Blasphemy law in Pakistan

The <u>Pakistan Penal Code</u> prohibits <u>blasphemy</u> (<u>Urdu</u>: قانون توہین رسالت) against any recognized religion, providing penalties ranging from a fine to death. From 1967 to 2014, over 1,300 people have been accused of blasphemy, Muslims constitute the majority of those booked under these laws. [1]

Over 60 people accused of blasphemy have been murdered before their respective trials were over, [2][3] and prominent figures who opposed the blasphemy law have been assassinated. [1] Since 1990, 62 people have been murdered as a result of blasphemy allegations. [4]

According to one religious minority source, an accusation of blasphemy commonly subjects the accused, police, lawyers, and judges to harassment, threats, attacks and rioting. Critics complain that Pakistan's blasphemy law "is overwhelmingly being used to persecute religious minorities and settle personal vendettas," but calls for change in the blasphemy laws have been strongly resisted by Islamic parties - most prominently the Barelvi school of Islam. Pakistan's laws became particularly severe between 1980 and 1986, when a number of clauses were added to the laws by the military government of General Zia-ul Haq, to "Islamicise" the laws and deny the Muslim character of the Ahmadi minority. Prior to 1986, only 14 cases pertaining to blasphemy were reported. Parliament through Second Amendment to Constitution on September 7, 1974, under Prime Minister Zulfiqar Ali Bhutto patronage declared Ahmadi Muslims as non-Muslims. In 1986 it was supplemented by a new blasphemy provision also applied to Ahmadi Muslims (See Persecution of Ahmadis).

Cases under blasphemy law have also been registered against Muslims who have harassed non-Muslims. $^{[10][11][12]}$

☐ Constitution

By its constitution, the official name of <u>Pakistan</u> is the "Islamic Republic of Pakistan" as of 1956. More than 96% of Pakistan's 167 million citizens (2008) are Muslims. Among <u>countries with a Muslim majority</u>, Pakistan has the strictest anti-blasphemy laws. The first purpose of those laws is to protect Islamic authority. By the constitution (Article 2), Islam is the <u>state religion</u>. By the constitution's Article 31, it is the country's duty to foster the Islamic way of life. By Article 33, it is the country's duty to discourage parochial, racial, tribal, sectarian, and provincial prejudices among the citizens. Under Article 10A of constitution it is also the state's duty to provide for the right of fair trial.

Laws

Religion-related offences on the territory of modern Pakistan were first codified by the <u>British Raj</u> in 1860, and were expanded in 1927. Pakistan inherited that legislation when it gained independence after the <u>partition of India</u> in 1947. Several sections of Pakistan's Penal Code comprise its <u>blasphemy laws</u>.

Religious offences and punishments

PPC	Description	Penalty
§ 298	Uttering of any word or making any sound or making any gesture or placing of any object in the sight with the deliberate intention of wounding the religious feelings of any person.	•
§ 298A	Use of derogatory remarks etc., in respect of holy personages. 1980	3 years imprisonment, or fine, or both
§ 298B	(Ahmadi blasphemy law) Misuse of epithets, descriptions and titles etc., reserved for certain holy personages or places, by <u>Ahmadis</u> . 26 April 1984	3 years imprisonment and fine
§ 298C	(Ahmadi blasphemy law) Aka <u>Ordinance XX</u> : f a Muslim, or preaching or propagating his faith, or "in any manner whatsoever" outraging the religious feelings of Muslims, or posing himself as a Muslim. 26 April 1984	3 years imprisonment and fine
§ 295	Injuring or defiling places of worship, with intent to insult the religion of any class	Up to 2 years imprisonment or fine, or both
§ 295A	Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs. 1927 ^[18]	Up to 10 years imprisonment, or fine, or both
§ 295B	Defiling, etc., of Quran. 1982 ^[19]	Imprisonment for life
§ 295C	Use of derogatory remarks, spoken, written, directly or indirectly, etc. defiles the name of Muhammad or other Prophet(s) 1986	Mandatory Death and fine (Feb. 1990 ^[20])
		Trial must take place in a Court of Session with a Muslim judge presiding. [21]

Except for § 295-C, the provisions of § 295 require that an offence be a consequence of the accused's intent. (See below Sharia.)

§ 298 states:

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Between 1986 and 2007, Pakistani authorities charged 647 people with blasphemy offences. [22] Fifty percent of these were non-Muslims, who represent only 3% of the national population. [22] No judicial execution for blasphemy has ever occurred in Pakistan, [23][24] but 20 of those charged were murdered. [22][25]

The only law that may be useful in countering misuse of the blasphemy law is PPC 153 A (a), whoever "by words, either spoken or written, or by signs, or by visible representations or otherwise, promotes or incites, or attempts to promote or incite, on grounds of religion, race,

place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities" shall be fined and punished with imprisonment for a term that may extend to five years.

On 12 January 2011, Prime Minister of Pakistan Yousuf Raza Gilani once again said that there would be no amendments to the blasphemy law. [26]

Sharia

The Federal Shariat Court (FSC) is a religious body which rules on whether any particular law is repugnant to the injunctions of Islam. If a law is repugnant to Islam, "the President in the case of a law with respect to a matter in the Federal Legislative List or the Concurrent Legislative List, or the Governor in the case of a law with respect to a matter not enumerated in either of those Lists, shall take steps to amend the law so as to bring such law or provision into conformity with the Injunctions of Islam" (Constitution, Article 203D). In October 1990, the FSC ruled that § 295-C was repugnant to Islam by permitting life imprisonment as an alternative to a death sentence. The Court said "the penalty for contempt of the Holy Prophet ... is death." The FSC ruled that, if the President did not take action to amend the law before 30 April 1991, then § 295-C would stand amended by its ruling.

Promptly after the FSC's ruling in 1990, Bishop Dani L. Tasleem filed an appeal in the Supreme Court of Pakistan, which has the power to overrule the FSC. In April 2009, the Shariat Appellate Bench of the Supreme Court considered the appeal. Deputy Attorney-General Agha Tariq Mehmood, who represented the federal government, said that the Shariat Appellate Bench dismissed the appeal because the appellant did not pursue it. The appellant did not present any argument on the appeal because the appellant, according to reports, was no longer alive. Consequently, it appears to be the law in Pakistan that persons convicted under § 295-C must be sentenced to death with or without a fine. [29]

Vigilantism

Those who are accused of blasphemy may be subject to harassment, threats, and attacks. Police, lawyers, and judges may also be subject to harassment, threats, and attacks when blasphemy is an issue. Those accused of blasphemy are subject to immediate incarceration, and most accused are denied bail to forestall mob violence. It is common for those accused of blasphemy to be put in solitary confinement for their protection from other inmates and guards. Like those who have served a sentence for blasphemy, those who are acquitted of blasphemy usually go into hiding or leave Pakistan.

Death of Mashal Khan

Mashal Khan (Urdu: ماشال خان) was a Pakistani student at the <u>Abdul Wali Khan University</u> Mardan who was killed by an angry mob in the premises of the university in April 2017 over allegations of posting blasphemous content online.

United Nations

Pakistan's support of blasphemy laws has caused it to be active in the international arena in promoting global limitations on freedom of religion or belief and limitations on freedom of

expression. In March 2009, Pakistan presented a resolution to the <u>United Nations Human Rights Council</u> in Geneva which calls upon the world to formulate laws against the defamation of religion. [30] See <u>blasphemy</u>.

Internet censorship

Main article: Internet censorship in Pakistan

In May 2010, Pakistan <u>blocked access to Facebook</u> because the website hosted a page called <u>Everybody Draw Muhammad Day</u>. Pakistan lifted the block after Facebook prevented access to the page. In June 2010, Pakistan <u>blocked</u> seventeen websites for hosting content that the authorities considered offensive to Muslims. At the same time, Pakistan began to monitor the content of <u>Google</u>, <u>Yahoo</u>, YouTube, <u>Amazon</u>, <u>MSN</u>, <u>Hotmail</u>, and <u>Bing</u>. [36][37]

Public opinion

Anti-Pakistani blasphemy law protest in **Bradford**, **England** (2014).

On 19 March 2014, <u>The Nation</u> polled its readers and later reported that 68% of Pakistanis believe the blasphemy law should be repealed. On the other hand, the <u>International Crisis</u> <u>Group</u> reports that

... the Islamic parties are most successful in galvanising street power when the goal is narrowly linked to obstructing reforms to discriminatory religious laws that often provoke sectarian violence and conflict and undermine the rule of law and constitutionalism. [39]

Pakistani human rights activists say that because there is no punishment for making a false accusation, charges of blasphemy are being used to harass minorities and settle personal conflicts. [40]

Selected cases



This article **may contain** <u>indiscriminate</u>, <u>excessive</u>, or <u>irrelevant</u> <u>examples</u>. Please <u>improve the article</u> by adding more descriptive text and removing <u>less pertinent</u> <u>examples</u>. See Wikipedia's <u>guide to writing better articles</u> for further suggestions. (*September 2012*)

Arrests and death sentences issued for blasphemy laws in Pakistan go back to the late 1980s and early 90s. Despite the implementation of these laws, no one has yet been executed by the order of the courts or governments as to date, only imprisoned to await a verdict or killed at the hands of felons who were convinced that the suspects were guilty. [41][42]

Some of the widely reported cases were:

- In December 2017, a 58-year-old man accused of blasphemy was freed after spending over nine years in jail. <u>Bahawalnagar District</u> court and <u>Lahore High Court</u> sentenced the man to life imprisonment which was overruled by <u>Supreme Court of Pakistan</u> as the evidence used were not in accordance with the <u>Evidence Act^[43]</u>
- In March 2017, Prime Minister of Pakistan Nawaz Sharif <u>supported a crackdown</u> on blasphemous material posted on social media and described blasphemy as an

- "unpardonable offence". [44][45] Shortly after, Pakistani blogger <u>Ayaz Nizami</u>, founder of realisticapproach.org, [46] an Urdu website about atheism, and Vice President of Atheist & Agnostic Alliance Pakistan, [47] was detained under the charges of blasphemy and could face the death penalty. [48][49]
- In January, 2014 Muhammad Asghar, a 70-year-old British man from Edinburgh, was convicted of blasphemy and sentenced to death by a court in Rawalpindi. Asghar had initially been arrested in 2010 after sending letters in which he declared himself a prophet, and had lived in Pakistan for several years prior to his arrest and trial. Javed Gul, a government prosecutor, disclosed to Agence France Presse that, "Asghar claimed to be a prophet even inside the court. He confessed it in front of the judge." Asghar's lawyers had argued during the trial that he should be granted leniency on account of a history of mental illness, but a medical panel later rejected this argument after reviewing his case. [50]
- In September 2013, a Lahore-based woman Salma Fatima was arrested by Police after she distributed pamphlets declaring herself a Prophet. [51]
- In October 2012 teacher Arfa Iftikhar was forced into hiding after a furious mob stormed Farooqi Girls High School in the eastern city of Lahore over a piece of homework she set that allegedly contained derogatory references to the Muslim prophet Mohammad. [52]
- Rimsha Masih (some reports use the name "Rifta" or "Riftah") is a Pakistani child who was arrested in Islamabad by Pakistani police in August 2012 and who could face the death penalty for blasphemy for allegedly desecrating pages of the Quran (or a book containing verses from the Quran) by burning. She is a member of Pakistan's Christian minority.
- In July 2011 Muhammad Ajmal escaped the raid of a local religious group in Rawalpindi, who later announced that anti-Islamic material and blasphemous material against the prophet of Islam was found in his apartment, both printed and on his laptop. Ajmal disappeared in July 2011.
- On 12 December 2011, a teacher <u>Shahid Nadeem</u> in the missionary school of Faisalabad accused by Qari Muhammad Afzal (who is a member of Lashkar-e-Jhangvi which is a banned organisation) registered FIR on 28 December 2011 in the local police station and said that culprit had deliberately torn the pages of Quran and later burn these pages.
- On 2 March 2011 <u>Shahbaz Bhatti</u>, Pakistan's Federal Minister for Minorities Affairs (a Roman Catholic member of the National Assembly), was killed by gunmen in Islamabad as he was travelling to work, a few weeks after he had vowed to defy death threats over his efforts to reform Pakistan's blasphemy laws.
- In November 2010, <u>Asia Bibi</u> was sentenced to death by hanging on a charge of blasphemy. She said the accusation was false and was simply revenge after an argument in a berry field over drinking water. The case has sparked international reactions, and as of 2015 is still being appealed. Punjab Governor <u>Salman Taseer</u> was shot dead by his security guard for supporting <u>Asia Bibi</u>. <u>Salman Taseer</u> had visited Bibi in Jail and had held a press conference with her. He had told media that she would be released soon and the President of Pakistan will soon annul her death sentence. This triggered mass protests in Pakistan with many imams of local mosques claiming that <u>Salman Taseer</u> had defied <u>Mohammed</u> and should be sentenced to death for it. Taseer was later assassinated in early 2011.
- In July 2010, a trader in Faisalabad complained that one of his employees had been handed a pamphlet which contained disrespectful remarks about Muhammad.

According to the police, the pamphlet appeared to have the signatures and addresses of Pastor Rashid Emmanuel and his brother Sajid, who were Christians. The brothers were shot and killed while being escorted by the police from a district court. Both had denied the charge of blasphemy. Allama Ahmed Mian Hammadi, a Pakistani Muslim cleric, claimed that Shahbaz Bhatti, Pakistan's Federal Minister for Minorities, had himself committed blasphemy by branding the murdered Christian brothers as victims of Pakistan's blasphemy laws.

- On 9 July 2009, a FIR was registered against two teenager brothers, complainant falsely accusing them that they had spoke against Prophet Mohammad and this family had to left the country for their safety. On 30 July 2009, hundreds of members of *Sipah-e-Sahaba* and International Khatm-e-Nabuwat 'IKNM' the banned Muslim organisations, torched the Christian homes and killed Christians in the Punjabi city of Gojra Faisalabad and in the nearby village of Korian, District Faisalabad. The professed reason for the violence was that a Christian had defiled and spoke against Prophet Mohammad. [60][61][62]
- On 22 January 2009, Hector Aleem a Christian Human Rights Activist in Pakistan was arrested on a blasphemy charge. According to the FIR, someone sent a blasphemous text message to the leader of Sunni Tehreek. Hector Aleem was arrested because the sender had once contacted him. Hector Aleem, the Chairman of Peace Worldwide, had been working for a church in Islamabad which was demolished by the CDA (Capital Development Authority) for having been built illegally. When Hector Aleem objected to the destruction of the church he was faced with several threats and lawsuits ranging from fraud to criminal charges. He fought all of them in the courts and proved his innocence. He also faced several assassination attempts. Hector Aleem was eventually arrested on the charge of blasphemy.
- In February 2008, Special Rapporteurs of the <u>United Nations Human Rights Council</u> reminded Pakistan's representative of the matter regarding Raja Fiaz, Muhammad Bilal, Nazar Zakir Hussain, Qazi Farooq, Muhammad Rafique, Muhammad Saddique and Ghulam Hussain. According to the allegations received, the men were members of the <u>Mehdi Foundation International</u> (MFI), a multi-faith institution utilising the name of <u>Riaz Ahmed Gohar Shahi</u>. They were arrested on 23 December 2005 in Wapda Town. The police confiscated posters on which <u>Gohar Shahi</u> was shown as "Imam Mehdi." On 13 July 2006, the Anti-Terrorism Court No. 1 in Lahore sentenced each accused to five years of imprisonment, *inter alia*, under § 295-A for having outraged others' religious feelings. Since 27 August 2006, the seven men have been detained in Sahiwal Jail, Punjab, where they were forced to parade naked, and were suspended from the ceiling and beaten. For this reason, they were constantly threatened and intimidated by prison staff as well as by other detainees.
- Christians and Muslims in Pakistan condemned <u>Dan Brown</u>'s novel <u>The Da Vinci</u>
 <u>Code</u> as blasphemous. On 3 June 2006, Pakistan banned the <u>film</u>. Culture Minister
 Ghulam Jamal said: "Islam teaches us to respect all the prophets of God Almighty and degradation of any prophet is tantamount to defamation of the rest." [63]
- On 11 August 2005, Judge Arshad Noor Khan of the Anti-Terrorist Court found (another) Younus Shaikh guilty of defiling a copy of the Quran, outraging religious feelings, and propagating religious hatred among society. Shaikh's conviction occurred because he wrote a book: Shaitan Maulvi (Satanic Cleric). The book said stoning to death (Rajam) as a punishment for adultery was not mentioned in the

- Quran. The book said also that four historical *imams* (religious leaders) were Jews. ^[65] The judge imposed upon Shaikh a fine of 100,000 rupees, and sentenced him to spend his life in jail. ^[66]
- In October 2000, Pakistani authorities charged Dr. M. <u>Younus Shaikh</u> M.D., a physician, with blasphemy on account of remarks that students claimed he made during a lecture. The students alleged that, *inter alia*, Shaikh had said Muhammad's parents were non-Muslims because they died before Islam existed. A judge ordered that Shaikh pay a fine of 100,000 rupees, and that he be hanged. On 20 November 2003, a court retried the matter and acquitted Shaikh, who fled Pakistan for Switzerland soon thereafter.
- The police arrested Ayub Masih, a Pakistani Christian bricklayer for blasphemy on 14 October 1996 and jailed him for violation of § 295-C. Muhammad Akram, a Muslim neighbour to Masih, complained to the police that Masih had said Christianity was right, and Masih had recommended that Akram read Salman Rushdie's Satanic Verses. [27][69] The same day that Masih was arrested, Muslim villagers forced the entire Christian population of Masih's village (fourteen families) to leave the village. Masih's family had applied under a government program that gave housing plots to landless people. Local landlords resented Masih's application because the landlords had been able to oblige landless Christians to work in the fields in exchange for a place to live. Masih's application gave him a way out of his subservience to the landlords. [28] Upon Masih's arrest, the authorities gave Masih's plot to Akram. [27] Akram shot and injured Masih in the halls of the Session Court at Sahiwal on 6 November 1997. Four assailants attacked Masih in jail. The authorities took no action against Akram or against the other assailants. On 20 April 1998, Judge Abdul Khan sentenced Masih to death and levied a fine of 100,000 rupees. Two judges of the Lahore High Court heard Masih's appeal on 24 July 2001. Shortly thereafter, the judges affirmed the judgment of the trial court. On 16 August 2002, the Supreme Court of Pakistan set aside the judgment of the lower courts. The Supreme Court noted Akram's acquisition of Masih's property and concluded the case had been fabricated for personal gain. The court also noted other breaches in the law of due process. [70][71]
- In first of its kind case, a 30 year old Shiite Taimoor Raza has been sentenced to death by Anti-Terror Court, for posting blasphemous content on Facebook. [72][73] He was booked in 2016 after he engaged in sectarian debate with a counter-terrorism official on Facebook. [74]
- In November 2016, a Facebook campaign was launched by the followers of Khadim Hussain Rizvi, against Malik Shahrukh, a Ph.D. researcher who was previously associated with an Islamabad-based diplomatic news publication. Malik was accused of calling the Quran "an ordinary book, produced by Mohammad for economic and political purposes." A video of the local Imam of Sargodha, in which he incited people during the Friday sermon to kill Malik, went viral. Several applications were made to the authorities against Malik, demanding that he be sentenced to death. Authorities could not arrest Malik because he was not in Pakistan at the time. Sources claim that Malik is being framed for criticizing Tahreek-e-Labbaik and its chief.

What are Pakistan's blasphemy laws?

• 6 November 2014

Image copyright AP Image caption Members of Pakistani minorities want the blasphemy laws amended but lawmakers struggle to do so

Pakistan's blasphemy laws carry a potential death sentence for anyone who insults Islam. Critics say they have been used to persecute minority faiths and unfairly target minorities.

When do the laws date from?

The offences relating to religion were first codified by India's British rulers in 1860, and were expanded in 1927. Pakistan inherited these laws when it came into existence after the partition of India in 1947.

Between 1980 and 1986, a number of clauses were added to the laws by the military government of General Zia-ul Haq. He wanted to "Islamicise" them and also legally to separate the Ahmadi community, declared non-Muslim in 1973, from the main body of Pakistan's overwhelmingly Muslim population.

What do the laws say?

The law enacted by the British made it a crime to disturb a religious assembly, trespass on burial grounds, insult religious beliefs or intentionally destroy or defile a place or an object of worship. The maximum punishment under these laws ranges from one year to 10 years in jail, with or without a fine.

During the 1980s the blasphemy laws were created and expanded in several instalments. In 1980, making derogatory remarks against Islamic personages was made an offence, carrying a maximum punishment of three years in jail.

In 1982, another clause prescribed life imprisonment for "wilful" desecration of the Koran, the Muslim holy book. In 1986, a separate clause was inserted to punish blasphemy against the Prophet Muhammad and the penalty recommended was "death, or imprisonment for life", in that order.

Who is affected by the laws?

Image copyright AFP/Getty Image caption Christians Shama (L) and Shehzad (R) were accused of desecrating the Koran and killed by a mob

The Human Rights Commission of Pakistan (HRCP) - a voluntary organisation - has been documenting blasphemy cases for decades. It says that Muslims constitute the majority of those booked under these laws, closely followed by the Ahmadi community.

Data provided by National Commission for Justice and Peace (NCJP) shows a total of 633 Muslims, 494 Ahmedis, 187 Christians and 21 Hindus have been accused under various clauses of the blasphemy law since 1987.

The vast majority of these cases were lodged for desecration of the Koran - far fewer for blasphemy against the Prophet Muhammad.

Critics say the fact that minorities figure so prominently in the cases shows how the laws are unfairly applied. Often the laws are used to settle personal scores and have little or nothing to do with religion.

Correspondents say the mere accusation of blasphemy is enough to make someone a target for hardliners, as is defending those accused of blasphemy or calling for the laws to be reformed.

Do most Pakistanis support the laws?

A large majority of Pakistani people support the idea that blasphemers should be punished, but there is little understanding of what the religious scripture says as opposed to how the modern-day law is codified.

Many believe the law, as codified by the military regime of General Zia-ul Haq back in the 1980s, is in fact straight out of the Koran and therefore is not man-made.

When Punjab Governor Salman Taseer - a prominent critic of the law - was assassinated by his bodyguard in 2011, Pakistan was divided, with some hailing his killer as a hero.

Why do the authorities not amend them?

Image copyright Getty Images Image caption Salman Taseer, the Punjab governor who tried to reform the laws, was assassinated in 2011

Amending the blasphemy laws has been on the agenda of nearly all the popular secular parties. But none of them has made much progress - principally because of the sensitivities over the issue, but also because no major party wants to antagonise the religious parties.

A month after Salman Taseer was killed, Religious Minorities Minister Shahbaz Bhatti, a Christian who spoke out against the laws, was shot dead in Islamabad, underlining the threat faced by critics of the law.

In 2010, a member of the ruling Pakistan People's Party (PPP), Sherry Rehman, introduced a private bill to amend the blasphemy law. Her bill sought to change procedures of religious offences so that they would be reported to a higher police official and the cases heard directly by the higher courts.

The bill was passed on to a parliamentary committee for vetting. It was withdrawn in February 2011 under pressure from religious forces as well as some opposition political groups.