



# Blasphemy Laws and the Persecution of Minorities in Pakistan

By Benedict Rogers

*Christian Solidarity Worldwide*

On 11 August 1947, Pakistan's founder Mohammed Ali Jinnah gave a speech to the first Constituent Assembly in which he spelled out his vision for the new nation. Although Pakistan was created out of the partition of India as a homeland for Muslims, Jinnah envisaged a country based on religious freedom and tolerance. He said: "You are free. You are free to go to your temples. You are free to go to your mosques or to any other places of worship in this state of Pakistan. You may belong to any religion, caste or creed – that has nothing to do with the business of the State ... We are starting with this fundamental principle, that we are all citizens and citizens of one state."

Half a century later, Pakistan is very far from Jinnah's vision. The rise of militant and extremist Islam, and its political ideology, radical Islamism, has put the country at the epicentre of global terrorism. Not only is the country a major location for terrorist training camps which carry out atrocities in other parts of the world, it is a country with one of the world's worst records of intolerance towards religious minorities. In recent years, incidents of violence against Christians, Hindus and others have increased, the abduction, gang-rape and forced marriage of minority – especially Christian – women and young girls by Muslim men has become more widespread, and letters threatening Christian communities to convert to Islam or face the consequences more regular. But at the heart of this climate of intolerance is a set of laws, detailed in the Pakistan Penal Code, which are so poorly defined and so widely abused that they have become a weapon of hatred, used by Muslims against each other to settle personal scores, and against minorities to intimidate and persecute. These are Pakistan's notorious blasphemy laws.

Introduced by Pakistan's former military dictator General Zia ul-Haq in 1982 and 1986 respectively, the blasphemy laws amended existing legislation first enacted by the British in colonial India. In 1862, Britain created legislation to protect religious communities in the aftermath of Hindu-Muslim clashes. Section 295A, on "offences concerning religion", was introduced into the Indian Penal Code, which Pakistan adopted upon its creation in 1947. From 1862 until 1982, only one known case was ever registered under Section 295 A. It concerned a Muslim who had written a controversial book, and was charged with the offence in 1927. The lawyer who represented him was Mohammed Ali Jinnah.

From 1947 until 1985, Muslims and Christians in Pakistan lived in relative harmony, with comparatively few cases of religiously-motivated violence. Section 295 A protected the “religious feelings” of all religious communities, without mentioning any particular religion, and applied a ten-year prison sentence, or a fine, to anyone who “insults or attempts to insult the religion or religious beliefs” of a particular group. In other words, it applied, at least in theory, to everyone, and while the penalty seems severe, it was moderate by comparison with what was to come. However, General Zia’s decision in 1982 to add Section 295 B to the Pakistan Penal Code, and Section 295 C in 1986, and the Shari’a court decision to impose the death penalty in the case of blasphemy against the Prophet Mohammed in 1992, changed all that. Section 295 B refers to the desecration of the Qu’ran, and reads:

*“Whoever wilfully defiles, damages or desecrates a copy of the Holy Qu’ran or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.”*

Section 295 C, blasphemy against the Prophet Mohammed, reads:

*“Whoever, by words either spoken or written, or by visible representation, or by imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammed (peace be upon him) shall be punishable by death, and shall also be liable to fine.”*

In the case of 295 B, there is at least a provision for intent, in the reference to whoever “wilfully” defiles the Qu’ran, although in practice this provision is rendered irrelevant, a point illustrated by cases such as an illiterate cleaner who burned a newspaper thinking it was rubbish, without realising it contained quotations from the Qu’ran. Nevertheless, 295 B at least provides for the question of intent. Section 295 C, which carries the death penalty, does not include such a proviso, and is so vaguely worded that it is wide open to abuse. What do terms such as “visible representation”, “imputation”, “innuendo” and “insinuation” actually mean, especially if they are interpreted “directly or indirectly”, and without any question of intent?

Poor definitions of blasphemy and no proof of intent are compounded by the absence of adequate standards of evidence. In essence, the testimony of one person is all that is required to secure the arrest of an individual accused of blasphemy. The police can charge a person, file a First Investigation Report (FIR), and put the accused in jail. When it comes to trial, no further evidence is required beyond the testimony of one person bringing the accusation. It is safe to say that almost every single blasphemy case is completely fabricated.

Indeed, it gets worse. Upon cross-examination, the person making the accusation may be asked to repeat exactly what the accused said that was deemed to be blasphemous. In response, the person making the accusation can simply refuse to repeat the alleged remarks – on the grounds that were they to do so, they themselves would be committing blasphemy. In some cases the credibility of

witnesses is stretched beyond imagination. In a blasphemy trial in Sargodha, for example, the defence counsel showed that the prosecution witness was unreliable – but the judge ruled that because he had a beard of a certain length, and was a Muslim, his evidence was acceptable and the accused was found guilty.

Typically, a blasphemy case is heard in the lower or “sessions” courts first, and in almost every case the accused is found guilty. This is in part due to a lack of proper laws of evidence, the poor definitions of the law itself and an absence of proof of intent. However, it is also due to the ritual harassment and intimidation of the judge and defence lawyers. Regularly, mobs of Muslims, often led by Mullahs, crowd into the courtroom, shouting threats at the judge if he does not rule in their favour. Defence lawyers receive death threats for taking on blasphemy cases, as a matter of course. Mobs gather outside the courtroom, and physically threaten the lawyers as they leave. As one lawyer told Christian Solidarity Worldwide, “no blasphemy case has ever been conducted on a fair trial basis.”

Parvez Aslam Chaudhry is one lawyer who receives almost daily death threats. A former President of the Christian Lawyers Association of Pakistan and a former Chairman of the Lahore Bar Association’s Jail Reform Committee, Parvez Aslam Chaudhry leads Legal Aid for the Destitute and Settlement (LADS), a group of lawyers who defend blasphemy cases. In November 2008, he received several anonymous telephone calls threatening his life – at midnight on 12 November, in the morning on 13 November and in the afternoon of 14 November, callers informed him that he himself was a “blasphemer” and would be killed. On 9 November, he was told his family would not be spared. On 8 April 2008, he received another midnight call warning him he would be killed. These were just the latest in a pattern of threats which have become part of normal life for Parvez Aslam Chaudhry. His car is regularly chased when he leaves court after a hearing, and on 6 April a mob surrounded him outside court, physically assaulted him and damaged his car. In 2006, Parvez Aslam Chaudhry was left unconscious and hospitalised for several days when his car was rammed off the road by another vehicle. One of his colleagues was killed in that incident. Front Line Defenders, a Non-Governmental Organisation which advocates for protection for human rights defenders, said it believes that these death threats are “an attempt to dissuade him from continuing with his legitimate and peaceful work in the defence of human rights.”

In addition to the threats faced by lawyers, judges and human rights activists, the defendants themselves are at grave risk – before, during and even after their trials. In prison, awaiting trial, those accused of blasphemy face the danger of being killed. Some members of the police and the judiciary are themselves extremists involved in condoning or perpetrating violence against people accused of blasphemy. In 2000, Acting Chief Justice of the Lahore High Court, Justice Mian Nazir Akhtar, said that no one had authority to pardon blasphemy and that anyone accused of blasphemy should be killed on the spot, as a religious obligation. On 24 May 2004 at 4.30am, Samuel Masih, a Christian awaiting trial for blasphemy, was beaten to death by a policeman who was supposed to be protecting him in hospital. The policeman, who hit Samuel around the head with a brick cutter, said afterwards that he had felt

compelled by his faith to kill him. He added: "I have offered my religious duty for killing the man. I'm spiritually satisfied and ready to face the consequences." Samuel Masih was accused of throwing waste against the wall of a mosque and was beaten up last August by a Muslim prayer leader and others in Lahore, and then handed over to the police. He was arrested on August 23, 2003 and held in Lahore Central Jail, where he remained until May 22 when he was hospitalised with tuberculosis.

Some people accused of blasphemy have been acquitted by the High Court, but even then they are not safe. In the eyes of extremists, once a person is accused of blasphemy they are marked for life. So if acquitted, a person has to live the rest of their lives in hiding – or in exile. Aslam Masih was acquitted on 4 June 2003 and released from prison on 10 June, after four years and eight months in detention. He had received two life sentences and a fine of 100,000 Rupees (£800), and during his trial the court was regularly surrounded by groups of at least 100 Mullahs. He spent some time in solitary confinement, and was regularly beaten with canes by other prisoners and prison officers. He suffered serious injuries and trauma from beatings, and lost some of his memory as a result. Since his release, he has had to live in hiding, because extremists still regard him as a "blasphemer". On his way from prison in Faisalabad, the car he was travelling in was forced off the road by a heavy truck, and one house in which he was hiding was discovered and set on fire. Remarkably, in both instances he survived and escaped. But his lawyer said: "He has no choice but to live in hiding. He lives in danger. A normal life is not possible for a former blasphemy prisoner in this society, even if he has been acquitted."

Pervez Masih experienced a similar fate. Arrested in Saska on 1 April 2001 and charged under Section 295C, he was reportedly attacked in jail in 2003 by fellow prisoners who used a piece of glass to attempt to cut his throat. He was acquitted in 2007 after 2,225 days in prison, but he told ASSIST News Service that: "I am forced to stay in hiding. I cannot move in any public place. Fearing attacks by the fundamentalist Muslims, even my relatives have abandoned me and they no longer entertain me."

In some cases, those accused of blasphemy face such severe risks that they have to flee the country. Ayub Masih was charged with blasphemy in October 1996, and faced repeated threats in prison. Throughout his trial, extremists packed the courtroom and threatened to kill Ayub, his lawyers and the judge if he was not convicted and hanged. In November 1997, he was shot at by the complainant inside the Sahiwal sessions court, and a year later he was sentenced to death by the court. However, in a bold ruling in 2002 the Supreme Court in Islamabad overturned the judgment, acquitting him and ordering his immediate release. The court ruled that the allegations were "baseless and false". But Ayub, whose case was high profile, remained in grave danger following his release, and had to go into hiding and then exile.

One of the earliest, and most high profile, blasphemy cases was the trial of Rehmat and Salamat Masih and Manzoor Masih. On 11 May 1993, Rehmat, Salamat and Manzoor Masih, who were not related to each other, were charged with blasphemy,

accused of writing derogatory words about the Prophet on walls of a mosque and on slips of paper. Salamat Masih was just 12 years old, and was illiterate. A year later, during their trial, gunmen shot at them outside the Lahore High Court. Manzoor Masih was killed, and Rehmat and Salamat were injured but survived. After their subsequent acquittal, the judge, Justice Arif Iqbal Bhatti, was killed.

Since 1986, the number of deaths, false convictions, wrongful imprisonments, cases of torture and religiously-motivated violence has risen significantly. According to the National Commission for Justice and Peace (NCJP) of the Catholic Church, since 1986 at least 892 people have been accused of blasphemy, and over 550 have been formally charged. Over 300 cases have been registered.

It is important to note that when the blasphemy laws were first introduced, the majority of accused were non-Muslims, and particularly Christians. However, in recent years Muslims themselves have started using the law against each other, and it is estimated that 49 per cent of the total number of blasphemy cases since 1986 affect Muslims. The Ahmadiyya community, who consider themselves to be Muslims but are regarded by many other Muslims as un-Islamic, are often targeted with blasphemy charges, accounting for 37 per cent of all cases. It is believed that 13 per cent of cases relate to Christians, and one per cent Hindus. At least 25 people have been murdered after being accused of blasphemy, although the death penalty has not yet been applied in any case by the State. The NCJP concludes that: "No other law in the name of religion has had a more devastating and massive effect in recent years than the blasphemy laws."<sup>1</sup> Many, perhaps most, blasphemy cases are not even directly related to religion – they usually revolve around land-grabbing disputes or personal vendettas.

In addition to the threats and violence against lawyers and blasphemy suspects, allegations of blasphemy often provoke mass communal violence directed against Christian and other non-Muslim communities. In April 2008, a Hindu factory worker, Jagdesh Kumar, was beaten to death after rumours spread that he had committed blasphemy. In November 2005, some of the worst anti-Christian violence broke out in Sangla Hill, Punjab. A mob destroyed the Roman Catholic, Salvation Army and United Presbyterian churches in Basti Asyia, accusing a Christian man, Yousaf Masih, of desecrating the Qu'ran. The mob, estimated to be between 1,000 and 2,000, also attacked a convent, St Anthony's School, a girls' hostel and a Catholic priest's home. They burned Bibles, Christian literature, crosses and other Christian materials, and set fire to Christians' homes. According to the All Pakistan Minorities Alliance (APMA), "within minutes the Christian residential area was blazing. Christian residents fled to save their lives." Eyewitnesses claimed that the attack was premeditated, as the mob had been brought in on buses.

The violent atmosphere in Sangla Hill continued for several weeks. On 2 December, 2005 at least 3,000 Muslims gathered for Friday prayers at the Jamia Mosque, where Islamic leaders used loudspeakers to urge Muslims to rise up and eliminate

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<sup>1</sup> *Human Rights Monitor 2004: A report on the religious minorities in Pakistan*, NCJP, March 2004, p.39

Christians. They passed a resolution demanding the public hanging of Yousaf Masih, and demanded the unconditional release of those arrested for the violence three weeks earlier. Over 2,500 Muslims gathered again at Friday prayers the following week.

Mob violence also broke out in Lahore in September 2005, when a Christian man, Younis Masih, was charged with blasphemy. According to APMA, the incident began when Younis Masih went to a neighbour's house at midnight on 9 September to ask him to stop playing Qawali music loudly. Qawali are Islamic religious songs, and the neighbour refused to stop the music because, he said, his Muslim friends were listening to it. Younis Masih reportedly then enquired about the meaning of the songs, and the Muslims became angry. Younis returned home, but the next day a gang of 30 or 40 searched for him and found him in a billiard club. According to APMA, they "thrashed him with sticks and beat him until he fell on the ground, unconscious. When his wife came to save him, she was also beaten and her clothes were torn to tatters". The mob left Younis for dead, and his wife and cousin took him home. Announcements were made in local mosques, inciting Muslims to attack Christian homes because a Christian man had allegedly made blasphemous remarks about the Prophet Mohammed. Approximately 400 Muslims, armed with sticks, then attacked Christian homes and churches, destroyed crosses and threw away Bibles. More than 100 Christian families were forced to flee the area, and the mob surrounded the police station where Younis was held, and demanded he be charged with blasphemy. He was subsequently sentenced to death on 30 May 2007 by the sessions court in Lahore, and remains in Kot Lakhpat Camp Jail. A large mob led by clerics responded by shouting slogans against Younis Masih and threatening anyone involved in providing security or legal assistance to "blasphemers".

The abuse of the blasphemy laws is one of the most systematic and severe issues facing the people of Pakistan, Muslims and non-Muslims alike. It is a pivotal issue, because in addition to the direct hardship it causes for those falsely accused of blasphemy, the abuse of the law creates an atmosphere of hatred and intolerance in which other acts of religiously-motivated violence, discrimination, intimidation and persecution become more widespread.

For example, Christians and other minorities are denied promotion in many parts of public service. An early and stark example of this is Group Captain (Rtd) Cecil Chaudhry, currently Executive Secretary of APMA, founder of the National Christian Action Forum and the Christian Organisation for Social Action in Pakistan. Cecil Chaudhry joined the Pakistan Air Force in 1958, and fought as a fighter pilot in the India-Pakistan wars of 1965 and 1971. He is regarded throughout Pakistan as a national war hero, having received some of the highest awards for gallantry and distinguished service, including the Sitara-e-Jurat (SI) and the Sitara-i-Basalat (SBt). In 1979 he was due to take up a position as the Air Attache in Pakistan's embassy in London, but a day before he was to depart, he was informed that his appointment had not been cleared. This was his first experience of discrimination. He was sent instead to head Pakistan's military mission in Iraq, from 1979-83. In 1986, he was due for promotion – and almost everyone expected him to rise to the top of the air

force. However, despite being one of the most respected people in the country, his promotion was denied. Pakistan's then dictator, General Zia ul-Haq, who had already begun to Islamise the country, vetoed Chaudhry's promotion because he was a Christian. Chaudhry resigned in protest, and became one of Pakistan's leading human rights campaigners.

In 2007, four Christian student nurses and two Christian teaching staff were suspended from the Pakistan Institute of Medical Sciences in Rawalpindi, after they were accused of crossing out a Qu'ranic verse that had been posted to a notice board. According to the NCJP, on 17 May a verse from the Qu'ran on a notice board was found to have been crossed out. The Principle of the School of Nursing, who was on leave at the time, was suspended, along with one other teacher and four student nurses. A mob of Muslim students, armed with batons, staged a protest outside the nursing school, believed to have been mobilised by the Lal Masjid mosque and Jamia Hafsa madrassa in Islamabad.

Many Christians and other minorities in Pakistan, however, face even worse challenges. Sporadic terrorist attacks on churches and other Christian institutions have increased in recent years. On October 2008, a Catholic-run girls' school in Swat, North-West Frontier Province, was bombed by the local Taliban, and the school building destroyed. More than 150 girls' schools have been attacked in the North-West Frontier Province in the past two years, according to the NCJP. On Christmas Day 2002, three young girls were killed and several people injured when a grenade was thrown into a village church in Daska, 70km north of Lahore. In October 2001, masked gunmen killed at least 15 people during the Sunday service at the Catholic church in Bahawalpur. Eyewitnesses claimed the gunmen shouted "Graveyard of Christians - Pakistan and Afghanistan" and "This is just a start."

Women from Christian and other minority backgrounds are particularly vulnerable. While women of all religions face various forms of domestic and sexual violence, including the threat of 'honour killings', Christian women – and young girls – appear to be particularly targeted for sexual violence. Rape is used as a weapon to insult, demean and destroy minority communities, and often young girls who are abducted and raped are then forced to convert to Islam and marry their captors. On 5 September 2005, for example, 12 year-old Sara Tabasum, a Christian, was abducted and gang-raped by 16 Muslim men in Rawalpindi, near the capital, Islamabad. She was kidnapped when she went out to buy some bread. According to APMA, her captors covered her mouth with a piece of cloth soaked in an 'intoxicant', causing her to lose consciousness. When she regained consciousness she was raped by three men, and then told that her torment would only end if she embraced Islam and married one of her kidnappers. When she refused, she was beaten very badly, moved to another location, and raped by five men. She was repeatedly asked to embrace Islam and recite the Islamic creed. She was moved a third time to another location, where she was raped by seven men. After two weeks in captivity, she escaped, just as her abductors were planning to sell her to another gang.

Her case is not unusual. On Easter Day 2007, Shaheena Masih, aged 12, was kidnapped and gang-raped by four Muslim men in Lahore. According to APMA, one of the rapists told his accomplices: "Don't hesitate to rape a Christian girl. Even if she dies, no one will get us. Her poor parents cannot pursue us."

Some rape victims are even younger than Sara Tabasum and Shaheena Masih. On 29 May 2004, for example, seven year-old Sharee Komal was raped and tortured by a Muslim man in Lahore. The previous month, a two-and-a-half year-old Christian girl, Neha, was raped.

In June 2008, two sisters, Anila Masih, aged 10, and Saba Masih, aged 13, were abducted in southern Punjab, and forcibly converted to Islam. Saba was married off to one of her abductors. The parents sought the intervention of the local police, but without success, and so they appealed to the courts. In an extraordinary ruling, the Muzaffargarh Sessions Court awarded custody of the children to their kidnappers, on the grounds that they were now Muslims. When the case came to appeal in the Lahore High Court, the judge said he did not believe the girls had converted by choice, and the girls were placed temporarily in a government-run women's shelter. However, they were forbidden to see either their parents or their abductors. In the Lahore High Court's final ruling on 9 September 2008, custody of Saba was awarded to her kidnapper, but Anila was returned to her parents. The kidnapper was ordered to pay 100,000 Rupees as a surety bond.

Attempts to forcibly convert non-Muslims to Islam take a variety of other forms besides rape and forced marriage. In 2007, for example, a number of Christian communities, particularly in the North-West Frontier Province, received letters ordering them to convert to Islam by a certain date. The letters first appeared in Charsadda, on 7 May 2007. A community of 500 Christians were warned that if they did not convert to Islam by 17 May 2007, they would face "dire consequences and bomb explosions". Although the threats were not, in this instance, carried out, it is believed that Charsadda was a test-case for the extremists, to see how the authorities and the Christians would respond. The authorities were extremely slow to react, and responded only as a result of continuous lobbying. Even then, only one police officer was posted to guard the door of the church. Further threatening letters were distributed in other parts of the country in subsequent weeks.

Despite the litany of violence and discrimination, there have been occasional moments of hope in Pakistan regarding the treatment of minorities. In November 2008, Shahbaz Bhatti, founder and President of APMA, was appointed to the Cabinet as Federal Minister for Minorities Affairs. Bhatti, who was elected to the National Assembly earlier in the year, is one of Pakistan's most outspoken activists, a leading campaigner for the repeal of the blasphemy laws and equal rights for all religious communities. His appointment, and the promotion of his ministerial position to Cabinet-level for the first time in Pakistan's history, is a welcome indicator of the intentions of Pakistan's new government.

Of even greater historical significance was the decision made by President Pervez Musharraf in 2002 to abolish the divisive separate electoral system. Cecil Chaudhry had led the campaign for the restoration of a joint electorate for 14 years. The separate electorate system was a form of religious apartheid, introduced by General Zia ul-Haq in 1985, in which people could only vote for candidates from within their religious community. Muslims were barred from electing non-Muslims, and minorities were prohibited from voting for Muslim candidates. The system also restricted the number of seats which religious minorities could win in elections, reserving the overwhelming majority for Muslim candidates. This system left religious minorities effectively disenfranchised. As Muslim candidates could not receive the votes of minorities, they had little incentive to listen to their concerns, leaving minorities voiceless and cut off from mainstream politics. The restoration of a joint electorate system, a cause which at one time seemed only a dream, became a reality due to the persistent, courageous hard work of campaigners.

Reform or repeal of the blasphemy laws is the next step for campaigners – but just as restoration of the joint electorate appeared at one time impossible, significant reform or repeal of this law will require courage on the part of legislators and the government. So far, that courage has not been seen. In October 2004, President Musharraf proposed some reforms, but then diluted them following pressure from extremists. Procedural reforms, introduced as an amendment to Section 295C of the Pakistan Penal Code, require in theory that no police officer below the rank of Superintendent should have the power to investigate accusations of blasphemy. However, this reform makes little difference in practice, because the problem with the blasphemy laws is not the procedure but the wording of the laws themselves – the absence of definition, proof of intent or proper standards of evidence. In addition, the police and judiciary are still susceptible to bribery, corruption, intimidation and violence. The Archbishop of Lahore, Lawrence Saldanha, has said that the procedural reforms “do not mean anything on the ground – they are just cosmetic.”

An attempt to introduce serious reform in 2007 was fiercely opposed. A Hindu member of the National Assembly, Minocher Bhandara, proposed amending the blasphemy laws by reducing the penalty for blasphemy against the Prophet from death to five years in prison and a fine. He also proposed applying the laws equally to all religions, not only Islam. Campaigners would prefer to see the laws repealed, but recognised that such a step would be unachievable in the current climate. However, even the moderate reforms proposed drew strong opposition from the government. The Parliamentary Affairs Minister described the amendments as “un-Islamic”, and added: “Islam is our religion and such bills hurt our feelings. This is not a secular state but the Islamic Republic of Pakistan.”

On 6 May 1998, the Catholic Bishop of Faisalabad, Bishop John Joseph, a leading campaigner against the blasphemy laws, stood in front of the court building in Sahiwal and, as an act of protest at the death sentence passed on Ayub Masih, shot himself dead. A few days previously, he had told friends that if the blasphemy laws were not repealed, “we will launch a protest which will stun the whole world”. At a

prayer service earlier in the day, Bishop John Joseph told the crowds: “Non-Muslims are not considered Pakistani in their own country ... Now it is time to sacrifice our lives, because we are not safe in our own country”. After the prayer service, he said the blasphemy law “is a national issue and we need to join hands in struggle against it”. In an open letter, he called on religious communities to work together in light of Ayub Masih’s case. “We must act strongly in unity, Christians and Muslims, in order not only to get this death sentence suspended but to get (legal articles) 295 B and C repealed without worrying about the sacrifices we shall have to offer”. In a letter to the Vatican, sent following seven days of prayer and fasting, the Bishop wrote: “I only hope and pray that God accepts the sacrifice of my blood for his people”. Ten years after his death, little has changed in Pakistan. Did Bishop John Joseph die in vain?

### **Short Biography**

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