



AHMADIYYA

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PRIORITY

Human Rights

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Two Ahmadis, innocent of any wrong doing, sentenced to three years' rigorous imprisonment by Anti-Terrorism Court

The drop scene of the first ever CTD raid on Ahmadiyya central offices in Pakistan

Faisalabad: An anti-terrorism court awarded three years' rigorous imprisonment to Mr. Idrees Ahmad and Mr. Saba Zafar, on four counts, under anti-Ahmadiyya laws PPCs 298-B and 298-C and under Section 9 and 11-W of Anti-terrorism Act, with fine in the sum of Rs 50,000 under each Section. The sentences were announced on 31 May 2017, and will run concurrently. Seven other accused in the same case were acquitted.

This case was registered under FIR No. 70/2016 on December 5, 2016 at Police Station CTD, Faisalabad after the Counter-terrorism Department's (CTD) armed raid on Ahmadiyya central offices and the Zia ul Islam Printing Press in Rabwah.

Ahmadiyya annual report for 2016 commented on the raid in following words:

The PML government in the Punjab scored another 'first ever' by mounting an armed police raid in the name of counter-terrorism on the Ahmadiyya central offices in Pakistan. Nearly everyone who matters in the field of law and order knows very well that Ahmadis have remained strongly committed, since their inception, to oppose militancy in the name of religion. Still the CTD went ahead with nod from the top. The strong ties between the governing party and the mulla defy rational analysis. The raid brought little credit to the rulers; instead it manifested how unscrupulous authorities can commit great wrongs in the name of right.

The above statement holds true today as six months ago.

Political leaderships in the province were counseled by various well-wishers repeatedly in the follow-up of the raid to withdraw this unjustified case. USCIRF also condemned 'the brutal raid', but the higher-ups persisted in unwarranted prosecution.

There are some glaring flaws in the trial proceedings and the verdict. These deserve a brief mention:

1. The CTD raid was carried out on pretext that a monthly Tehrik Jadid and a daily Alfazl were being published despite official ban. In fact, Ahmadis had subsequently moved the Lahore High Court against the ban and the Court had stayed the ban by order: **"Until the next date of hearing, no coercive measures shall be adopted**

against the petitioners.” As such the CTD raid had violated the Court orders. In the present case, the ATA judge accepted the ‘stay’ but held that monthly Ansarullah was also recovered from the accused; hence the guilt. But the accused were facing the trial for publishing Tehrik Jadid and Alfazl; monthly Ansarullah was not the issue.

2. All the witnesses for the prosecution were policemen; most of them were subordinates of the ‘complainant’, a police inspector and the investigating officer, also a police official. No independent witness was brought forth.
3. It is noteworthy that while the raid was undertaken in the name of countering terrorism, anti-terrorism clauses of law were agitated and the accused were hauled to an Anti-terrorism court, nothing in the nature of terrorism was brought forth in the evidence by the prosecution. There was nothing to show. The applied clauses 9 and 11-W of Anti-Terrorism Act require commission of “threatening, abusive or insulting words, displays, writings or recordings, or disseminating material to incite hatred or support to any person, proscribed organization or anyone concerned with terrorism”. No submission was placed before the court on this count, nor the judgment refers to any such activity whatsoever by the accused.

It is obvious that the authorities’ actions under terror laws were all *malafide*. Anti-Ahmadi bigotry was propelled by anti-terrorism cordite to terrorize a marginalized community. The judge simply bought the prosecution story fabricated in the FIR that even accused the Ahmadis of using *‘excerpts from Holy Quran and Hadith frequently in the said magazines.’*

4. Miscreants and unscrupulous elements like Mulla Hasan Muaviya and his acolytes were all along associated with the CTD raid and the follow-up. Muavia is a full time anti-Ahmadi activist belonging to a Khatme Nabuwwat (KN) organization. He was detained last week by the police along with three other KN activists for involvement in the murder of an Ahmadi professor in Lahore. He was soon released by the authorities ‘for lack of evidence’; he is a brother of the influential Maulana Tahir Ashrafi. During the trial he was often seen on prowl in the court premises. In the final stage of the trial Advocate Ghulam Mustafa Chaudhary of Khatme Nabuwwat Lawyers Forum was admitted by the court to support the prosecution team. This is weird that in an entirely official case pleaded by no less a person than the Deputy Prosecutor General, all of a sudden a mulla activist from a rabid sectarian organization was allowed to intervene in support of the state.

In short, the CTD raid was hideous, unwarranted and unlawful. It was carried out against a very soft target, a community that is known to have never indulged even in street protest. It was undertaken to show (fake) efficiency with perhaps training also in mind. The FIR was fabricated and carried obvious false information. A few items produced as evidence were acquired from open market and not recovered during the raid.

This writer met the aged father of the convicted Mr. Zafar and found him unruffled - even lively. He looked epitome of trust and faith in God. He uttered not a word against the authorities and the mullas responsible.

It makes sense that the anti-terrorism crusade should have its special law, a CTD, police stations and Anti-terrorism courts etc., but thereby it becomes all the more important for these courts to ensure that authorities do not misuse the system, and that watchful justice is available to the accused. In many third-world countries, authorities use terrorism dishonestly as excuse to persecute individuals and groups not in their good books or to serve their political self-interest. Pakistan, a major victim of terror itself, should make doubly sure that it is not guilty of misuse of the anti-terrorism structure, nor should the state allow extremist religious elements highjack the system to their advantage.

The verdict of the ATA court will be appealed in the High Court. However, it is hoped that the High Court will spare time early to hear the victims of this miscarriage of justice. Recently Mr. Imtiaz, an Ahmadi pressman was acquitted by a judge but after he had spent two years behind bars. Mr. Idrees Ahmad and Mr. Saba Zafar have been awarded rigorous imprisonment on terrorism charges; they deserve to be released at the earliest to escape unwarranted crippling hardship of a prison in the land of the pure.

O ye who believe! ... Let not a people's enmity incite you to act otherwise than with justice. Be (always) just, that is nearer to righteousness. And fear Allah. Surely Allah is aware of what you do. (Al-Quran 5:9)