

Pakistan: Prosecute Ahmadi Massacre Suspects
By Human Rights Watch
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Pakistan's federal and provincial governments should bring to justice those responsible for the May 2010 attacks on Ahmadiyya mosques that killed 94 worshipers, Human Rights Watch said today.

On May 28, 2010, Islamist militants attacked two Ahmadiyya mosques in the city of Lahore with guns, grenades, and suicide bombs, killing 94 people and wounding well over 100. The Punjabi Taliban, a local affiliate of Tehrik-e-Taliban Pakistan (the Pakistani Taliban or TTP), claimed responsibility. Two men were captured during the attack, but the government has failed to make progress on their trial, seeking repeated adjournments from the court as has the defense.

"It's obscene that two years after the worst massacre in Lahore since the partition of India, the government has still not brought the suspects apprehended at the scene to trial," said Brad Adams, Asia director at Human Rights Watch. "By pandering to extremists who foment violence against the Ahmadis, the government emboldens militants who target the beleaguered community, and reinforces fear and insecurity for all religious minorities."

The May 2010 attacks killed 27 people at the Baitul Nur Mosque in Lahore's Model Town area and 67 people at the Darul Zikr mosque in the suburb of Garhi Shahu. Worshipers overpowered two attackers, Asmatullah, alias Muaaz and Abdullah Muhammad, and turned them over to police. Each was charged under the Anti-Terrorism Act and remains in custody, but there has been no progress in the case and proceedings have been repeatedly adjourned.

Since the May 2010 attacks, there has been an intensification of the hate campaign against Ahmadis, Human Rights Watch said. In June 2011, a pamphlet named some 50 prominent Ahmadis in the city of Faisalabad in Punjab province and declared them "liable to be killed" under Islamic law, along with all members of the community. No action has been taken by the government against those who disseminated the pamphlet. In September 2011, one of those named in the pamphlet, Naseem Butt, was shot dead. At least another five Ahmadis were killed during 2011, apparently because of their religious beliefs. In December, unknown assailants vandalized 29 graves in an Ahmadiyya graveyard in the Punjab town of Lodhran.

During 2012, extremist groups in Lahore have used discriminatory provisions of Pakistani law that target Ahmadis and prevent them from "posing as Muslims" to force the demolition of sections of an Ahmadiyya mosque on the grounds that its dome made it look like a mosque. In the garrison city of Rawalpindi, the authorities barred Ahmadis from using their mosque at the insistence of local extremist groups. In both instances, Punjab provincial administration and police officials supported the extremists' demands instead of protecting the Ahmadis and their mosques.

"The Punjab provincial government should be providing extra security to Ahmadiyya mosques instead of siding with those terrorizing worshipers and attacking their places of worship," Adams said. "Pakistan's anti-Ahmadi laws need to be repealed, not enforced."

Human Rights Watch urged the government of Punjab province, controlled by former Prime Minister Nawaz Sharif's Pakistan Muslim League (Nawaz) party, to investigate and prosecute those responsible for intimidation, threats, and violence against the Ahmadiyya community. Militant groups that have publicly been involved in such efforts include the Sunni Tehrik, Tehrik-e-Tahafaz-e-Naamoos-e-Risalat, Khatm-e-Nabuwat, Difa-e-Pakistan Council, and others acting under the Pakistani Taliban's umbrella. Leaders of these groups have frequently threatened to kill Ahmadis and attack the mosques where killings have taken place as well as other Ahmadi mosques.

Ahmadi community leaders told Human Rights Watch that they had repeatedly brought threats against them to the notice of the Punjab chief minister, Shahbaz Sharif, the provincial government, and the police controlled by the provincial authorities, and that they had asked for enhanced security for vulnerable Ahmadiyya mosques. However, the provincial government failed to act on the evidence or to ensure meaningful security for the mosques.

Human Rights Watch called on Pakistan's government to introduce legislation in parliament without delay to repeal laws that discriminate against Ahmadis and other religious minorities, including sections 295 (blasphemy) and 298 (Ahmadi specific law that prevents them from "posing" as Muslims) of the Pakistan Penal Code.

Human Rights Watch also urged concerned governments and inter-governmental bodies to press the Pakistani government to:

- o Repeal sections 295 and 298 of the Pakistan Penal Code;
- o Prosecute those responsible for planning and executing attacks and committing other offenses against the Ahmadiyya and other religious minorities; and
- o Take steps to encourage religious tolerance within Pakistani society.

"The government's continued use of discriminatory criminal laws against Ahmadis and other religious minorities is indefensible," Adams said. "As long as such laws remain on the books, the Pakistani state will be seen as a persecutor of minorities and an enabler of abuses."

Background on the Ahmadiyya Community

The Ahmadiyya Muslim Community, its official name, is a contemporary messianic movement founded in 1889 by Mirza Ghulam Ahmad (1839–1908), who was born in the Punjabi village of Qadian, now in India. Discriminatory laws in Pakistan's constitution derogatorily refer to the Ahmadiyya community as the "Qadiani" community, a term derived from the birthplace of the founder of the movement. In 1889, Ahmad declared that he had received divine revelation authorizing him to accept the baya'ah, or allegiance of the faithful. In 1891, he claimed to be the expected mahdi or messiah of the latter days, the "Awaited One" of the monotheist community of religions, and the messiah foretold by the Prophet Mohammed. Ahmad described his teachings, incorporating both Sufi and orthodox Islamic and Christian elements, as an attempt to revitalize Islam in the face of the British Raj, proselytizing Protestant Christianity, and resurgent Hinduism. Thus, the Ahmadiyya community believes that Ahmad conceived the community as a revivalist movement within Islam and not as a new religion.

Members of the Ahmadiyya community ("Ahmadis") profess to be Muslims. They contend that Ahmad meant to revive the true spirit and message of Islam that the Prophet Mohammed introduced and preached. Virtually all mainstream Muslim sects believe that Ahmad proclaimed himself a prophet, thereby rejecting a fundamental tenet of Islam: Khatme Nabuwat (literally, the belief in the "finality of prophethood" – that the Prophet Mohammed was the last of the line of prophets leading back through Jesus, Moses, and Abraham). Ahmadis respond that Ahmad was a non-law-bearing prophet subordinate in status to Prophet Mohammed; that he came to illuminate and reform Islam, as predicted by the Prophet Mohammed. For Ahmad and his followers, the Arabic Khatme Nabuwat does not refer to the finality of prophethood in a literal sense – that is, to prophethood's chronological cessation – but rather to its culmination and exemplification in the Prophet Mohammed. Ahmadis believe that "finality" in a chronological sense is a worldly concept, whereas "finality" in a metaphoric sense carries much more spiritual significance.

The exact size of the Ahmadiyya community worldwide is unclear, but estimates suggest they number nearly 10 million, mostly concentrated in India and Pakistan but also present in Bangladesh, Indonesia, Ghana, Burkina Faso, Gambia, Europe, and North America.

Background on Persecution of the Ahmadiyya Community in Pakistan

The persecution of the Ahmadiyya community is wholly legalized, even encouraged, by the Pakistani government. Pakistan's penal code explicitly discriminates against religious minorities and targets Ahmadis in particular by prohibiting them from "indirectly or directly posing as a Muslim." Ahmadis are prohibited from declaring or propagating their faith publicly, building mosques or even referring to them as such, or making the call for Muslim prayer.

Pakistan's "blasphemy law," as section 295-C of the Penal Code is known, makes the death penalty effectively mandatory for blasphemy. Under this law, the Ahmadiyya belief in the prophethood of Mirza Ghulam Ahmad is considered blasphemous insofar as it "defiles the name of Prophet Muhammad." In 2009, at least 50 Ahmadis were charged under various provisions of the blasphemy law across Pakistan. Many of them remain imprisoned.

Since the military government of Gen. Zia-ul-Haq unleashed a wave of persecution in the 1980s, violence against the Ahmadiyya community has never really ceased. Ahmadis are killed and injured, and their homes and businesses burned down, in anti-Ahmadi attacks. The authorities arrest, jail, and charge Ahmadis for blasphemy and other offenses because of their religious beliefs. In several instances, the police have been complicit in harassment and in framing false charges against Ahmadis, or have stood by in the face of anti-Ahmadi violence.

However, the government seldom brings charges against perpetrators of anti-Ahmadi violence and discrimination. Research by Human Rights Watch indicates that the police have failed to apprehend anyone implicated in such activity in the last several years.

Since 2000, well over 400 Ahmadis have been formally charged in criminal cases, including blasphemy. Several have been convicted and face life in prison or death sentences pending appeal. The offenses for which they faced charges included wearing an Islamic slogan on a shirt, planning to build an Ahmadi mosque in Lahore, and distributing Ahmadi literature in a public square. As a result, thousands of Ahmadis have fled Pakistan to seek asylum in countries including Canada and the United States.

The Pakistani government actively encourages legal and procedural discrimination against Ahmadis. For example, all Pakistani Muslim citizens applying for passports are obliged to sign a statement explicitly stating that they consider the founder of the Ahmadi community an "imposter" and consider Ahmadis to be non-Muslims. Under Pakistan's blasphemy law, virtually any public act of worship or devotion by an Ahmadi can be treated as a criminal offense.

Since 1953, when the first post-independence anti-Ahmadiyya riots broke out, the relatively small Ahmadi community in Pakistan has lived under threat. Between 1953 and 1973, this persecution was sporadic but, in 1974, a new wave of anti-Ahmadi disturbances spread across Pakistan. In response, Pakistan's parliament introduced amendments to the constitution that defined the term "Muslim" in the Pakistani context and listed groups that were deemed to be non-Muslim under Pakistani law. Put into effect on September 6, 1974, the amendment explicitly deprived Ahmadis of their identity as Muslims.

In 1984, Pakistan's penal code was amended yet again. As a result of these amendments, five ordinances that explicitly targeted religious minorities acquired legal status: a law against blasphemy; a law punishing the defiling of the Quran; a prohibition against insulting the wives, family, or companions of the Prophet of Islam; and two laws specifically restricting the activities of Ahmadis. On April 26, 1984, Gen. Muhammad Zia-ul-Haq issued these last two laws as part of Martial Law Ordinance XX, which amended Pakistan's Penal Code, sections 298-B and 298-C.

Ordinance XX undercut the activities of religious minorities generally, but struck at Ahmadis in particular by prohibiting them from "indirectly or directly posing as a Muslim." Ahmadis thus could no longer profess their faith, either orally or in writing. Pakistani police destroyed Ahmadi translations of and commentaries on the Quran and banned Ahmadi publications, the use of any Islamic terminology on Ahmadi wedding invitations, offering Ahmadi funeral prayers, and

displaying the Kalima (the statement that “there is no god but Allah, Mohammed is Allah’s prophet,” the principal creed of Muslims) on Ahmadi gravestones. In addition, Ordinance XX prohibited Ahmadis from declaring their faith publicly, propagating their faith, building mosques, or making the call for Muslim prayer. In short, virtually any public act of worship or devotion by an Ahmadi could be treated as a criminal offense.

With the passage of the Criminal Law Act of 1986, the parliament added section 295-C to the Pakistan Penal Code. The “blasphemy law,” as it came to be known, made the death penalty mandatory for blasphemy. Gen. Zia-ul-Haq and his military government institutionalized the persecution of Ahmadis as well as other minorities in Pakistan with section 295-C. The Ahmadi belief in the prophethood of Mirza Ghulam Ahmad was considered blasphemous insofar as it “defiled the name of Prophet Muhammad.” Therefore, theoretically, Ahmadis could be sentenced to death for simply professing their faith. Though the numbers vary from year to year, Ahmadis have been charged every year under the blasphemy laws since their introduction.

In 2008, at least 15 Ahmadis were charged under various provisions of the blasphemy law. In addition to blasphemy charges, Ahmadis have sporadically come under physical attack. For example, in June 2006, a mob burned down Ahmadi shops and homes in Jhando Sahi village near the town of Daska in Punjab province, forcing more than 100 Ahmadis to flee. The police, though present at the scene, failed to intervene or arrest any of the culprits. However, the authorities charged seven Ahmadis under the Blasphemy Law.

In 2009, at least 37 Ahmadis were charged under the general provisions of the blasphemy law and over 50 were charged under Ahmadi-specific provisions of the law. For example, in January 2009, five Ahmadis, including four children, were charged with blasphemy in Layyah district of Punjab province. The children were released after being jailed for six months. In July 2009, Sunni Tehreek militants staged protests until the local police in Faisalabad district of Punjab province agreed to register blasphemy cases against 32 Ahmadis for writing Quranic verses on the outer walls of their houses. Throughout 2009, Ahmadi graveyards were threatened with desecration, and Ahmadi mosques received threats.

In 2010, at least 70 Ahmadis were charged under various provisions of sections 295 and 298 on account of their faith.

On May 30, 2010, two days after Islamist militants attacked two Ahmadiyya mosques in Lahore, killing 94 people, a Taliban statement “congratulated” Pakistanis for the attacks. It called people from the Ahmadiyya and Shia communities “the enemies of Islam and common people” and urged Pakistanis to take the “initiative” and kill every such person “in range.”

On the night of May 31, 2010 unidentified gunmen attacked the Intensive Care Unit of Lahore’s Jinnah Hospital, where victims and one of the alleged attackers in the May 28 attack were under treatment, sparking a shootout in which at least another 12 people, mostly police officers and hospital staff, were killed. The assailants escaped.

The anti-Ahmadiyya campaign intensified in 2010, exemplified by the government allowing groups to place banners seeking the death of “Qadianis” (a derogatory term for Ahmadis) on the main thoroughfares of Lahore.

Punjab provincial authorities have pointedly ignored pleas for enhanced security for Ahmadiyya mosques given their vulnerability to attack and instead sought to appease the groups posing the threat. For example, on May 30, 2010, Zaeem Qadri, adviser to the Punjab chief minister, Shahbaz Sharif, said in an interview on Dunya TV that the provincial government had not removed the threatening banners from the city’s thoroughfares to prevent “adverse reaction against the government” by the groups responsible.

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