

# Prisoners of conscience

2017

## **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. Sabah-ul-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 last year.

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 the pretext that a monthly Tahrik 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 ATC 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 Tahrir 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 this marginalized community. The judge simply bought the prosecution story fabricated in the FIR that even accused the Ahmadi of using '*excerpts from Holy Quran and Hadith frequently in the said magazines.*' Strange definition of terror!

4. Miscreants and unscrupulous elements like Mulla Hassan Muaviya and his acolytes were all along associated with the CTD raid and the follow-up. Muaviya is a full time anti-Ahmadi activist belonging to a Khatme Nabuwwat (KN) organization. He was detained 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 Chaudhri 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 hijack the system to their advantage.

The verdict of the ATA court has been appealed in the High Court. However, the High Court has not found time to hear the victims of this miscarriage of justice. This year 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)***

### **A typical criminal case under anti-Ahmadiyya law and its classic follow-up**

**Lahore; March – August 2017:** On March 13, 2017 two Ahmadis in Lahore, Mr. Amjad Iqbal Saloni and Mr. Ikram Ilahi allegedly violated anti-Ahmadiyya law by defending the Ahmadiyya position to some non-Ahmadis. A mulla Hassan Muaviya who is a younger brother of Maulana Tahir Ashrafi, the well-known cleric close to the official circles in Islamabad, is a full time anti-Ahmadi activist; he made sure that the police registered a case against the two Ahmadis, although they were reluctant to do that. In fact, Muaviya obtained the help of a court to get the FIR registered.

The police registered the case not only under a clause of the anti-Ahmadiyya law, PPC 298-C, but also under a blasphemy law PPC 295-A that may be tried in an anti-terrorism court, and is punishable with 10-year imprisonment.

The accused were arrested, and the case ended up in an anti-terrorism court. The ATA judge gave the opinion that anti-terrorism clauses were not applicable in the case and it should be taken to a normal court.

In the meantime, the accused applied to the Lahore High Court for release on bail. On July 11, LHC sent the case back to a magistrate for routine handling. The magistrate sent the case to the civil judge. After a few court appearances the civil judge sent the case to the Additional Sessions Judge. The ASJ Mr. Khizr Hayat Minhas heard the case on 19 August 2017, and refused the plea for bail in the first hearing.

The Ahmadi accused, denied the basic and essential relief, now await trial for allegedly defending their community position in the presence of ill-wishers. Ahmadis wonder how to

defend themselves against repeated accusations in vernacular gutter rags that Ahmadis are the greatest enemies of Pakistan and Islam.

The accused applied to the High Court for release on bail; it has not found time to hear and give a decision.

### **Callous police case against 20 Ahmadis**

*Lathianwala, District Faisalabad; October 6, 2017:* Opponents of the Ahmadiyya community attempted to capture local Ahmadiyya cemetery land. Ahmadis opposed this attempt and called the emergency police at 15. The police came and imposed peace. The SHO called both the parties to the police station on October 11, 2017. He heard both the parties and arrested 20 men from each side under PPC 407/451. This was justice a' la Punjab Police. Following Ahmadis were detained:

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|----------------------|-----------------------|----------------------------|
| 1. Mr. Tariq Azeem   | 2. Mr. Sarfraz Ahmad  | 3. Mr. Mohsin Faheem       |
| 4. Mr. Azeem Akhtar  | 5. Mr. Shafiq Ahmad   | 6. Mr. Irfan Ahmad         |
| 7. Mr. Sarfraz Ahmad | 8. Mr. Atif Ahmad     | 9. Mr. Ateeq Anjum         |
| 10. Mr. Ijaz Ahmad   | 11. Mr. Ali Habeeb    | 12. Mr. Iftikhar Ahmad     |
| 13. Mr. Naeem Asgar  | 14. Mr. Idrees Ahmad  | 15. Mr. Jahanzaib Ahmad    |
| 16. Mr. Waheed Asif  | 17. Mr. Naseer Ahmad  | 18. Mr. Muhammad Nasrullah |
| 19. Mr. Naeem Ahmad  | 20. Mr. Shareef Ahmad |                            |

This case has a history. In 2010, a man, Muhammad Akram was killed in this area. The opponents of the Ahmadiyya community got agitated over it and demolished the outer wall of the Ahmadiyya cemetery and made it an issue. Subsequently the DCO gave decision in favour of Ahmadis. The opponents' plea against the decision was rejected by the Commissioner also. They took the case to the Revenue Board. Now they attempted to take law in their own hand.

### **Baseless police case against Ahmadis**

*Haveli Majoka, District Sargodha; November 17, 2017:* Opponents of the Ahmadiyya community indulged in slander and quarrel with some local Ahmadis. They had some issue with the selling of a few trees which are on the land of an Ahmadi. A non-Ahmadi youth Mujtaba came to the Ahmadiyya mosque and scuffled there with an Ahmadi elder, Mr. Zafarullah. Another Ahmadi Mr. Ahmad Yar intervened to make peace but Mujtaba did not stop. Mujtaba also misbehaved with the local Ahmadiyya missionary there. Ahmadis had to call the police.

The police arrived and detained not only the mischief makers but also two Ahmadis, Mr. Arif and Mr. Amir who are sons of Mr. Ahmad Yar, under section PPC 107/151. On their way to the police station, the policemen called Ahmadis infidels, deniers of Khatme Nabuwwat (End of Prophethood), etc. Ahmadis had to get bail from the court the next day.

The opponents were not deterred by the police action. They kept on threatening the local Ahmadis and their missionary. Ahmadiyya missionary had to be relocated in the face of these threats.

### **Chairman Mark of USCIRF advocates release of Mr. Abdul Shakoor, Ahmadi prisoner of conscience**

*Twitter and USCIRF website, July 2017:* Chairman Daniel Mark is advocating on behalf of Mr. Abdul Shakoor, Ahmadi book store-keeper of Rabwah and his Shia shop assistant, both suffering long imprisonment under Anti-terrorism clauses etc. He has done that as part of USCIRF's Religious Prisoners of Conscience Project which highlights individuals imprisoned for exercising their freedom of religion or belief, as well as the dedicated advocacy of USCIRF Commissioners working for their release. Chairman Mark adopted Mr. Abdul Shakoor as his Prisoner of Conscience. We reproduce below, his tweet and statement on USCIRF website:

#### **Tweet**

USCIRF @USCIRF · Jul 14  
Abdul Shakoor is an 80 year old #Ahmadi and store manager sentenced to prison in #Pakistan on #blasphemy charges. #FreeReligiousPrisoners

“ I call on the Pakistani government to immediately release Abdul Shakoor...and to respect and protect all members of Pakistan's Ahmadiyya community. ”

Daniel Mark  
USCIRF CHAIRMAN

U.S. Commission on International Religious Freedom #FreeReligiousPrisoners

<https://twitter.com/USCIRF/status/885977403637600256>

#### **Statement available on video**

My name is Daniel Mark and I am the Chairman of the US Commission on International Religious Freedom. I am speaking out today in support of Abdul Shakoor, a Pakistani optician and bookstore owner who is in his 80's. The Pakistani government unjustly has imprisoned him for propagating the Ahmadiyya faith. The Pakistani government should not only drop all charges and set Abdul Shakoor free but also respect and protect the basic rights of all members of Pakistan's Ahmadiyya community. On December 2, 2015, Punjab state counter-terrorism department raided Mr. Shakoor's bookstore and arrested him after he was accused of selling an Ahmadiyya commentary on the Quran among other publications.

He was charged with propagating the Ahmadiyya faith, a crime under the Pakistani penal code and storing up religious hatred and sectarianism, crimes under the 1997 Anti-terrorism Act. After a speedy trial in an anti-terrorism court he was sentenced on Jan 2, 2016 to five years' imprisonment under the penal code for blasphemy and three years under the Anti-terrorism Act (sic). His shop assistant Mazhar Abbas a Shia Muslim who is detained with him was sentenced to five years under the Anti-terrorism Act. The Pakistani government should immediately set him free too. Let's be clear Abdul Shakoor is not a terrorist. He was arrested, charged and imprisoned because he is an Ahmadi. His arrest, sentencing and detention are outrageous enough but so too are Pakistan's' constitutional and penal code provisions that prevent Ahmadis from exercising their faith.

Equally egregious is the Pakistani government use of anti-terrorism laws as a pretext to deny Ahmadis their fundamental right to religious freedom. Pakistan's constitution declares Ahmadis to be non-Muslims and the penal code makes it criminal for Ahmadis to refer to themselves as Muslims, to preach, propagate or disseminate materials on their faith or to refer to their houses of worship as mosques. Moreover, in order to apply for a passport or national I.D. card or even vote, all Pakistani Muslims are required to sign in oath that the founder of the Ahmadiyya faith is an imposter prophet and that all Ahmadis are non-Muslims. In short, Ahmadis are required to denounce their faith in order to avail themselves of important several rights in Pakistan. Ahmadis also continue to be murdered in religiously-motivated attacks that take place with impunity. I call on the Pakistani government to immediately release Abdul Shakoor and ensure his safety, to release all other religious prisoners of conscience and to respect and protect all members of Pakistan's Ahmadiyya community.

[https://www.youtube.com/watch?time\\_continue=5&v=ZhSv\\_WtH7ps](https://www.youtube.com/watch?time_continue=5&v=ZhSv_WtH7ps)

### **A good news – eventually**

**Rabwah; May 2017:** Mr. Tahir Mahdi Imtiaz, printer of Ahmadiyya publications was acquitted by an Anti-terrorism court on all counts on 5 May 2017 and released. He remained incarcerated for two years, one month and six days. He was prosecuted under the blasphemy laws, anti-Ahmadi law, anti-terrorism law and other penal clauses in a fabricated police case in which he was fraudulently framed, implicated and arrested. It is a sad but memorable story that deserves a brief resume'.

On complaint of a mulla, the police booked in April 2014 two Ahmadi brothers who worked at a burger outlet in Lahore. The complainant accused them of preaching Ahmadiyyat. He managed to produce from somewhere a copy of the Ahmadiyya monthly Ansarullah in support of his fake case. The police co-operated and booked as many as six Ahmadis in the case including Mr. Imtiaz the printer of the monthly. At the time of the alleged preaching, Mr. Imtiaz was over 150 kilometers away at his home in Rabwah with his family. The charges included one (PPC 295-A) from the blasphemy section and another (PPC 298-C) Ahmadi-specific.

Mr. Imtiaz was arrested by the police on March 30, 2015 when he was in Lahore on a visit.

In view of the circumstances of the case, Mr. Imtiaz's plea for bail should have been routinely granted but the judge did not. Mr. Imtiaz then took his plea to the Lahore High Court. Justice Anwar ul Haq heard his plea and announced the grant of bail. However, later he refused to sign the bail order and referred the case to the chief justice, Justice Manzur A Malik. This was

unprecedented and extraordinary. The CJ appointed a bench of two judges, Mazhar Iqbal Sindhu and S Sarwar Chaudhari to hear the plea. These pious judges not only refused his bail, but also ordered that Anti-terrorism clause 8-W ATA be added to the case which should be heard by an ATA court. Ahmadis were distressed by the decision while the mullas celebrated it.

Four months later, a two member bench of the Supreme Court also did not grant Mr. Imtiaz's plea for bail. This was most surprising as the prosecution did not point to a single passage or even a line that could be remotely considered blasphemous or promoting terrorism. Mr. Imtiaz remained behind bars and the prosecution continued.

The tormentors of Mr. Imtiaz got encouraged and demanded that the more deadly clauses of the blasphemy section, PPC 295-C and 295-B be added to the charge sheet. This was also conceded by the trial judge. Now Mr. Imtiaz was fighting for his life, after having committed no offence.

Ahmadiyya annual report on persecution for 2015 mentioned this case and offered: "Some impartial NGO or eminent journalist should look into this case in depth and place on record a fair opinion on current role of the state and society in handling an Ahmadi's court case."

Unfortunately, or perhaps fortunately, judges of ATA courts get transferred for departmental reasons, and the cases before their courts get prolonged as a result. Mr. Imtiaz had entered the third year of his confinement. The latest judge cared more for justice than the opinion of watch-dogs sent by clerics. He acquitted the innocent accused of all charges. May God bless the worthy jurist.

It should be mentioned that authorities were repeatedly informed, formally and informally, that the case against Mr. Imtiaz was fake and baseless.

Mr. Imtiaz's release deserves to be celebrated; but what about the loss in prison of two precious years of his prime time in life. The plight of his family during this period defies description.

The stress of the trial, the hardships of prison life, the high financial costs of the trial and incidental expenses have taken their toll. The state imposed all this on an innocent Ahmadi for no valid reason, to no avail, wrongfully and viciously.

Thanks to the worthy judge for acquitting the innocent accused; but the state has numerous tools to harass Ahmadis, and the mulla knows it. Hasan Muaviya again moved the police and got another fake case registered against Mr. Imtiaz on October 25, 2017 under a blasphemy clause PPC 295-A and anti-terrorism clause 11-W. The next day, this mulla along with his gang of thugs was present at the court's premises to deliver Mr Imtiaz to the police, where he was to present himself for another case hearing. Mulla Hasan Muaviya is a brother of the powerful, state-supported mulla Tahir Mahmood Ashrafi. Ashrafi and his younger brother bring little credit to the government of Pakistan.