attack on its ideological frontiers", a "permanent threat to their integrity and solidarity", and "a threat to the integrity of 'Ummah' and tranquillity of the nation", which "is also bound to give rise to a serious law and order situation". [at p. 1765]. Secondly, Chaudhary holds that Ahmadis have always claimed to be the only true Muslims, which leads him to conclude that:

It is thus clear that according to the Ahmadis themselves, both the sections, i.e. Ahmadis and the main body cannot be Muslims at the same time. If one is Muslim, the other is not. [...] However, being an insignificant minority [they] could not impose their will. On the other hand, the main body of Muslims, who had been waging a campaign against their (Ahmadis') religion, since its inception, made a decision in 1974, and declared them instead, a non-Muslim minority, under the Constitution itself. As seen above, it was not something sudden, new and undesirable but one of their own choice; only the sides were changed. The Ahmadis are, therefore, non-Muslims; legally and constitutionally and are, of their own choice, a minority opposed to Muslims. Consequently, they have no right to use the epithets etc, and the Shaa'ire Islam, which are exclusive to Muslims and they have been rightly denied their use by law. [at p. 1768]

The next point tackled by Chaudhury concerns the right to excommunicate members of a religious community. Again, he refers to Indian case-law to prove that religious communities are allowed to expel members, quoting the Indian case *Sardar Syedna AIR 1962 SC 853*, in which the Supreme Court of India had upheld the right of the head of the Bohra community, a Muslim community based in Gujarat, to excommunicate members. In applying this principle to the present case Chaudhary notes that:

[...] the Ahmadis always wanted to be a separate entity, of their own choice, religiously and socially. Normally, they should have been pleased on achieving their objective, particularly, when it was secured for them by the Constitution itself. Their disappointment is that they wanted to oust the rest of the Muslims as infidels and retain the tag of Muslims. [...] The reason of their frustration and dismay may be that now, probably, they cannot operate successfully, their scheme of conversion, of the unwary and non-Muslims, to their faith. May be, it is for this reason that they want to usurp the Muslim epithets, descriptions etc., and display 'Kalima' and say 'Azan' so as to pose as Muslims and preach and propagate in the garb of Muslims with attractive tenets of Islam. [at p. 1769]

In the last part of his judgment Chaudhury concludes this argument by holding that, firstly, Muslims cannot be blamed for loosing "control of himself on hearing, reading, or seeing such blasphemous material as has been produced by Mirza Sahib [the founder of the Ahmadiyya movement]." [at p. 1777] In such a scenario the state is obliged to take actions against the Ahmadiyya community since "if an Ahmadi is allowed by the administration or the law to display or chant in public, the Shaair-e-Islam, it is like creating a Rushdi out of him. Again, if this permission is given to a procession or assembly on the streets or a public place, it is like permitting civil war." [at p. 1777]

#### d. The Impact of Islamic Law on the Scope of Fundamental Rights in Pakistan

The state's obligation to protect Islam is furthermore supported by the Constitution and the legal system of Pakistan. Chaudhary arrives at this conclusion by offering a new interpretation of the position of Islamic law in Pakistan. Earlier Supreme Court decisions, especially the case of *Hakim Khan v. Government of Pakistan PLD 1992 SC 595*, had rejected the claim that Islamic law can be directly applied by courts as a source of law or as benchmark for the judicial review of legislation by arguing that only laws enacted in accordance with the provisions of the Constitution constitute valid law. The Islamization of the legal system was, according to Hakim Khan, to be carried out by the elected representatives of the people and not by the High Courts or the Supreme Court. Courts are therefore barred from directly applying Islamic law so as to strike down laws which might be repugnant to Islamic law. Zaheer-uddin constitutes a departure from this principle since Chaudhury holds that the "Constitution has adopted the Injunctions of Islam as



contained in Qur'an and Sunnah of the Holy Prophet as the real and the effective law. In that view of the matter, the Injunctions of Islam as contained in Qur'an and Sunnah of the Holy Prophet are now the positive law." [at p. 1774] This principle applied to the interpretation of the right of freedom of religion leads according to the Chaudhary to a situation where "Therefore, every man-made law must now conform to the Injunctions of Islam as contained in Qur'an and Sunnah of the Holy Prophet p.b.u.h.). Therefore, even the Fundamental Rights as given in the Constitution must not violate the norms of Islam. [...] Anything, in any fundamental right, which violates the Injunctions of Islam thus must be repugnant." [at p. 1775]

### III. Conclusion

Zaheer-ud-din v. The State is a problematic decision. Not only does it confirm the legality of the continued persecution of members of the Ahmadiyya community, which is in itself a worrying prospect, but it also attempts to establish a new interpretation of the scope and the limits of fundamental rights in Pakistan. This restrictive interpretation of fundamental rights stands in stark contrast with the recent development of Public Interest Litigation in Pakistan, which is based on the argument that Islamic law can be used to add new rights to the list of fundamental rights contained in the Constitution rather than to limit them.

The assertion that religious term stand on the same footing as proprietary rights to the use of terms in commercial transactions constitutes a radical departure from established Pakistani law and creates a number of difficulties. Who is to determine which terms are the exclusive property of which religious community? The Supreme Court leaves this question open but indicates that in an Islamic state like Pakistan the state and the courts as the guardians of Islam are under an obligation to take measures to prevent Islam from being 'usurped' by imposters. The actual mechanism of the registration of copyrights to religious terminology are, however, not discussed. In such a scenario the state and the courts are reduced to the guardians of just one religion, i.e. the state religion, namely Islam. The Supreme Court's re-definition of the role of Islamic law in Pakistan's legal system is also unprecedented: Islamic law is regarded as the positive law of the land, capable of restricting all fundamental rights, and binding on both the courts and the legislator. Consistently applied, such a principle would make the continued existence of statute law superfluous since judges could apply Islamic directly without any reference to other sources of law. Finally, the tenor of the decision deserves comment. The Supreme Court's choice of words, like for instance its comparison of Ahmadis with Salman Rushdi, constitutes a new element in the legal development of Pakistan and begs a troubling question: could it be that religious sentiments rather than sound legal logic constitute the underlying ratio decidendi of the decision?



## Annex 13

### Letter to Ahmadi Businessman

ناموس آقا پر ہم جان لیا میں کی  
تو ہون رسالتی ہم جان لے لیں کی

لفظہ عزالت کی خلاف کام کرنے والے  
کس پشت پر نہیں پالے کا ہاتھ ہو نا۔

عزائم و تقاضا

محافظانِ حرمِ نبوت پاکستان  
انجمن التعمیر لائسنس یافتہ (کراچی اور ضلع)

## انتباہ

جناب آپ ایک انسان ہے اچھے بڑے، ٹھیک فطرت کے فرق کو سمجھ اپنی زندگی کو ٹھیک راہ پر لے آئے  
اور حرمِ نبوت پر یقین رکھتے ہوئے اسلام میں داخل ہو جائے اور توبہ کر کے آپ اور آپ کے اہلی خانہ  
باقی کی زندگی اسلام اور عاشقِ نبی میں گزارے۔  
آپ کا دینی مسلسل اسلام اور مسلمانوں کو نقصان دے رہے ہیں اور آپ اس علاقہ میں کافی سرگرم ہے  
اگر آپ کا دینیت چھوڑ دے اور عبادت گاہ میں کافرانہ سرگرمیاں نہ کرے تو آپ اور آپ کے بھئی بچے  
نظر ہے گے۔

ہماری طرف سے آپ کے لیے یہ آخری وارننگ ہے  
ورنہ۔۔۔!

آپ لوگوں سے تعاون کی درخواست ہے۔  
ہم سے تعاون اور رابطہ کے لیے:

0322 4144910  
0321 9993161

**Annex 14**  
**National Education Syllabus**

## Glossary

<b>Word</b>	<b>Literal Translation</b>	<b>Ahmadi context Translation</b>
Ahl-e-Bait	Term to describe the people of the House of Prophet Mohammed and his family	The Ahmadi community also use this phrase to describe the household and family of Mirza Ghulam Ahmad
Ahmadi	Ahmadi Muslim	Ahmadi Muslim
Ahmadi community/ community	Ahmadi Muslim Community	Ahmadi Muslim Community
Al-Fazal Newspaper	Grace	The official Ahmadi community newspaper, established in 1913
Al-Hadees	Muslim Sect	Muslim Sect
Al Misbah Magazine	A source of light	Official Women's magazine/ journal
Atfal	Children	Male children up to age of 15
Anjuman	Association	Central organisation that administer the day to day affairs of the Ahmadi community
Ansarullah	Helper in the cause of Allah	Organisation of the Ahmadi community for 40 plus males
Asslam-o-Alikam	Peace Be upon you, Islamic greening: Hello	The members of the Ahmadi faith are banned from using this phrase
Azan	Islamic call to Prayer	Islamic call to Prayer
Bai'at	Pledge	Oath of allegiance to the Ahmadi faith
Bait-ul-Nur	House of light	Ahmadi Mosque in Model Town, Lahore Pakistan



Burqa	Islamic veil/covering for women	The Ahmadi woman will distinguish her burqa by additionally covering her face partially and loosely draping it around her head
Darul Zikr	House of remembrance	Ahmadi mosque in Gari Shau, Lahore, Pakistan
Dawa	Claim	Claim
Deobandis	Muslim Sect	Muslim Sect
Fatwa	Decree	Decree
Firqa	Sect	Sect
FIR	First Information Report	First Information Report
Hadood Ordinance	Islamic Penal Injunctions	Islamic Penal Injunctions
Hijab	Head covering of Muslim women	Head covering of Muslim women
Hiqmat	Wisdom	The prudence provided by Ahmadi leadership on particular issues relating to community affairs
Inshallah	Islamic phrase: God willing	Islamic phrase: God willing
Izzat	Honour/prestige	Honour/prestige
Jalsa Salana	Annual gathering	The annual convention of the Ahmadi community, held around the world
Jamaat	Community	The phrase most commonly used to describe the Ahmadiyya Muslim Community
Jihad	Holy war	Ahmadis are targeted by extremists, who consider killing an Ahmadi as part of their duty to conduct holy war

Jummah/Juma prayers	Friday prayers	
Kafir	Infidel	Derogatory term used against Ahmadi, who state themselves to be Muslims
Kalma/Kalima	Proclamation of faith in the oneness of God and as Muhammad (peace and blessings of Allah be upon him) as his servant and messenger	Proclamation of faith in the oneness of God and as Muhammad (peace and blessings of Allah be upon him) as his servant and messenger
Khaddim (singular)/ Khuddam (plural)	Servants	Male 15-40 years old
Khalifa	Successor	Successor
Khatme-e-Nabuwat	Finality of the Prophethood	An organisation in Pakistan with an anti Ahmadi agenda including inciting and promoting violence and killings of Ahmadis
Khilafat	Institution of succession	The institution of the Supreme Head of Ahmadiyya Community
Khilafat Jubilee	Centenary of the succession	100 year anniversary of the Supreme Head of Ahmadiyya Community
Lajna Amanullah	Maids of God	Organisation of the Ahmadi community for women 15+
Madrassa	School/Islamic seminary	School where Islamic subjects are taught
Mahram	Male relations of a Muslim female whom she does not require to observe purdah (veil) in front of	As is the mainstream Muslim belief these male relations include: husband, father, father-in-law, brother, paternal uncles and maternal uncles

Majlis-i-ahrar-e-islam	Liberal party of Islam	A political party formed by Islamic clerics in 1929. Their manifesto was to eliminate the Ahmadiyya community
Masjid	Mosque, place of worship	Ahmadis are prohibited to call their place of worship a "Masjid" and therefore have to name them "Bait" – meaning house
Mirzai, Mirzais	Derogatory names given to Ahmadis	Derogatory term used to describe members of the Ahmadi community
Mehrab	It is a niche in the wall of a mosque that indicates the direction that Muslims should face when praying.	It is a niche in the wall of a mosque that indicates the direction that Muslims should face when praying.
Mujahideen	Soldier/warriors	Soldier/warriors
Mullah/Maulvi/Murrabi	Islamic Cleric	Islamic Cleric
Munazra	Debate	Debate

Musi

Testator

A Musi is a person who undertakes to donate a minimum of 1/10 of their net disposable income and assets during their lifetime and on demise to bequeath to the community which is over and above the usual 1/16<sup>th</sup> for Ahmadis generally. Musi may indeed devote more than 1/10 of their income and assets. These funds go towards all the good works of the Ahmadi community and to propagate its beliefs.

In addition to their financial obligations to the community which is higher than other Ahmadis and they undertake the higher pledges in terms of the pledge of moral conduct, charity and as a part of this higher moral commitment to the faith Musis generally hold their duties of tabligh in the highest regard. They undertake to teach the Holy Quran to those who cannot read it and treat the propagation of their faith as one of their foremost and fundamental duties. It is considered to be a privilege in the Ahmadi community to be accepted as a Musi. However, this is not to say however an individual who is not a Musi is less worthy nor less committed.

Nabi

Prophet

Prophet

Naib Amir

Deputy Head

Vice President

Nasrat

Helper

Girls up to 15 years old

Nikah

Islamic marriage

Islamic marriage

Nubwwat

Prophethood

Prophethood