Hearings on Religious Freedom in India and Pakistan: Mr. Mujeen Rahman Oral Testimony

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Mr. Mujeen Rahman

Ahmadiyya Muslim Comunity

MR. RAHMAN: Mr. Chairman, members of the Commission, ladies and gentlemen, thank you very much for giving me this opportunity for being here to talk about the situation of the Ahmadiyya community in Pakistan. The Ahmadiyya community has its presence in 166 countries of the world, and everywhere, they are identified as Muslims. It is in Pakistan alone that they have been denied that right of self-identification by the second constitutional amendment of 1974.

The constitutional amendment of 1974 denuded the Ahmadiyya community of their religious identity. Nothing is left of the Ahmadiyya faith if they are not allowed to profess their faith in Islam, which they consider to be their faith. But that right has been taken away from Ahmadiyyas.

As for the religious freedom in Pakistan, the Ahmadiyya case stands at a slightly different footing. I am not reading my statement which I've already submitted; I feel it is more communicative to talk to the members while I am here. So the Ahmadiyya faith has been defined by the constitution against their conscience. They do not accept it. That has been imposed on them. And thereafter, there is an institution in the Constitution of Pakistan known as the Islamic Ideology Council, which is a creation of Article 227 of the Constitution of Pakistan.

Now, this Islamic Ideology Council has drafted a statute which has not yet been passed; drafted a statute which makes apostasy punishable by death. So my faith itself has been defined an apostasy, and apostasy has been made punishable by death. That is the situation where I stand as a community.

But before that law comes into being, there is another law. The situation of Ahmadiyyas is different from other minority communities because the Ahmadiyyas have been picked up by statute by

name. There are Ahmadiyya-specific laws. I have here a copy of that Section 298(c), which says any person of Lahore and Kadiani [ph] group who call themselves Ahmadiyyas who pose as Muslim or profess their faith as Islam, et cetera, et cetera, et cetera, shall be punished with three years' imprisonment.

So Ahmadiyyas have been picked up by name for criminal legislation, which is unheard of in any part of the world. I am not aware of any law which picks up a community for a criminal law for punishment. So this ordinance 20, which created Section 298(c), it took a step further from this Constitutional Second Amendment act, and it denied me the right to profess and practice.

My constitution guarantees the right to profess and practice my faith, but ordinance 20 takes away that right, and unfortunately, the Supreme Court validates that law.

I am going to argue before you, and I can show it if necessary, from the chronology of judicial judgments that the judiciary in Pakistan has abdicated from its function of perfecting the religious liberty of the citizens, as it has also abdicated in certain other spheres. But I am presently talking of the Ahmadiyya situation.

Now, this section 298(c) denied me the right to profess and practice, to a certain extent that some observers were forced to observe that day-to-day life of an Ahmadiyya has been converted into a crime. What I do as a spontaneous reaction, as a habit, has been made into a crime. When we meet each other, we greet each other with a salaam walaikum [ph], which means peace be upon you. When [in foreign language] in the NWFP province of Pakistan, in the city of Noshara was charged with 298(c) for having greeted a fellow citizen with a salaam walaikum, and the court convicted him to six months' imprisonment.

He went and appealed, and while the appeal was pending, he died.

Saravdada Abdul Rashid [ph], another citizen of Pakistan, one of the distinguished families of NWFP, was charged because--and I quote--I am mentioning those cases in which I appeared as a defence counsel myself--he was charged under 298(c) because the FAR, the police report, said, the gentleman who reported, a clergy, he said "I was standing at the corner of the street, and I heard Koran being recited in his drawing room." And he was arrested because he thereby posed to be a Muslim.

The fact of the matter is the law does not prohibit the recitation of the Koran by an Ahmadiyya. It does not prohibit it. The fact was that he, right at that moment, switched on his television. The Pakistan television starts with a recitation of the Holy Koran, and that recitation of the Holy Koran which the clergy heard outside in the street was the recitation of the Koran on the Pakistan television, and this man was charged for that, and I had to run for about 21 days or about a month to get him bailed out.

I was the local president of Rahwal Pendi Jahmad [ph]. The [in foreign language] had [in foreign language] inscribed on the face of it engraved in a marble slab, [in foreign language], which means [in foreign language], which is the credo of the Islamic faith. The district magistrate of Rahwal Pendi called me in his office and then gave me a letter saying that I should remove that inscription from the face of my mosque. I gave him a written reply that I will not commit this accursed act, and I denied to do that.

And then, one fine evening, I should say, in the early hours of the morning, at 3:00 in the night, about 100-strong police people came, policemen came, and they put a ladder outside, and they removed that from that mosque.

[In foreign language] and some boys in [in foreign language], and I defended their case in court, the high court; they had badges of Kalimata Yeva [ph], and they were convicted. The High Court maintained that conviction, and the case went up to the Supreme Court. In the Supreme Court, I appeared with a panel of lawyers along with Justice Fathwa Denghi Ibrahim [ph], and the Supreme Court validated the law and maintained the convictions.

Mr. Thomari Dries [ph], who was the chief secretary of the province of Sind, was taken as a minister in the interim government by Munthazale [ph] Bhutto. And when he was taken as a minister, the newspapermen wanted to interview him. And while they were interviewing him, they asked him doing do you get your permission from your spiritual head, who is in London? He said I did not need his permission, but I wrote him a letter for prayer and blessing, and here is what he has written back to me: that you should do your job honestly, to the best of ability for the service of mankind.

And that letter was published in the newspaper. That letter, on the top of it, had the inscription of Raman Ibrahim [ph], which means in the name of Allah, the gracious, the merciful. And this man was charged under 298(c) for blasphemy because he had shown that letter to the press which was printed in the press, and thereby, this had been blasphemy of Prophet Muhammad has been committed; how, we do not know.

But he has been called into the court; summoned; he is under bail, and the case is going on. The court did not bother to ask how is the Prophet's name defiled when you say the name of God almighty, the gracious, the merciful? How is the Prophet's name defiled with this? Nobody asks that. 295(c), punishable by death, that charge is framed against him.

Dr. Hafiz of Bularchi in Bulochistan [ph]; he is a doctor, a Ph.D. doctor. He helped a citizen to fill up a declaration form for census, and in that declaration, the religion of the person was declared as Ahmadiyya. It transpired that that declaration was not rightly put in the right column. So the clerics made a lot of hue and cry about that, and he was arrested, and he has been sentenced to 11 years under the antiterrorist laws because he wrongly filled a form of recommendation of another fellow citizen at his dictation.

This situation, I could go on counting hundreds of cases. In my statement, which I've filed before you, I've given a list of about 3,000 cases. Well, after arriving in Washington, I received this communication. This is in Urdu. In a village in Haniwal [ph] district, three Ahmadiyyas were arrested, allegedly on the charge that they were preaching to a Muslim who had come to their house and indulged into a controversy over religious issues. So they were charged under 298(c), and they have been put into the jail.

But while they were in jail, the other member of the family, three other brothers, were framed into a false murder charge so that the whole male population of the family goes behind the bars. So they were framed under a false charge, and they did not stop there. These people were taken, because it was a blind murder, these people were taken from the police lockup to the scene of incident, and from that scene of incident, they were made to walk to their house so as to take their footprints on the way.

And then, the dogs were brought so that the case is made up that the dogs have traced the murder to the house of these culprits.

So these incidents are taking place day and night. And the clergy in Pakistan is not satisfied that Ahmadiyyas--and then, the right to profess and practice; not only what are the--if a person writes [in foreign language] on an invitation card for the marriage, he has been convicted for that. That is a case; I am a defense counsel; the appeal is still pending in high court.

In another district, a lady died. She was the wife of a police inspector. She was buried in the own land which was given by her

ancestors for the graveyard in the village common. She was buried in that graveyard, and the mullahs wanted that body dug out. They wanted to disinter the dead body, and the district magistrate ordered the disinterment of the dead body of that lady. I had to go to Lahore High Court to get a stay order, and that disinterment was stopped, but such cases have occurred in Pakistan at a number of places where dead bodies were taken out of the graves on the plea that this is a Muslim graveyard; an Ahmadiyya cannot be buried.

CHAIRMAN ABRAMS: The time is up; I need to ask you to conclude.

MR. RAHMAN: All right; so what I'm trying to say is that I have been denied the right of identification; I have been denied the right to practice and propagate, and the judiciary unfortunately has abdicated. I have given a list of the cases of how gradually, and therefore, that is the situation, and apparently, there is no hope for the change, because I have also given in my written statement the political conditions in Pakistan.

Thank you very much.