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Landmark judgment on Pakistani religious minorities yet to be honoured by the state

World Watch Monitor (14.05.2018) - <https://bit.ly/2ItPADK> - When a bomber killed 127 people at a Pakistan church, the country's Supreme Court issued a list of instructions to the government to protect religious minorities. Four years later, the government has yet to follow most of them.

As with the religious freedom guaranteed in Pakistan's constitution, the government's lacklustre response to the court's instructions reveals the gap between the ideals contained in official documents and the disillusioning reality for Christians and other minorities in the overwhelmingly Muslim country.

"Our constitution, laws and public policy by and large conform to international standards, but the problem is with many countervailing factors that take over the system," said Sarwar Bari, national director of the rights group Pattan, based in Pakistan's capital Islamabad. "So the judgment alone is not enough. There must be mechanisms developed to overcome those countervailing factors."

Those factors loomed large at a 9-10 May gathering of religious minorities, scholars, intellectuals, parliamentarians and government officials, including Bari, who gathered in Islamabad. It was organised by the National Commission for Human Rights, an autonomous public body, in collaboration with Community World Service Asia, a national civil society organisation mainly working in livelihood, health and education.

The meeting was titled, 'National Convention on the June 19th Judgment', referring to a landmark order handed down that day in 2014 by then-Chief Justice Tasadduq Hussain Jilani, following the September 2013 bombing in All Saints' Memorial Church in Peshawar, which killed at least 127 people and injured 250.

Acting on his own and not at the request of any party, Justice Jilani issued seven instructions to the Pakistan government:

1. Constitute a team at a federal level to develop a strategy for promoting religious tolerance

2. Develop appropriate curricula for primary, secondary and tertiary levels of education that promote religious harmony and tolerance
3. Curb hate speech in social media
4. Constitute a national council for minorities
5. Establish a special police force to protect the worship places of minorities
6. Enforce the 5 per cent minority quota in government jobs
7. Prompt action, including registration of a criminal case, whenever constitutional rights of religious minorities are violated or their worship places are desecrated

No work has been done on any aspect of the judgment except school curricula, said Ramesh Kumar Vankwani, a member of the Pakistan National Assembly who holds a seat reserved for minorities.

In December 2015 the higher-education department of Punjab province told the Supreme Court that a new committee had issued seven recommendations on curriculum reforms. The justices were told that "myopic interpretation" of religion would be removed and students would be encouraged to learn Islam's "spirit of pluralism", according to Pakistan's Express Tribune news service.

"This is the only area where Sindh [province] and Punjab governments have made progress, but still it will take time to take its final shape," Vankwani told World Watch Monitor. An example: the Balochistan province Public Service Commission chairman, Justice Kailash Naath Kohli, recommended religious minorities should be taught ethics instead of Islamic studies.

Chaudhry Shafique, a member of the National Commission for Human Rights, said there's still a need to capture all the aspects of the June 19th Judgment and the progress made since it was issued. The convention, however, was not a simple exercise in measuring government response to the Supreme Court justice's instructions. Issues beyond the ruling itself were debated.

Government indifference

There were those at the conference who said a fundamental concern is the government's indifference to structures already in place to defend religious freedom. The Ministry for Religious Affairs and Religious Harmony, for example, is mainly responsible for Muslim pilgrimage travel to Saudi Arabia. The ministry oversees the National Commission for Minorities, created in 1990, but the National Assembly was recently told the commission has no rules of business in place, and even its legal status is "not clear".

And while Pakistan's constitution guarantees each citizen "the right to profess, practise and propagate his religion", and every denomination "shall have the right to establish, maintain and manage its religious institution", the reality is different, said the chairman of the National Commission for Human Rights, Justice Ali Nawaz Chowhan.

School curriculum in some provinces promotes an Islamic way of life to all, including to non-Muslims, in defiance of the constitution, he said. The government already has watchdogs in place to police such matters, but Chowhan said they are starved for resources.

"There is religious hatred and people are not indoctrinated with religious harmony, which should permeate to the grassroots level from where problems like blasphemy are arising," he said. "But it is not happening because the Religious Affairs Ministry is dormant and not performing its due duty in the manner it should."

Even as Pakistan's constitution promises religious liberty, its penal code forbids blasphemy against Islam. Most defendants in blasphemy cases are religious minorities, including Christians, who make up only 4 per cent of Pakistan's population.

"Religious minorities cannot be provided justice until the society and state throw out malice and consider them equal citizens of Pakistan," Vankwani said.

As sympathetic to religious minorities as they may be, the 2014 instructions from the Supreme Court justice also treat minorities as an object needing protection from the rest of society, said human rights lawyer Atif Jamil.

"Minorities should be seen as equal citizens of the country and not a people who are alien or temporarily residing as refugees," he said.

Quotas for minorities

The convention also surfaced the long-running debate in Pakistan over job and education quotas for minorities.

"Our collective efforts have resulted in the approval of 5 per cent job quota for minorities. Now we need to put our efforts for the education quota," said National Assembly member Aasiya Nasir. Her bill to establish minority quotas in higher education was rejected by the Assembly on the grounds that it undermines the spirit of merit.

Dr. Mukhtar Ahmed, former chairman of Pakistan's Higher Education Commission, argued against Nasir's "Minorities Access to Higher Education Bill" in the National Assembly, and again spoke against minority quotas at the 9-10 May convention. He said his opposition arose not from personal conviction, but from the advice of universities.

"We should not go for quotas but encourage our minority students to compete and excel," Ahmed said. "If this nation is to rise, it has to invest in education. Education is the remedy to all sorts of discrimination. We should provide between 2,000-4,000 scholarships to the youth to encourage the youth towards higher education. It is our duty to provide equal opportunities to everyone. But not through quotas for the marginalised."

Yet quotas had their defenders. The Public Service Commission Chairman of Khyber Pakhtunkhwa province, Fareedullah Khan, told the convention he would assure that minorities were given their due representation in government jobs. "This is my highest moral commitment and you all are invited to guide me on how to go about it," he said.

At the end of the convention, Chowhan announced that a committee comprising intellectuals and activists would prepare a white paper to be submitted to the Parliament, Senate and other human-rights bodies.

Bereaved parents accept compensation but suspect walks free

World Watch Monitor (10.05.2018) - <https://bit.ly/2GeAekG> - The family of a Christian boy beaten to death on his second day in secondary school have accepted the offer of compensation from the family of the accused.

The Islamic concept of paying diyat (blood money) to the victim's family allowed the suspect to walk free.

Sharoon Masih, 17, was beaten to death in a classroom at MC Model High School in Burewala, Punjab province, in August 2017.

Fellow student Ahmed Raza was arrested and jailed for the attack, but later [released on bail](#) after a court said there was “no clear evidence” connecting him with Masih’s death.

On 26 April, Burewala Additional Sessions Judge Naveed Khaliq acquitted Raza of a murder charge and freed him, citing section 319 of Pakistan’s Penal Code, which states: “Whoever commits qatl-i-khata [homicide by mistake] shall be liable to diyat.”

Khurram Shahzad Maan, Executive Director of the Organisation for Legal Aid, an affiliate of the European Centre for Law and Justice, told World Watch Monitor that Pakistan’s government revises the amount fixed for diyat every year. “This year it is fixed at 1,935,594 rupees (US \$17,000), while the family was offered 1,550,000 (US \$13,500), which they have accepted,” he said.

In April World Watch Monitor reported that the [alleged killers of Arsalan Masih, 16, had compensated his family with three million rupees](#) – a sum higher than the amount fixed by the government. The outcome was described as a “rare victory” by a lawyer working for the Masih family.

Masih’s mother Razia Bibi told World Watch Monitor that they had forgiven the suspect because even his hanging would not bring back her son. “It is a lifelong wound that we are to live with but we hope that Ahmed would realise what terrible wrong he has done to us,” she said.

How events unfolded

Sharoon Masih was on only his second day at MC Model High School in Burewala, when it was alleged that classmate Raza Ahmed attacked and killed him, on 30 August 2017.

Pakistani media reporting the case alleged the behaviour (and possible negligence) of school staff contributed to Masih’s death. His mother said Ahmed had stopped her son from drinking water two days before his murder.

Pakistani Christians are often treated with contempt, compounded because many come from a downtrodden “untouchable caste” with whom some Muslims refuse to drink and eat.

(The Christian Asia Bibi still [remains on death row](#) for blasphemy, nine years after she was first arrested for offering a cup of water to fellow workers in a field on a hot day: two Muslims refused to take the cup as, they said, she had made it ‘unclean’, simply through her religion and caste.)

Kicked ‘till he was unconscious’

Deputy Superintendent of Police Javed Tahir Majeed was one of the three senior police officers investigating Masih’s murder.

He told World Watch Monitor at the time: “Sharoon’s classmate, Sabir Ali, told us that Sharoon was sitting at the back of the classroom. When he got up to walk through the benches, Raza sprawled his legs out to block his way, telling him he could not go out. When Sharoon tried to get past Raza’s legs, Raza started to beat him up. Sabir tried to intervene but Raza beat him up as well.

“Raza denied to us that he physically touched Sharoon but the entire class testified that he kept beating Sharoon even when he fell on the ground, and kept kicking him till he was unconscious. Raza is tall and well built. He has a reputation for fighting even outside the school.”

Masih had just started at the High School in Burewala, after completing lower education in his village. District Police Officer Umar Saeed Malik, who visited the family, told World Watch Monitor that, as it was only Masih’s second day, it was less likely that there was any issue of a Muslim-Christian conversation.

According to Malik, Ahmed alleged that on his first day, Masih had broken the screen of a mobile telephone that Ahmed had brought to school. However, police investigations proved the screen was already broken. “Probably Raza was pressuring Sharoon to extract money by bullying him,” Malik said.

Masih’s teacher ‘slapped him’

Sharoon Masih’s father, Ilyasab, told World Watch Monitor in September that on his son’s first day, the teacher wouldn’t let his son attend as he wasn’t wearing the right school uniform and even slapped him in front of the class.

“Sharoon told his mother that students hated him because of his religion and he was not comfortable to go to school,” he said.

Ilyasab said he told his son, “I will go to school with you and talk to the teacher and students.”

“It often takes a few days to settle down in a new place,” he added. “The next day Sharoon didn’t go to school and went to buy his uniform himself. The next day he went back, but before I could go and meet the teacher and his classmates, he was killed.”

Deputy Superintendent Majeed said eyewitnesses confirmed that Ahmed kicked Masih in the stomach.

“We have seen cases where a little beating can result in death, so it’s quite plausible a hit in the belly resulted in death,” he said.

Autopsy showed ‘no sign’ of trauma

The autopsy noted that “no sign of any physical trauma was seen on the body”. A chemical examination of internal organs had not been conducted at this point.

Ilyasab Masih said he did not know whether there were marks of violence on his son’s body.

“I was so overcome with grief that I could not ask if his body had signs of injury,” he said. “I couldn’t even ask who gave the body its last ritual wash.”

The boy’s killing heightened fear among Pakistani Christians.

Sub-inspector Kashif said there were at least 24 Christian students in the school at the time; Deputy Superintendent Majeed said school staff told his team there are 47. One staff member was also a Christian.

Open Doors’ 2018 World Watch List – of the 50 countries in which it is most difficult to be a Christian – [places Pakistan at number 5](#). The 2011 Pew Research Centre’s [‘Rising](#)

[Restrictions on Religion](#) report characterises Pakistan as the third-least-tolerant country to religious diversity, while another Pew report, [Common Concerns About Islamic Extremism: Muslim-Western Tensions Persist](#), says that only 16 per cent of Muslims in Pakistan hold a positive opinion of Christians.

Pakistani Christian dies after being set on fire by Muslim in alleged dispute over who should convert

World Watch Monitor (23.04.2018) - <https://bit.ly/2vGZIqP> - A Christian woman from north-eastern Pakistan has died from her injuries after being set on fire by a Muslim man, who claims it was an accident and followed a discussion about which of them should convert if they were to marry.

Asma Yaqoob, 24, died in a Lahore hospital yesterday (22 April) after suffering 80 per cent burns during an incident at her employer's house at 11pm last Tuesday (17 April). She had been transferred from her local hospital in Sialkot, 120km north of Lahore, because of the extent of her injuries.

Asma, who was illiterate, worked as a domestic servant at a house owned by Saeed-uz-Zamaan, a few streets away from her home in Bogra village, her father, Yaqoob Masih, told World Watch Monitor.

According to the First Information Report filed at Sialkot police station by Masih: "There was a knock on the gate and Asma went to answer. A little later her cries were heard and everyone rushed outside and saw her on fire."

Masih told World Watch Monitor that he did not know anything about the man accused of the attack – Muhammad Rizwan Gujar – before this incident. "When the police were taking Asma's statement, then I came to know that Gujar was pressuring her to convert to Islam and marry him," he said.

Masih added that he initially thought his daughter had been the victim of an acid attack.

Gujar has been charged under Section 336 of the Pakistan Penal Code, which deals with grievous bodily harm, and is being tried in an anti-terrorism court.

Sub-Inspector Shahid Mehmood, the investigating officer, confirmed to World Watch Monitor that Gujar had been arrested, and explained what the suspect had told investigating officers: "Gujar lived in the same area [as Asma]. He bought petrol from a nearby filling station before seeing Asma that night. They were in a relationship and were struggling over the issue of marriage.

"During the investigation, Gujar said that Asma wanted him to convert to Christianity but he wanted her to convert to Islam. Both of them were unwilling to abandon their religions so Asma wanted to make a final decision about the matter that night.

"Gujar told investigators that he bought petrol that night, poured some on the ground and said that if none of us can convert then let's die together. Gujar said that he lit the match only to threaten her but the match fell, she caught fire and he fled from the scene."

Mehmood added that Gujur was not mentally stable as a result of the suicide of his mother ten years ago.

According to BBC Urdu the opinion of the police is that Gujur did not intend to hurt Asma, just threaten her, and that the fire was an accident.

Mumtaz Mughal, Provincial Head of the Aurat Foundation, a national women's rights organisation, told World Watch Monitor: "The statement from the police shows that the suspect will be given a way to get out of this by describing it as an accident, and saying that Gujur is not mentally stable.

"Women and minorities are vulnerable sections of society and a woman from a minority is further vulnerable. So, in such cases, the government must become the complainant – otherwise there will be huge pressure on the family to withdraw the case."

The Aurat Foundation said it will be closely monitoring the case.

Ahmadi Muslims in Pakistan face an existential threat: New report

FOREF Europe (27.03.2018) - <https://bit.ly/2uwDWpa> - **The persecution of Ahmadi Muslims in Pakistan has worsened in the last several years, as Ahmadis are "violently targeted, intimidated, and harassed at all levels of society.**

Impunity and incitement have created a climate of religious hysteria in which targeted communities, both Ahmadis and non-Ahmadis are losing their lives with shocking increased frequency," according to a report published by the International Human Rights Committee and the Asian Human Rights Commission, in partnership with the Forum for Religious Freedom – Europe (FOREF) and Christian Solidarity Worldwide.

"A noose is tightening around the Ahmadi Muslims in Pakistan, who face discriminatory legislation and lethal mob violence encouraged by political and governmental authorities," according to Dr Aaron Rhodes, President of FOREF.

The 100-page document, which is based on interviews with hundreds of victims, experts, and journalists, details the legal discrimination faced by the Ahmadi community, relevant developments in international human rights, and social and political tendencies.

It further documents crimes, state negligence, and complicity; violations of internationally guaranteed rights and freedoms; prejudice and social exclusion; discrimination faced by women; discrimination in education; and obstacles faced by Ahmadis when professing their faith.

Pakistani court acquits 20 in case of Christians burned alive

Radio Free Europe / Radio Liberty (24.03.2018) - <https://bit.ly/2pEUAOr> - A Pakistani court has acquitted 20 people of charges that they were part of a lynch mob who burned alive a Christian couple that had been falsely accused of blasphemy in 2014.

Brick-factory workers Shahzad Masih, 26, and Shama Shahzad, 24, were burned alive in an industrial kiln by a mob that had been incited by accusations the couple desecrated the Koran near the town of Kot Radha Kishan in Punjab by throwing away pages of the Islamic holy book along with the trash.

After the attack, it emerged that the couple had been falsely accused.

Police arrested scores of villagers in the case.

An antiterrorism court in Lahore in November 2016 sentenced five men to death and 10 others were given varying jail terms for playing a supportive role in the killings.

That court also acquitted 93 suspects in the case in 2016.

Prosecutor Abdur Rauf says the court on March 24 acquitted 20 other suspects who had been indicted in the case at a later stage.

The killings triggered international criticism of Pakistan's blasphemy laws, which were introduced in the 1980s.

Blasphemy is a sensitive issue in Pakistan and a mere allegation can often prompt mob violence.

The U.S. State Department has said Pakistan's blasphemy laws are often used as justification for mob justice.

Pakistan Christian escapes death for 'clearly fabricated' blasphemy

By Asif Aqeel (22.03.2018) - <https://bit.ly/2pzRgnN> - A Pakistani Christian sentenced to death for blasphemy nearly two years ago has been acquitted.

The case against him – brought by a police officer whose protection he sought against two blackmailers – was “clearly fabricated”, his lawyer said after the 13 March acquittal.

Anjum Sandhu, from the north-eastern city of Gujranwala in the Punjab Province, went to the police in May 2015 to report that Javed Naz and Jafar Ali had extorted 20,000 rupees (\$200) from him and were demanding a further 50,000 rupees (\$500).

The two men were arrested, but they told the police that Sandhu, during a discussion at his school, had “used blasphemous words” and that they had a recording of him doing so.

Napoleon Qayyum, a human rights activist and relative of Sandhu, said at the time that “the blackmailing involved an audio recording of a voice that sounded like Sandhu's. Naz, with the help of his friend, Ali, produced an audio recording with a similar voice to Sandhu's and threatened him with dire consequences if he did not give them the money they demanded. When they once again demanded money, Sandhu consulted with his friends and lodged a complaint with the police. The police, rather than registering a blackmail case, demanded further money from Sandhu, knowing he was running a chain of schools as a successful business”.

When Sandhu tried to make a First Information Report at the police station, which, under Pakistan's Criminal Procedure Code, should have been recorded in writing, “the

policeman, rather than recording Sandhu's statement, assumed the role of a complainant himself", Qayyum said.

The recording was investigated by the Forensic Science Laboratory. Their opinion that it was Sandhu's voice convinced the judge and Sandhu was found guilty.

Riaz Anjum, one of Sandhu's defence lawyers at the appeal hearing, told World Watch Monitor that the case was "clearly fabricated".

"The judges noted that although the investigation was flawed, no evidence was found that could show if Sandhu had any inclination to discuss religion in the first place," Anjum said.

"It was a case of no evidence," he added.

The judges who acquitted Sandhu, Justices Sayyed Mazahar Ali Hussain Naqvi and Mushtaq Ahmad, said that, to ensure a fair, transparent and unbiased investigation, "no renowned religious scholar from the area, who would have a broad knowledge of Islam, was associated with the case".

Their judgement notes also said: "The forensic laboratory in Lahore had no voice recognition facility... In the absence of a voice comparison report it cannot be said with certainty that the speech in question was actually made by Anjum Naz Sindhu."

Sandhu is one of three directors of the Science Locus School in Gujranwala. At his sentencing in June 2016, Naz and Ali were also sentenced to death, but only after first serving 35 years in jail. They also received fines of 80,000 rupees (\$800).

Concerning threats to the Ahmadiyya Community

Open letter to Honorable Khawaja Muhammad Asif, Foreign Minister of Pakistan

Dear Mr. Asif,

FOREF (03.02.2018) - <https://foref-europe.org/> - I am writing on behalf of the *Forum for Religious Freedom-Europe*, an independent, secular human rights organization based in Vienna, Austria.

We are deeply concerned about escalating threats to the Ahmadiyya community in Pakistan. There can be no doubt that such threats are becoming more serious, making it increasingly dangerous and difficult for members of that community to profess their faith.

Especially over the past year, numerous religious leaders in your country have openly called for violence against Ahmadis, indeed, calling for their murder by decapitation.

Death threats against Ahmadis have become commonplace. These are some of the incidents that have alarmed our organization, and the international community:

- The cleric Khadim Hussain Rizvi has challenged Ahmadis to either recite the Islamic creed (kalima) or risk decapitation.
- Rizvi also happens to be the leader of the political party Tehreek-e-Labaik Ya Rasool Allah Pakistan (TLP). In November 2017, the TLP spearheaded three weeks of protests in Islamabad. TLP members opposed a suggestion to introduce a minor change to the oath required by election candidates. On November 26, the federal law minister, who oversaw the change, resigned due to the TLP's protests. The reformulation of the oath, which would have slightly altered the language of the Islamic creed, was thought to have possibly benefited the ostracized Ahmadis because the 2nd constitutional amendment of 1974, which declares Ahmadis to be non-Muslim, would have been circumvented.
- There are also indications that the Pakistani military has collaborated with the leaders of the TLP. This development has raised questions over the army's increasing role in influencing politics in Pakistan by siding with hate preaching mullahs.
- The above mentioned November protests were reportedly marked by violence resulting in the loss of at least six lives and 200 persons injured. Policemen asked by the Islamabad high court to clear the protests were kicked, beaten and tear-gassed by activists whereas the army-dominated paramilitary force, known as Rangers, stood on the sidelines as passive spectators.
- Other Islamist groups such as the Ahl-Hadith, Deobandi and the Barelvi are aligned with permanent institutions of the state, aiming at a gradual implementation of sharia law. These groups advocate the persecution of religious minorities, including Ahmadis.
- In December 2017, a case was registered against six Ahmadis for registering their names on a list of Muslim voters in local elections. The case was registered by the police on the orders of the Lahore High Court.

Incitement to violence is illegal under Pakistani and international law. It is prohibited by the International Covenant on Civil and Political Rights (ICCPR), which is legally binding for your government.

And yet, your government has taken no effective action against those making such inflammatory and dangerous statements. As religious extremists find that such statements may be made with impunity, incitement has increased, leading society to the edge of large scale violence against not only the Ahmadiyya community, but against other religious minorities as well.

The international community has been waiting for your government to take action, but the failure to take action leaves the impression of a posture of complicity, as if the escalating threats and violence somehow serve the interests of the government.

Mr. Foreign Minister, no one should ignore or minimize the challenges your government faces in dealing with extremists in your society. But denial and appeasement will only make the problem worse, and will, we fear, place the security of members of religious minorities in even greater doubt.

We thank you for your attention to our concerns, and stand ready to engage in dialogue with your government, and to assist you in complying with international human rights standards and law.

Sincerely,

Dr. Aaron Rhodes

President
