



AHMADIYYA



FOREIGN MISSIONS OFFICE

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April 22, 2009

Special Rapporteur on freedom of religion or belief
C/o Office of the High Commissioner for Human Rights Geneva Switzerland

Dear Madam,

Subject: **The case of Layyah Five, District Layyah, the Punjab, Pakistan**
A faux case of blasphemy No. 1/2009

I enclose at Annex, Ahmadiyya Pakistan Case No. 1/2009, the case of five Ahmadis who have been implicated on a faux charge of Blasphemy and arrested in January this year. This charge in Pakistan carries punishment of 'death'. Four of the accused are school-going children, in their teens. There is no evidence or witnesses against them. They were arrested and are being detained only for administrative convenience and in response to agitation by clerics.

A brief introduction to the Ahmadiyya Community and the Ahmadiyya Foreign Missions office was forwarded to your office as Appendix A to the Case Ahmadiyya Pakistan No. 1/2008 in September 2008. Monthly persecution reports are also being forwarded regularly to keep you informed of Ahmadiyya situation in Pakistan.

Earlier, two cases Ahmadiyya Pakistan Case No. 1/2008 and Case No. 2/2008 were sent to your office last year. I shall be grateful to you for any information on the follow-up of those cases.

Requesting action on this pressing case involving school children of tender age.

With best wishes and high regards,
Yours sincerely,

Mansoor Ahmad Khan
Director

Annex . Ahmadiyya Pakistan, Case No. 1/2009
Layyah Five – Victims of faux charge of Blasphemy

Questionnaire of the UN Special Rapporteur on freedom of religion or belief

Case: Ahmadiyya Pakistan, Case No.1/2009
Layyah Five – Victims of faux charge of Blasphemy

Brief introduction to the case:

Four Ahmadi school-going boys and an adult were charged for alleged ‘Blasphemy’ on January 28, 2009, and were arrested in district Layyah, the Punjab, Pakistan. This charge under PPC 295-C carries death punishment (Appendix. E). No witness or testimony exists to support the baseless accusation to-date, but they remain in prison even after 12 weeks. They are being detained on ‘judicial remand’. On every court appearance the remand is extended; it is not known when these innocents will be set free. There is a history in Pakistan that a number of such innocent accused have suffered for years in prisons, some are undergoing life sentence while others have been killed by religious fanatics. The fact that four of the five accused are of school-going age, makes this case highly compassionate and imploring.

1. GENERAL INFORMATION

- A. Does the incident involve an individual or a group?**
A group of five accused
- B. If it involves a religious or belief group please state the number of people involved and the denomination of the group:**
These five belong to the Ahmadiyya denomination, approximately 500,000 to one million in Pakistan.
- C. Country(ies) in which the incident took place:**
Pakistan
- D. Nationality(ies) of the victim(s):**
Pakistani
- E. Does domestic law require (re) registration of religious associations and if yes, what is the current status of the group in question?**
Our parent society Sadar Anjuman Ahmadiyya is registered under Societies Registration Act (XXI of 1860). No re-registration is required.

2. IDENTITY OF THE PERSONS CONCERNED

Note: If more than one person is concerned, please attach relevant information on each person separately:

1. **A. Family name:** Irfan
- B. First name:** Muhammad
- C. Denomination of his/her religion or belief:** Ahmadi
- D. Place of residence or origin:** Pakistan
- E. Age:** 14 Year
- F. Sex:** Male
- G. Nationality(ies):** Pakistani

2.
 - A. **Family name:** Imran
 - B. **First name:** Tahir
 - C. **Denomination of his/her religion or belief:** Ahmadi
 - D. **Place of residence or origin:** Pakistan
 - E. **Age:** 16 Year
 - F. **Sex:** Male
 - G. **Nationality(ies):** Pakistani

3.
 - A. **Family name:** Mahmud
 - B. **First name:** Tahir
 - C. **Denomination of his/her religion or belief:** Ahmadi
 - D. **Place of residence or origin:** Pakistan
 - E. **Age:** 14 Year
 - F. **Sex:** Male
 - G. **Nationality(ies):** Pakistani

4.
 - A. **Family name:** Ahmad
 - B. **First name:** Naseeb
 - C. **Denomination of his/her religion or belief:** Ahmadi
 - D. **Place of residence or origin:** Pakistan
 - E. **Age:** 14 Year
 - F. **Sex:** Male
 - G. **Nationality(ies):** Pakistani

5.
 - A. **Family name:** Ahmad
 - B. **First name:** Mubashir
 - C. **Denomination of his/her religion or belief:** Ahmadi
 - D. **Place of residence or origin:** Pakistan
 - E. **Age:** 50 Year
 - F. **Sex:** Male
 - G. **Nationality(ies):** Pakistani

3. INFORMATION REGARDING THE ALLEGED VIOLATION

- A. **Date and time (approximate, if exact date is not known):**
28th January, 2009
- B. **Place (location and country/countries):**
Chak 172/TDA, District Layyah, Punjab, Pakistan
- C. **Please provide a detailed description of the circumstances of the incident in which the alleged violation occurred respectively the nature of the governmental action:**
The police charged four school-going Ahmadi children aged 14 – 19 and an adult on a false charge of blasphemy, under section PPC 295-C on January 28, 2009 with FIR 46/09 at police station Kot Sultan, District Layyah. (English translation of the FIR is enclosed as Appx. D). The accused children are Muhammad Irfan, Tahir Imran, Tahir Mahmud and Naseeb Ahmad. Mr. Mubashir Ahmad, an adult is also on the list of the accused. Although the complaint was made by one, Liaquat Ali but the fabricated accusation was pushed by Shahbaz, a school teacher and one N.E. Kulachi who

belong to the extremist group Jamaat Ud Daawa banned recently by the UN for promoting terrorism.

The police arrested the accused without establishing a *prima facie* case. They charged the innocent without evidence and before any investigation. The applied blasphemy clause carries death penalty.

According to the accusation, graffiti defiling the name of the Holy Prophet (PBUH) was found on the toilet walls of a local mosque. According to the accuser, it was allegedly undertaken by the four boys and Mr. Mubashir Ahmad. The complainant has provided no evidence. In fact, the accusation is false and smacks of conspiracy. The police will do well to look for the blasphemer among the group that is making the most noise.

For weeks in the recent past, the anti-Ahmadiyya lobby had been fomenting agitation. In the blasphemy accusation they appear to have found a convenient weapon to strike the final blow. Simultaneously, they threatened bloodshed, arson and processions. This provided excuse to the police to register the case and make immediate arrests. It makes no sense that the police arrest innocent persons to forestall a threat to law and order. This amounts to playing in the hands of religious extremists.

Inspector Khalid Rauf told AHRC (Asian Human Rights Commission) that *“the gravity of the case against Islam justified arresting the children first. He said the police do not know of any substantial evidence that links the four students with the crime.”* According to the AHRC *“Family members were told (by the district police officer) that the police were under pressure from the fundamentalists to act against the children.”*

According to the law, an officer of the rank of superintendent of police is required to investigate the blasphemy cases. As this law was deliberately worded to make it ineffective, it provides no relief to innocent accused, as it happened in this case and many before.

The BBC reports that according to the police no one saw the named boys writing the (blasphemous) words. *“Human Rights Commission of Pakistan (was) alarmed over four children’s detention on blasphemy charges”*, reported the Daily Times, Lahore of January 30, 2009. Ms Asma Jahangir, Chairperson of HRCP demanded on behalf of the Commission that the government should ensure that persons of the Ahmadiyya faith should not feel insecure in the area, nor they should be harassed. The Commission also appealed to the government to take appropriate steps to end misuse of the blasphemy law. (Press Release on February 12, 2009). *“Victimizing children with false accusations is the most condemnable use of the blasphemy law”*, said the Ahmadiyya community spokesman. The AHRC urged *“the government of President Asif Zardari to immediately release the illegally detained prisoners. Instead they should turn their attention to the dependence of Punjab Police on fundamentalist Islamic groups and the implementation of the rule of law in the province ...”*.

After four days in police custody, the accused were sent to the judicial lockups of Dera Ghazi Khan district’s prison on February 4, 2009. They continue to be confined there to-date. Police have received extensions of their judicial remands from the court.

These victims of religious bigotry and prejudice are now in jail for more than 12 weeks. They are at risk of being led to the gallows, or a long stay behind bars to suit the convenience of the administration and the police. The boys are at an impressionable age, and their unjust incarceration in a Pakistani prison may cause permanent damage to their physical and mental health. A number of Ahmadis, in the past have suffered years in prison before they were declared innocent by the courts. One, Mr. Iqbal, an innocent fellow, is now spending a life sentence in prison (Please refer to Ahmadiyya, Pakistan Case No 1/2008 with the UN Special Rapporteur). An initial statement by the Asian Human Right Commission and a Report by Waqar Gillani based on the investigation undertaken by Human Rights Commission of Pakistan are enclosed as Apps. A and B respectively. An up-date brief on the present case is attached as Appx. C.

D. *Which indications exist that the victim(s) has been targeted because of his/her religion or belief?*

Section PPC 295C based on faulty understanding of Shariah is used as a tool mostly against Ahmadis. The complainant wrongly claimed that this crime could only be committed by Ahmadis. Numerous blasphemy cases have been registered in the past against Muslims and persons of other faiths under this Penal Clause.

E. *Identification of the alleged perpetrator(s), name(s) if known and/or function, suspected motive:*

Shahbaz and Kulachi belong to extremist religious organizations including Jamat-ud-Dawa, banned by the UN for its terrorist activities.

F. *Are the perpetrator(s) known to the victim?*

Yes

G. *Are state agents or non-state-actors believed to be responsible for the alleged violation?*

Yes

H. *If the perpetrators are believed to be State-agents, please specify (police, military, agents of security services, unit to which they belong, rank and functions, etc) and indicate why they are believed to be responsible; be as precise as possible.*

Local politicians and police authorities had a major role in precipitating the incident and allowing it to develop into a difficult situation for the victims and their entire local community. Pir Saqlain Shah the Member of National Assembly is in league with the clerics. His uncle Iqbal Shah urged the police to register the case, according to the FIR. This political support and *laissez faire* attitude of the Government of Punjab did not allow the police to deal firmly with the violent protests of the radicals who thrive on the faux accusation to organize and manifest their street power. The police led by Dr Muhammad Azam, the District Police Officer thereby decided to be most lenient with the agitators and be tough with the victims. A reading of the FIR itself shows that the complainant has no evidence and is indulging in imagined accusation. The police still arrested the accused. As a result the radicals were appeased at the cost of the innocent. The provincial government at Lahore is headed by Mian Shahbaz Sharif PML (N). These facts are supported by press reports and finding of the Asian Human Rights Commission and Human Rights Commission of Pakistan. (References: Daily Times, Lahore of Jan 30, 2009; Press Release by HRCP on February 12, 2009; Asian Human Rights Commission Statement AHRC-STM-022-2009; Daily Times, Lahore of March 20, 2009 etc)

I. *If identification as State agent is not possible, do you believe that Government authorities or persons linked to them, are responsible for the incident, why?*

As stated above. The motivation is political interest and administrative convenience.

J. *If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc: if there is evidence, please specify.*

There is no eye-witness to the alleged crime of the accused. As for the police action, incarceration, judicial remands etc, the state will own it up. The FIR 46/09 was registered by the police at Police Station Kot Sultan on 28 January 2009. Its English translation is available at Appendix D.

4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANYONE ELSE ON HIS/HER BEHALF?

A. *Please indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e. police, prosecutor, court):*

Complaints were filed by 1. The community's central office and 2. Mr. Masud Ahmad, Advocate before the federal government, the provincial government, the district police officer, the district Nazim and others. The president, the prime minister, the governor and the chief minister were also approached in February 2009 and in April 2009. However the accused remain behind bars and these authorities have not even acknowledged the receipt of these representations in writing.

B. *Were any other steps taken?*

Reports were made to NGOs, press and human rights organizations.

C. *Steps taken by the authorities:*

They took no action against clerics who indulge in hateful propaganda to fan the fires of communal tension.

D. *Indicate whether or not, to your knowledge, there have been investigations by the State authorities, if so, what kind of investigation? Please indicate progress and status of these investigations as well as which other measures have been taken?*

Mr. Pervez a Superintendent of Police has been tasked to investigate, but his findings are not being made public, nor has the court been apprised of those. The accused have not been informed of the progress. The only measure they have taken is to keep the accused in prison to appease the mulla.

E. *Is case of complaints by the victim or its family, how have those authorities or other competent bodies dealt with them? What has been the outcome of those proceedings?*

Not only no positive action has been taken by the authorities, none has even acknowledged the receipt of the representations.

5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM

Ahmadiyya Foreign Missions Office, RABWAH Pakistan

- A. **Family name:**
For essential information and introduction see Annex A to Case Ahmadiyya, Pakistan No. 1/2008 forwarded on 21 Sep. 2008.
- B. **First name:** -
- C. **Contact number or address (please indicate country and area code):**
92-47-6212326
- E. **Fax:**
92-47-6212296
- F. **Telephone:**
92-47-6212326
- G. **E-mail:**
wtabshir@gmail.com
- H. **Status: individual, group, non-governmental organization, religious or belief group, inter-governmental agency, Government. Please specify:**
Religious body
- I. **Do you act with knowledge and on behalf of the victim(s)?**
Yes
- J. **Please state whether you want your identity to be kept confidential:**
No
- K. **Date you are submitting this form:**
April 26, 2009



Signature

Appendices:

- A. Statement of Asian Human Rights Commission
- B. Findings of the Human Rights Commission of Pakistan
- C. Update on this case
- D. The FIR
- E. Extract of the Blasphemy clause in Pakistan Penal Code

A Statement by the Asian Human Rights Commission

PAKISTAN: Four children and one man have been arbitrarily arrested and charged with blasphemy at the request of Muslim radicals

FOR IMMEDIATE RELEASE

AHRC-STM-022-2009

January 30, 2009

PAKISTAN: Four children and one man have been arbitrarily arrested and charged with blasphemy at the request of Muslim radicals

Five persons belonging to the Ahmadi sect of Islam, four of them children, have been arrested for desecrating the name of the last prophet of Islam (peace be upon him), and charged under a law that can only be met with the death penalty. The children were accused of writing the name of the Prophet Muhammad on the walls of a toilet of a mosque in Punjab province, and are being accused of blasphemy.

According to our reports, the boys are students from grades nine and ten of the Superior Academy, Chak no. 172, TDA in Layyah district. They are Muhammad Irfan (14), son of Muhammad Mukhtar, Tahir Imran (16), son of Abdul Ghaffar, Tahir Mehmood (14), son of Muhammad Aslam and Naseer Ahmed (14), son of Nasrullah. A Mr Mubashar Ahmed, 45 has also been arrested.

The five were taken from their houses on the night of January 28, 2009 and taken into custody. Raiding police officials told their families that they would just be detained for 24 hours to appease a number of Muslim fundamentalists, who had recently renewed the long-waged ideological assault on members of the Ahmadi sect, a minority sect of Islam (also known as Qadiani sect). Sect members claims to be Muslim, but were constitutionally removed from the religion in Pakistan in 1974, partly due to their following of a nineteenth century messiah.

However after four hours in custody, charges were filed against all five under section 295-C, for desecrating the name of the last prophet. After contacting Dr Muhammad Azam, the district police officer (DPO) of Layyah, family members were told that the police were under pressure from fundamentalists to act against the children. If he did not arrest them, Azam said, the group had threatened to close down the whole city and attack the houses of Ahmedi sect members. Worried about civilian deaths, the officer arrested the children.

The registered complainant in the case is a Mr Liaquat, who has reported seeing the name of Muhammad (peace be upon him) on the walls of a toilet of Gulzare Madina Mosque in four

different places, and scratched into the wall in another. Liaquat concluded that the graffiti must have been a deed of an Ahmadi sect member in a charge agreed with by a Mr. Shahbaz, a government school teacher and a leader of the anti-Ahmadi sect movement. Shahbaz implicated the four students, claiming that the graffiti was written under the instruction of Mubashar, the adult accused. No evidence was given, and no investigation done before the five were arrested.

Inspector Khalid Rauf, station head officer (SHO) of Kot Sultan police station, Layyah district, Punjab province, told the AHRC that police have still not initiated the investigation, but that the gravity of the case against Islam justified arresting the children first. He said the police do not know of any substantial evidence that links the four students with the crime.

Most bemusing, is the fact that the teenagers that were arrested are not students of the Gulzare Madina Mosque, where the graffiti was found, and neither they or Mubashar live anywhere near it. The boys are students of a private English medium school.

According to an Ahmadi spokesperson, a number of attempted assaults and attacks have taken place against sect members in the area, during the last week.

The police have not made any investigation into the threats sent in, to cause harm to Layyah civilians. Neither have they made investigations into the five detainees' guilt. According to an amendment made by parliament in 2004 in section 295-C of the constitution, police officials are obligated to thoroughly investigate accusations of blasphemy before presenting criminal charges. The aim of this amendment was to reduce the scope of the blasphemy laws, which are still widely and frequently abused, and met with the death penalty.

At this juncture the AHRC would like to question who Pakistan's police are meant to serve: a few civilian religious groups with little regard for the law, and an agenda of violent persecution? Or do they serve the rule of law and the people of Pakistan? Their actions and admissions in this case point to the former. That children can now be made scapegoats by the police, and high ranking police officers themselves can be played with like puppets, is a disgrace to the nation.

The Punjab government has lately claimed to be liberal and progressive. Yet they show little control over the province's radical religious groups, which flout the law and hold Pakistan society hostage in the name of Islam. When children can be arrested under laws that carry only the death penalty, with no evidence given and no investigation done, there can be no doubt that the systems of this province have broken down.

The AHRC urges the government of President Asif Zardari to immediately release the illegally detained prisoners. Instead they should turn their attention to the dependence of Punjab Police on fundamentalist Islamic groups and the implementation of the rule of law in the province, including the amendment in the blasphemy law made by parliament.

About AHRC: The Asian Human Rights Commission is a regional non-governmental organisation monitoring and lobbying human rights issues in Asia. The Hong Kong-based group was founded in 1984.

Posted on 2009-01-30

<http://www.ahrchk.net/statements/mainfile.php/2009statements/1859>

Findings of the Human Rights Commission of Pakistan

Unholy war

An HRCP fact-finding mission investigates a

blasphemy case in South Punjab

By Waqar Gillani

On Jan 27, midnight, Shahbaz Qasim, son of a retired schoolteacher and JD activist Maulana Noor Elahi Kulachi, reportedly knocked at the door of Mohammad Saeed, Imam Gulzar-e-Madina mosque in Chak 172/TDA near Layyah, asking him to come out. Shahbaz was accompanied by the local press and a handful of people. He later made a speech on the nearby road on how two villagers, Safdar and Liaqat, had seen derogatory graffiti in the washroom of one of the village mosques which could not have been the action of a Muslim. The following day, they managed to register an FIR (number 46/09) in Kot Sultan police station implicating students of grades 9 and 10 Tahir Imran (16), Tahir Mahmood (14), Naseeb Ahmad (14), Muhammad Irfan (14), and a teacher Mubashar Ahmad (45) in the case. The arrested persons were sent on judicial remand by the local court on Feb 4. Before the remand, they were in police custody with Superintendent Police Pervez Tareen, incharge of the investigative team.



The accused have been charged of blasphemy under Section 295 C of Pakistan Penal Code (death penalty) over an incident with surprisingly no eyewitness account. The accused children, belonging to the Ahmedi community, who were earlier stopped from offering prayers in the local mosque and mixing with other Muslims were believed to be the perpetrators of the crime.

The local Ahmedi community is facing a social boycott since the incident, especially by some members of the defunct Sipah-e-Sahaba Pakistan (SSP), recently banned Jamaatud Dawa (JD), and Majlis-e-Tahafuz-e-Khatam-e-Nabuwat. An anti-Ahmedi movement in the whole district after the blasphemy case openly threatens the lives of Ahmedis in the area and there have been many protests in the area.

The police remain mum on these protests because those waging them enjoy the support of Iqbal Hussain Shah, uncle of Pir Saqlain Shah, MNA of the constituency. Iqbal Shah, reportedly, telephoned the police to lodge the First Information report (FIR) of the incident on Jan 28. Iqbal Shah, now, has also become the convenor of a newly-formed committee of various religious and local organisations to take up this issue.

"This is not the act of a Muslim and we will not tolerate it at any cost," Kulachi aides told TNS and a fact finding team of Human Rights Commission of Pakistan (HRCP) who went there to investigate the matter.

The Imam of the local mosque Maulvi Saeed told TNS that writing graffiti on toilet walls is a norm here and people write each other's names. He was asked by some villagers to stop people from writing names on the toilet walls which he did. Maulvi Saeed believes there is no eye witness of the incident. "When I saw the graffiti next day, it had almost been erased." Maulvi Saeed alleges he was forced by Shahbaz and his aides to remain absent from the scene when police was visiting the mosque where the incident took place. On Jan 27, according to him, he was asked by Shahbaz to come out of his home when the latter asked the press to take his pictures, leaving him ignorant of the whole situation. It was only later that he was informed of the "blasphemy."

Station House Officer (SHO) Khalid Rauf told TNS that Iqbal Hussain telephoned him to visit the place and lodge the case. "I visited the place and saw the almost erased graffiti but there is no eyewitness account of who wrote it." According to him, Maulvi Kulachi was the first person on whose complaint the FIR was registered. To the question why police was unable to handle the protestors, he expressed his helplessness. He guaranteed that SP Investigations would probe into the matter and justice would be assured.

District President PPP and Naib Nazim of the concerned Union Council Abdul Majeed Bhutta affirmed that the complainants are making a hill out of molehill. "In my personal view, it is overplayed."

In 2004, an amendment was made in Criminal Procedural Code (CrPC) Section 295-C of the constitution according to which the police is bound to thoroughly investigate blasphemy accusations before levelling criminal charges. The aim of the amendment was to reduce the scope of the blasphemy laws which are still widely and frequently abused and often result in death penalties. But this did not happen in this case.

Former federal minister law minister Dr Khalid Ranjha said there is no harm in having blasphemy law but urged the need to stop its blatant misuse. "Blasphemy laws are almost everywhere in the world," he said, "what we need to do is to stop the misuse of these laws." Police is bound to have a detailed investigation of the case before registering but, unfortunately, they do not, he maintained. He said people settle personal scores and give false testimony on these sensitive matters. He said if the state and police submit itself before propaganda and allows mobs to provoke the matter then there is no writ of the state and protection of citizens. He urged the state to handle these cases properly. "If police believes that they have to submit before the mob, then anyone who can collect some hundred people can sit before the police station or court and manoeuvre a case in his or her favour." He stressed the need to maintain the writ of the state to give justice to the accused.

As many as 58 cases of blasphemy cases were reported in 2008, according to the report collected by Nadeem Anthony, a council member of HRCP. "While, in 2009 (till the filing of the report) six blasphemy cases have been reported in the press," he said.

The News, Sunday Magazine, February 8, 2009

<http://jang.com.pk/thenews/feb2009-weekly/nos-08-02-2009/dia.htm#5>

Update on the Layyah Five

April 22, 2009

Four Ahmadi school children and an adult remain incarcerated twelve weeks after arrest on a faux charge of blasphemy.

The applied penal clause carries death penalty.

**Authorities decide to persecute the innocent rather than confront the bullying mulla.
THIS CASE SYMBOLIZES THE CURRENT NON-GOVERNANCE BY THE PROVINCIAL AND
FEDERAL GOVERNMENTS.**

The police registered an FIR against four school-going Ahmadi children and an adult on a false accusation of blasphemy and arrested them in the last week of January this year in District Layyah, the Punjab. They were accused of writing the name 'Muhammad' on the toilet walls of the local mosque. Despite the fact that no incriminating evidence is available the accused are still behind bars more than 12 weeks after their arrest. They are being detained on 'judicial remand'. On every court appearance the remand is extended by the judge on request of the police. It is not known when these innocent will be set free. In the meantime, those who seriously threatened law and order and disturbed communal peace remain free and content gloating at their easy victory over the authorities in forcing them to incarcerate Ahmadi children sans evidence. This case was earlier reported in our dispatch dated February 2, 2009. Update in essential detail of this important case is presented for necessary action.

This 'blasphemy' case is a serious one in that it carries death as penalty, and also because boys of tender age have been implicated this time. These accused were arrested in district Layyah and later transported to a prison in the distant city of DG Khan. That has made it very difficult for the parents to see the children for the much needed parental support. The school administration, rather callously, discharged one boy, Muhammad Irfan from the school. The others were due to appear in their important Matriculation examination on which depends the educational and professional career of the youth. They had to prepare for it and take the test (in) the prison. Last month it was learnt that the four children were kept in one cell and the adult Mr. Mobashir Ahmad who could have been a source of support to them was incarcerated in another cell. Apart from the fortnightly meeting, they were not allowed to meet and none of them was allowed to come out of the cell for daily respite as a routine facility. There are no fans. Living conditions are very unhygienic. Mr. Mobashir Ahmad's health is fragile; he is asthmatic. None of the accused has any previous experience of being involved in a police case. The children are at risk of long-term damage to their mental and physical health. The state is keeping them in prison simply because it finds that more convenient.

It is noteworthy that the two men who were the prime-movers of the false accusation belong to the extremist religious body, Jamaat ud Da'wa (JD) banned by the UN for promoting terrorism. The Aalami Majlis Tahaffuz Khatme Nabuwwat, the cover organization of mullas who promote their national and international political agenda these days in the garb of End of Prophethood, strove hard to raise communal tensions in the weeks following the incident. Saqlain Shah, the local MNA (PML-N) provided the political support to the agitation. Sarwat Nadeem, a provincial minister of Baluchistan, came all the way from Quetta to share the political spoils of a tense communal situation. It is material to the case that the

local leadership who were aware of the reality did not support the charge. These included the Imam of the concerned mosque, the village head (Numberdar) and the Naib Nazim. As such rabble-rousers, self-styled *Ghulaman-e-Rasul Punjab* issued a leaflet with the following demand: "... *The arrested Qadianis should be given death sentence forthwith. The Imam of the local mosque of Chak No. 172 should be immediately arrested and those who are in favor of disregarding the incident and dropping the case should be interrogated. If the local administration, the DPO and senior officials do not take action against the Imam, the people, motivated by religious zeal, will have to take action by themselves against the Imam*". One may ask: Who is ruling – the authorities or the mob?

Various human rights organizations, national as well as international took due notice of this important case and demanded that the accused should be set free. The Asian Human Rights Commission (AHRC), as early as January 30, 2009 issued a statement and titled it: **Pakistan: Four children and one man have been arbitrarily arrested and charged with blasphemy at the request of Muslim radicals.** It ended: *The AHRC urges the government of President Asif Zardari to immediately release the illegally detained prisoners. Instead they should turn their attention to the dependence of Punjab Police on fundamentalist Islamic groups and the implementation of the rule of law in the province, including the amendment in the blasphemy law made by the parliament.*

The Human Rights Commission of Pakistan sent its own fact-finding mission to District Layyah and rendered its report. Excerpts;

"The local Ahmadiyya community is facing a social boycott since the incident, especially some members of the defund Sipah-e-Sahaba Pakistan (SSP), recently banned Jamaat ud Da'wa (JD), and Majlis Tahaffuz Khatme Nabuwwat. ... The police remain mum on these protests because those waging them enjoy the support of Iqbal Hussain Shah, uncle of Pir Saqlain Shah, MNA of the constituency. ... The Imam of the local mosque Maulvi Saeed told TNS that writing graffiti on toilet walls is a norm here. ... Maulvi Saeed believes there is no eye witness of the incident. ... Maulvi Saeed alleges he was forced by Shahbaz and his aids to remain absent from the scene when police was visiting the mosque where the incident took place. ... According to him (the police SHO), Maulvi Kalachi (of JD) was the first person on whose complaint the FIR was registered. To the question why police was unable to handle the protestors, he expressed his helplessness. ... District President PPP and Naib Nazim of the concerned Union Council Abdul Majeed Bhutta affirmed that the complainants are making a hill out of molehill. "In my personal view, it is overplayed." ... In 2004, an amendment was made in Criminal Procedural Code (Cr PC) Section 295-C of the constitution according to which the police is bound to thoroughly investigate blasphemy accusations before leveling criminal charges. The aim of the amendment was to reduce the scope of the blasphemy laws which are still widely and frequently abused and often result in death penalties. But this did not happen in this case. ... He (Dr Khalid Ranjha, former federal law minister) said people settle personal scores and give false testimony on these sensitive matters. He said if the state and police submit itself before propaganda, and allows mob to provoke the matter then there is no writ of the state and protection of citizens."

In a press release on February 12, 2009, Ms Asma Jahangir, Chairperson of the HRCP demanded of the government: *"The Commission demands a transparent and fair inquiry in this incident so that innocent persons do not become targets of injustice. The Commission further demands that the government must ensure the members of the Ahmadiyya faith do not feel insecure in that area and they are not harassed. The Commission appeals to the government to take appropriate steps to stop misuse of the blasphemy law."*

This incident sent a wave of concern in many capitals of the world. For instance, a number of members of the US Congress wrote to the US State Department on the subject. In Europe, a question regarding this incident was tabled in European Union Council and Commission by a Swedish MEP. The Canadian High Commission carried out its own inquiry

of the case and the High Commissioner wrote a letter to the Governor of Punjab conveying his concern. The Hong Kong-based AHRC put the question bluntly: *“At this juncture the AHRC would like to question who Pakistan police are meant to serve: a few civilian religious groups with little regard for the law, and an agenda of violent persecution? Or do they serve the rule of law and the people of Pakistan? Their actions and admissions in this case point to the former.”* The accused are considering making an appeal to the relevant office of the United Nations.

On April 8, 2009 Mr. Masood Ahmad, Advocate sent a Fax message to the President of Pakistan (Mr. Asif Zardari) with a copy to the Prime Minister of Pakistan, Chief Minister Punjab (Mian Shahbaz Sharif) and other concerned federal and provincial authorities requesting the release of the accused. Nothing has happened – as yet.

The prestigious daily Dawn got it right when it editorialized on March 4, 2009:

“The obscurantists must be tackled head on if we are to entertain any hope of redemption. If the state resorts to negotiating with militants from a position of weakness, what we will get is a disaster, across the board. The politicians need to wake-up, bury the hatchet in the national good and rout the real enemy.”

In Layyah, the government of the Punjab is unwittingly breeding and nourishing its mullas Fazalullah. Will the consequences be any different than in Swat? No; there is indeed urgent need to wake-up.

Ref: The police registered the case with FIR No 46/09 at Police Station Kot Sultan District Layyah, on 28 Jan 09 under PPC 295C.



Ahmadi school boys accused falsely of blasphemy law are being driven away in police custody

Appendix D to
Ahmadiyya Pakistan, Case No. 1/2009

The FIR (First Information Report with police)
(English translation of the original in Urdu)

Police Form. .05 24

First Information Report, about a cognizable offence under Section 154 of Penal Code

No: 46/09 09195; Police Station Kot Sultan; District Layyah; Date & Time of Occurrence:
A few days ago

1.	Date and time of report	At 16:00 on January 28, 09 with reference to Repot No. 22
2.	Name & Residence of person reporting and complainant	As per Complaint Report from Khalid Rauf SHO Police Station Kot Sultan based on application of Liaqat Ali son of Muhammad Aslam, Caste Jat of Chak No. 172/TDA Tehsil & District Layyah
3.	Brief description of the crime (with relevant section) & property if something has been lost	Pakistan Penal Code section 295C
4.	Place of occurrence & its distance and direction from the Police Station.	In Chak 172 TDA at 18 miles south-east village, No.59
5.	Investigation carried out. If any delay in registering the complaint, its reasons.	On receipt of complaint application
6.	Date & time of departure from the Police Station.	

Signature : Javed Akhtar ASI

Rank: ASI/DO

(Enumerate First Information Report below)

Note: The signature or stamp or impression of thumb of the informer and signature of the person who wrote this report should be at the end of the FIR.

Copy of complainant's application.

In the name of Allah, the Gracious, Ever Merciful

To,

The SHO of Police station Sultan, Tehsil and District Layyah

Sir,

A few days ago, Muhammad Safdar Kalasarah saw the name of the Hadrat Prophet PBUH (Muhammad) written in ink on the wall of lavatory of the mosque. He informed Qari Mohammad Saeed, Imam of the Jame mosque. Qari told him that he knew about it and was

inquiring into it. He erased it but indications are still there. 2. Hakeem Muhammad Hanif took Shahbaz Qasim Khan with him and showed him the name of the Holy Prophet (Muhammad) PBUH written with filth. Muhammad Ismail Faran Qasim alongwith Hakim Muhammad Hanif tried to erase it later but could not erase it fully due to the cemented coat. 3. Shahbaz Qasim told his father Noor Ilahi Kulachi Rtd. SST who contacted Syed Ghazanfar Abbas Shah the Union Nazim who sent his secretary who will give his report himself. 4. Noor Ilahi Kulachi alongwith the residents of Chaks 174, 173, 172, 171 contacted Pir Syed Iqbal Ahmad Shah Sahib who telephoned you, and you came. Hakim Muhammad Hanif Safdar Mahr and Shahbaz Qasim found on investigation that following Qadiani students come to the mosque for prayers and they also use the lavatory: Irfan Ahmad S/o Mukhtar Ahmad, Tahir Mahmud S/o Muhammad Aslam Cheema, Tahir Imran S/o Abdul Gaffar, Naseeb Ahmad S/o Unknown. Another man named Mubashir Ahmad also offered the last Friday prayer there. He is also a Qadiani. When Shahbaz Qasim and others stopped these students from coming to the mosque due to their Disbelief, they tried to create disorder. We all suspect that as only these non-muslims come here, so they must have done this evil deed. Actions against them according to the Islamic laws should be taken.

Applicant: Liaqat Ali S/o Muhammad Aslam Jatt Gull, Chak No. 172/TDA, Tehsil & District Layyah.

Signature of Liaqat Ali (in Urdu)

Action by the Police: At this time, I, Inspector/SHO with Muhammad Afzal SI, Mulazim Hussain SI, Muhammad Iqbal SI, Anayat ullah ASI, Ata Muhammad ASI, Ghulam Shabbir 723/C, Fazal Hussain 677/C, Muhammad Hussain 249/C, Faiz Rasool 108/C, Khuda Baksh *razakar*, Riaz Hussain *razakar*, on government vehical No. LYA 4905 driven by Haq Nawaz 95/CA, went to Masjid Gulzar-e-Madina Chak No. 172 TDA upon getting the information. There, Liaqat Ali, the accuser alongwith 250/300 persons presented me the above application. According to its contents by the complainant and the events PPC 295-C is apparently indicated. This complaint is sent to the police station by the hand of Faiz Rasool 108/C. This case should be registered. As an SP Investigation is not appointed in this district, so for the time being, this case should be sent to Muhammad Afzal SI Incharge Investigation Police Station Kot Sultan. Later it will be submitted to the relevant investigating officer as ordered by higher officials. It should be sent to special board by specific higher officials.

From: Police station:

Chak No. 172/TDA, 3:15 pm

Signature (in English) Khalid Rauf, Inspector SHO
Police Station Kot Sultan (28.01.09)

At Police Station: A written application is received as sent through Complaint Report by Mr. Khalid Rauf SHO/SI police station Kot Sultan. Accordingly an FIR for the said crime was prepared and its police copy is sent to Mohammad Afzal PSI as directed by the SHO. Special reports are being dispatched to relevant officers. The Clerk is directed to complete the record.

Signature: Javed Akhtar ASI/DO
P.S. Kot Sultan 28.01.09

Extract of the Blasphemy clause in Pakistan Penal Code

Act III of 1986

CRIMINAL LAW (AMENDMENT) ACT, 1986

*An Act further to amend the Pakistan Penal Code and the Code of Criminal Procedure 1898
(Gazette of Pakistan, Extraordinary, Part 1, 12th October 1986)*

...

...

2. *Insertion of new section 295-C, Act XLV of 1860.* In the Pakistan Penal Code (Act XLN of 1860) after section 295-B, the following new section shall be inserted, namely:

295-C. *Use of derogatory remarks, etc in respect of the Holy Prophet.* Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.

Recent important revision of the above law:

Because of the non-prosecution by the appellant (*the government*) the Supreme Court did not go into the merits of the appeal, but the result is that the FSC (Federal Shariat Court) judgment is now operative: the death penalty is now mandatory under Article 295-C.

Editorial in the Dawn; April 23, 2009