

# The Judiciary

2017

## **Three Ahmadis, innocent of any blasphemy, sentenced to death**

*Bhoiwal, District Sheikhpura; October 11, 2017:* Three Ahmadis, Mr. Mubashir Ahmad, Mr. Ghulam Ahmad and Mr. Ihsan Ahmad of Bhoiwal were sentenced to death by a judge Muhammad Akram in Ferozwala.

Four Ahmadis, three mentioned above and one Mr. Khalil Ahmad were charged under PPC 295-A, 337/2 and 427 for allegedly tearing an anti-Ahmadiyya sticker/pamphlet on May 12, 2014. Mr. Khalil Ahmad was shot dead two days later by a madrassah student, while in police custody. A year later, at the request of the opponent party a high court judge added deadly clause PPC 295-C to the charge-sheet on March 9, 2015. Their pleas for release on bail were rejected at all levels, even by the Supreme Court. Now they have been sentenced to death after remaining behind bars for three and half years.

At this occasion the Asian Human Rights Commission issued an excellent ‘Statement’ AHRC-STM-136-2017, titled **Pakistan: Court sentences Ahmadis to death**. It summarizes adroitly the overall situation of Ahmadis in the country. Only two entries therein need to be improved by us:

1. “Many Ahmadis accused of blasphemy have been killed in jail by police officers. Not a single person responsible was ever caught or punished,” may be read as, “Ahmadi accused have been killed while in police custody. Not even five percent of the criminals who murdered Ahmadis have been arrested or prosecuted.”
2. “Thousands of Ahmadis have been jailed for the ‘crimes’ of praying, ...” may be read, “Thousands of Ahmadis have been prosecuted for the ‘crimes’ of praying ...”.

## **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 Tahrik 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 Ahmadis 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)***

### **Another FIR registered against Ahmadi victims of Dulmial**

***Dulmial, District Chakwal, Punjab; March 24, 2017:*** A violent mob had attacked the Ahmadiyya mosque here on December 12, 2016. Two persons, an Ahmadi and a non-Ahmadi died at the occasion. As a result, social peace of this locality got seriously disturbed. The police

registered an FIR against both non-Ahmadis and Ahmadis and arrested men from both parties, in a strange display of impartiality.

The leaders of the riot demanded another FIR against Ahmadis for the death of one of their youth in the riot. The police did not entertain this demand. The mullas approached a court to have their FIR registered. The Sessions Court directed the police to register the FIR as demanded. The police appealed to the Lahore High Court against the decision. Subsequently the LHC also maintained the decision of the Sessions Court and ordered the police to register a separate FIR against Ahmadis.

As a result the police registered FIR Nr. 65 against 40 Ahmadis, in Police Station Choa Saydan Shah, District Chakwal under PPCs 302, 324, 337F(VI), 337F(III), 337A(I), 148 and 149 for the murder of Mr. Naeem Shafiq – a member of the rioting and attacking mob. He had come from a distant village to participate in the procession.

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Now they have been sentenced to death after remaining behind bars for three and half years. The madrassah student who murdered the Ahmadi in police custody was arrested on the spot; however he has yet to be pronounced ‘guilty’.

### **A high court judge reacts to blasphemy postings**

*Islamabad:* The daily Dunya posted the following reports in its issue of March 10, 2017. Extracts:

**Pass the blasphemy material to the Prime Minister. We’ll call his presence here in case of no follow-up: Justice Shaukat Siddiqui (of Islamabad High Court)**

The judge said, “... This issue is not specific with Shaukat Aziz Siddiqui; the entire Pakistani judiciary is the guardian of the Prophet’s honour. It was protecting this honour. In this context if no action is taken at the higher level, we’ll send for the Prime Minister. We are involved in spurious issues, while in my opinion this is the greatest issue in Pakistan. Unfortunately, the executive has failed to take action in this regard. The Parliament is also silent over it. This is most regrettable. I do not know how do they sleep at night. Having seen and heard this, federal secretaries, I do not order you, I implore you to do something to safeguard the honour of Allah’s prophet. You have enjoyed the perks of service long enough, now you

ought to do something worthwhile to please Allah and His messenger. This is the real stuff; all else is futile. Now is the time when there should be no other campaign except anti-blasphemers and anti-cursed. At the beginning of the hearing the Federal Secretary of Interior, Arif Khan stated that a case under PPC 295-C and other clauses of the penal code has been registered against those involved on social media in blasphemy against the most holy person in the universe... .

Justice Shaukat Aziz Siddiqui observed that attention should be paid to two factors. First, all blasphemous pages should be blocked; second action should be taken as per law against the perpetrators. I say it again, if that cannot be done then, I'll order blockage of the entire social media. Social media is blocked in many countries. If it is blocked here, we'll still survive. If this court had not acted, this practice would have continued, but as Muslim, such blasphemy is intolerable. Justice Shaukat Aziz Siddiqui expressed displeasure over the absence of federal secretaries for I.T. and Information. He ordered the registrar to telephone the two secretaries to present themselves in the court within half an hour or face warrants of arrest. At this the court was adjourned for half hour. When the hearing resumed both the secretaries of I.T. and Information were present in the court. Justice Shaukat Aziz Siddiqui passed some blasphemous material to the federal secretary. At this stage, Justice Shaukat Aziz Siddiqui started sobbing profusely. At this, others present in the court started shedding tears. Shedding tears, Justice Shaukat Aziz Siddiqui asked the federal secretary, Arif Sahib, "What else is left after this?" At this the Federal Secretary of Interior also wept and said, "If the court had not ordered, I would not even cast a glance at it. At this, once again tears came to the eyes of Justice Shaukat Aziz Siddiqui, and he addressed the three secretaries, "I do not order you, I plead you to do something to protect the honour of the Prophet of Allah, for God's sake....

At this stage, Justice Shaukat Aziz Siddiqui addressed the Secretary of Interior, "**I repeat once again that those individuals should not be in the investigating team, who have been declared Non-Muslims in the Constitution of Pakistan, as these people are themselves involved in this despicable act.** The hearing was then postponed till Monday." (Emphasis added)

### **Remarks of a judge concerning Ahmadis**

Justice Shaukat Siddiqui of Islamabad High Court was reported in the press as follows :

IHC restores all 8 laws concerning the end of prophethood.

If heavens fall, I do not care: Justice Siddiqui

*The daily Mashriq; Lahore, November 15, 2017*

(Maulvi) Wasaya also asked the government setup a database of government employees belonging to the Ahmadi faith....

The judge (Shaukat Siddiqui – ed.) also asked the federal government to submit a reply regarding the request for a database within 14 days.

*The daily Dawn, Lahore; November 14, 2017*

Justice Siddiqui also directed authorities to initiate criminal cases against those committing blasphemy and to form a joint investigation team (JIT) to look into the matter, adding that those "**who do not fulfill the criteria under the law to be a Muslim should not be made a part of the whole process.**"

*The daily The Express Tribune, Lahore; March 9, 2017*

**He claimed that he knew those who had made Qadianis their 'darling'.**

*Editorial of the daily Mashriq, Lahore; November 28, 2017*

## **Ahmadis discriminated through special data-base in official records**

*Islamabad; November 24, 2017:* The daily Jang, Karachi carried the following story (translated):

### **Work started on data-base of senior Qadiani officials in the Federation**

Islamabad (Rana Ghulam Qadir, news reporter): It is learnt that the Establishment Division is preparing a list of Qadiani officials and those who belong to the Lahori group working for the federal government. The report is being prepared to be submitted to the Islamabad High Court. Maulana Allah Wasaya (*an End of Prophethood activist*) had challenged unlawful and unconstitutional activities of the Qadianis and the Lahori group (sic). The case date is now set for 29 November. The Deputy Secretary (Litigation) Muhammad Afzal Chaudhari has told Senior Joint Secretary Admin Establishment Division and the Joint Secretary E-Wing to prepare the list by 27 November for presentation to the high court. They have been told to also mention the assignments of the officials. The High court had instructed the Establishment Division during the hearing on November 14 to prepare data-base of Qadiani and Lahori group officials serving in high posts.

No comments.

### **Other cases**

In addition to the above stories, there were other noteworthy occasions when Ahmadi accused were sentenced or their bails were refused. These have been described elsewhere in this report; these are referred here very briefly.

1. A trial court sentenced Mr. Q A Tahir to imprisonment for life on a blasphemy charge of defiling the Quran. It was a false accusation. On appeal, a High Court judge acquitted him, and he was set free after having already spent 21 months in prison. (See p. 36)
2. Two Ahmadis, innocent of any wrong-doing, were sentenced to three years' rigorous imprisonment by an Anti-terrorism court. They were fined Rs. 50,000 under each section. (See p. 36)
3. A violent mob attacked Ahmadiyya mosque in District Chakwal. The riot resulted in death of two men, one Ahmadi and the other non-Ahmadi. The police booked a number of rioters and the defenders in one joint case. However, the mullas demanded that Ahmadis be booked in a separate case as well. A judge ordered the police to do that. (See p. 39)
4. Two Ahmadis in Lahore were booked on a spurious charge of preaching. Although the police were not willing to press the charges, a judge told them to register the case. They were arrested. A sessions judge refused the bail. The High Court has not found time to hear their plea. They are in prison since March 2017. (See p. 39)
5. A judge fined an Ahmadi Rs. 50,000 for not taking adequate measures to protect the Ahmadiyya mosque. (See p. 42)