

## Hearings on Religious Freedom in India and Pakistan: Panel 2 Question and Answer

September 18, 2000

(Note: These are unedited and uncorrected transcripts)

Panel II: Situation Analysis for Pakistan (left to right): Mr. Mujeeb Rahman, Mr. M. L. Shahani, The Rev. James Channan, Prof. Mumtaz Ahmad

CHAIRMAN ABRAMS: Thank you very much for your statement. We begin with the archbishop.

ARCHBISHOP MCCARRICK: As I listen to the excellent reports which you gave, disturbing and yet excellent in your preparation, and I thank you for them, a question comes to my mind: is there, in the Muslim population, in the majority population of Pakistan, are there those who are striving to overcome these things? Do we have--do the different minority religions have advocates in the majority population who are trying to make a difference in your lives?

And I really present that to all of you, whether you would respond to that, because it would seem to me that what you were saying would certainly be echoed by the common goodness of other people in the Muslim community. Are there leaders who are trying to work for you, or must you always do this by yourselves?

CHAIRMAN ABRAMS: Yes, Mr. Shahani?

MR. SHAHANI: My Lord the Bishop, the world is always full with good people, and there are some good people in Pakistan, even in the majority community, who join in the good commissions like the Human Rights Commission of Pakistan, which has Muslim population who are members, and they are trying to narrow down their differences between the majority and the minority community.

But we are not successful, because the constitutional provisions are there, and so long as the constitutional provisions are there which promote fanaticism and fundamentalism, any effort made by anyone is not going to be successful. So first of all, it is essential that the constitutional provisions which promote the fundamentalism in our country must be undone. And then, only, there can be a hope of sanity prevailing in the society itself.

Now, for instance, I may give you one particular incident. Our constitution speaks about the majority faith and the minority faith. Article 25 says that all citizens are equal before the law and entitled to the equal protection of law. But once you talk about majority and minority, the equality which may be embedded in the constitution is not available. So for these reasons, the Article 25, which says that all citizens are equal before the law and entitled to the equal protection of law would not be there so long as the constitutional provisions are loaded against non-Muslim citizens in the country.

MR. RAHMAN: While I agree with my friend about his analysis of the situation, I am personally of the view that a vast majority of Pakistani Muslim citizens are liberal in their attitude, but on account of a fierce psychosis created by a small group of clergy who play within the different political groups, and the weak political government always looks for their support, and because the clergy has the pulpit at his disposal, on one Friday, there are 20,000 mosques or more than that where the same voice goes out of the clergy's mouth.

So that fear psychosis created by clergy, it affects the whole situation. And if there is a person with a political bill, then, this institutionalized denial of religious freedom has to be done away with by removing those laws, because those laws are like a dagger given in the hands of a madman. Unless you take away the dagger from his hand, you cannot improve the situation.

CHAIRMAN ABRAMS: Mister--Professor Ahmad then Father Channing.

PROFESSOR AHMAD: Thank you very much; I think we must make a distinction between clear cut blatant cases of religious discrimination or persecution on the basis of religion and the general climate of oppression in Pakistani society caused by other factors, factors other than religion.

example, at the hands of landlords. Now, the landlords and police in Pakistan are equal opportunity oppressors. Whether you are a Muslim, Christian, Hindu or anyone, once the police gets you, they will really get you. And there absolutely is no discrimination on that count.

Secondly, about the constitution: the constitution of Pakistan, although it does contain certain discriminatory provisions, never mentions, as Mr. Shahani says, a distinction between majority faith or minority faiths in those terms exactly. It mentions the objectives resolution, and he says that the constitution begins that the sovereignty belongs to God. That's true. But the next line is the sovereignty belongs to God; sovereignty will be exercised by the people of Pakistan.

MR. SHAHANI: As a sacred trust.

PROFESSOR AHMAD: I'm talking to the chairman.

When you look at the whole document as a sacred trust, of course. Leonard Binder, who wrote an excellent book on Pakistan's religion and politics, says it is probably the most clever compromise ever struck between the secularists, the religious fundamentalists and Islamic modernists. If somebody wants to see the best example of compromise, look at the objectives resolution.

God is sovereign; Parliament is sovereign; the State of Pakistan is sovereign, and the people of Pakistan are sovereign. So those compromises can be made use of. The constitution is a very contradictory document. It is not monolithic.

I was shocked to hear about the incident that was quoted about Imran Han's [ph] Cancer Hospital in Lahore. First, it's not true that a majority of the funds were collected from outside. If you look at it, most of the funds came from within Pakistan. And secondly, as far as I am aware, the only criterion for the admission in that hospital is that someone is suffering from cancer, and the payment is based on the ability to pay, and I think Imran Han would be shocked to know what is happening in his hospital.\

MR. RAHMAN: About this, I may intervene just one minute. I was also shocked to know about Imran Han's hospital. My son was a doctor in that hospital, and I know that the hospital is--but there is one possibility. For giving the assistance to poor people, they want a certificate from Zachat committee [ph]. Zachat committees are all in

Muslim communities. So unless there is a certificate from the Zachat committee that the man is deserving, they do not give any help. It could be that.\

REV. CHANNAN: The first comment is about Imran Han's hospital. I mean, you are as much shocked as I was shocked, so I have related to you the fact that this is happening at this hospital. What should be done? When we go back to Pakistan from here, you can approach Mr. Imran Han and tell him this is what's going on in your hospital, which is giving a bad name to him and to his hospital.

As I am very grateful to Archbishop Theodore McCarrick about the question he has posed; yes, I would say there are many Muslims who are for peace in the country, and they want reconciliation, and they want that people of all religions be treated equally, and there should not be discrimination of any sort. And I would say that there are human rights organizations; there are peace organizations, and I would like to mention that as there are some very prominent persons who are working for human rights of all--without any discrimination on any religion; there is a Human Rights Commission of Pakistan, and there is a woman called [in foreign language]; a man called [in foreign language]. There is [in foreign language]. There is Rashid Rahman [ph]. There is Ms. Hinna Gelani [ph]. There is [in foreign language] and so on; thousands of them who are for the rights of all, and they openly condemn discrimination done on the name of religion, and they openly condemn the system of separate electorates, and they ask to speak against the way 295(c), 295(b) blasphemy laws are misused in Pakistan.

And I would say that we are working from the side of the church, and Muslims are working from their community, and Sikhs are working from their side; Hindus are working from their side that we want to create a culture of peace and tolerance in Pakistan. We are Christians, and we will remain Pakistani Christians, and we are loyal citizens of our country, and every ability that God has given us is for the betterment of our country, Pakistan, and we will not compromise on anything, but we want a good Pakistan; a Pakistan where democracy is practiced; a Pakistan where people of all religions get equal status and rights, and that, I want to make a strong statement that we are Pakistanis, and we will remain Pakistanis. We will remain loyal citizens of our country. We will put every effort for the betterment of our country.

So I want to say that we have made efforts in different cities of Pakistan, and we have interfaith dialogue groups in Pakistan, in Karachi, in Hyderabad, in Moldan [ph], in Fasiliabad [ph], in Sahibal [ph], Lahore, Widjemalah [ph], Islamabad, Pishava [ph] to mention a few cities of Pakistan that there are interfaith dialogue groups. They come together regularly, and they share their pains, and they share their hopes and answer that how we can make Pakistan a better Pakistan.

Just one example to illustrate that how people are--of different religions, they are tired of this torture, this fanaticism, and they want to bring healing to the wounded Pakistan. On the dawn of this third millennium on the invitation of the national commission which is established by the Catholic bishops of Pakistan, we organized a 2,000 mile journey for peace all the way from Karachi to Khyber, and the route which we took, it was 2,000 miles. And we spent 12 days, and everywhere we went, we gave the message of peace.

The Twentieth Century is ending, and that was the century which was the bloodiest century, and on the name of religion, most of the killings were done in the Twentieth Century. But we don't want that such attitude should be witnessed in the Twenty-First Century. We said that we want peace; we want peace in our homes; we want peace in our provinces; we want peace in the country; we want peace in the world. And that was very strong witness for the whole world, and this event, which took place in Pakistan, Journey for Peace, which lasted for 12 days, was the most powerful event of the whole world, where people are looking for peace, looking for tolerance.

And in this Journey for Peace, people of several religions participated in it. There were Muslims; there were Christians; there were Hindus; there were Sikhs; and so on. People from several religions participated in that. So I want to say that there are many people in Pakistan who are looking forward, and they want peace. And how can this peace come? With the conversion of our hearts. And it can come when there is a different attitude at the grassroots level, and the fanaticism is--we have to do to do something to stop that and anger with love and hatred with peace. We want to give that message.

CHAIRMAN ABRAMS: Dr. Al-Marayati?

DR. AL-MARAYATI: Yes; thank you all very much for coming, and my question is for Dr. Ahmad.

With respect to this--as you had mentioned, the renewed discourse among Muslims themselves, whether academics, intellectuals, and I'm assuming that might mean religious leaders as well within the community; is it enough that it would give you a sense that there may be formidable opposition to the prevailing climate that inspires hostility or sectarianism or so forth that seems to be there?

Or is it something that is equally threatened by that attitude? In other words, is it something that not only has an option just for its own expression of just the discourse but eventually if then for dealing with the legal institutions and the law that is discriminatory?

PROFESSOR AHMAD: Unfortunately, I cannot give you a very clear-cut answer, because the trends are not very clear, very discerning. It's both ways. I identify in my presentation as a very encouraging trend the emergence of an alternative Islamic discourse that has a more liberal, pluralist, democratic vision of an Islamic society instead.

That trend is relatively new, but it's very, very intense; it's going on. And I should also mention the impact of the United States-based Islamic intellectuals and their intellectual contributions back home; for example, the writings of some of the scholars based here in the United States: Professor Fazra Ihman [ph]; Mohammad Ayou [ph]; Professor Setidina [ph] and Jose Nesser [ph]. The writings of the American-based Muslim intellectuals are having enormous impact on the terms of Islamic discourse in Pakistan and many other Muslim countries in terms of their newly-found interest, Islam and the environment; Islam and democracy; Islam and diversity; Islam and pluralism; Islam and multiculturalism.

These are the issues that a new generation of young Islamic scholars is raising, and I think these are very encouraging trends, and they will have a very positive impact on the entire situation of religious diversity and religious freedom in Pakistan.

CHAIRMAN ABRAMS: Yes?

RABBI SAPERSTEIN: It would be interesting to know a little bit more, if anyone wants to comment, on the--on--I heard your comment about what would have to change inside for there to be improvements. I don't know how that connects to the politics. What is it you see in the future of the politics of the country that would strengthen the moderate forces here?

And I'd be curious to know a little bit more about the courts. To what extent do advocates of human rights in one country or another have in the courts anywhere a force that is helpful to them or, rather, is part of the trends that they are fighting? And it wasn't clear to me hearing--I heard some victories, some defeats here, and I'm not quite sure what's going on in the courts.

PROFESSOR AHMAD: You want to--I'm not aware of some of the legal battles. My general impression is that the lower courts usually are coerced into making decisions that are not very tolerant, but in most of the cases, when the appeal goes to the higher courts, the

higher courts are more willing to go along with the appellant, the appellant and defendants, and they do not necessarily uphold the decisions taken by the lower courts.

This happened in the case of blasphemy, and by the way, let me also mention that the blasphemy law is not only targeted against the non-Muslims, Christians and Ahmadiyyas, but also against Muslims. Three weeks ago when I left Pakistan, the newspaper reported that one of the lower courts in Lahore had pronounced a death punishment against a Muslim under blasphemy law. But I concede to Mr. Shahani to speak on that issue.

MR. SHAHANI: Well, let me put it this way: so far, the judgments which have been rendered in the blasphemy cases have been turned down by the appellate courts. But how long that can continue could not be for certain, because now, some judges have been appointed who are straightaway telling not in the judgments but in meetings, and I have in my deposition at page 5 specifically mentioned about one judge who, on 27th of August, stated in Lahore that the voice--that it is the duty of every Muslim to silence the voice of a blasphemer, which is inciting people to take the law into their own hands.

And he quoted the example of Elandine Shahid [ph]. That has been reported in the newspapers on 28th of August. I had given the copy to the Commission here. And that judge is shown speaking in that meeting with a picture of that judge prominently shown in that. Now, the thing is this: that he has said so in the meeting. If he were to write these words in the judgment that it is the duty of every Muslim to silence the voice of blasphemers, then anybody can take the gun in his hand; shoot anybody and say that I have silenced the voice of a blasphemer, and this right has been given to me by Lahore court.

Can there be a defense to that?

Now, in the case of Miamata Hema [ph], a school teacher, he had a dispute with some school teachers. They just rumored in the market that he had blasphemed the holy name of the Prophet. A man goes with a knife in his hand; puts the knife in the stomach of a person; kills the person instantaneously. And then, he says that I have silenced the voice of a blasphemer. He is not given the capital sentence which is given in the murder cases, in the cold-blooded murder cases like this, but he is given a life sentence, a lesser sentence, on the grounds that the judge has given--because he was provoked because of religious feelings; therefore, he had on the spur of the moment killed the person concerned.

Now, gentlemen, I am saying that with this kind of trend that

is emerging in the society, that is, intolerance on the basis of religion, I really don't know that can we still continue to have that kind of luck running on our side? But possibly, I would say that these trends are not encouraging trends in the society at large.

CHAIRMAN ABRAMS: Thank you. Professor Kazemzedah?

VICE-CHAIR KAZEMZADEH: I wanted to know whether there are, in Pakistan, any legal provisions that create disabilities for the Shiite community?

PROFESSOR AHMAD: There is none.

MR. SHAHANI: None.

PROFESSOR AHMAD: As far as the Shiites, there is absolutely no legal discrimination. In fact, if you are a taxpayer, you would like to be a Shia, because the Shias have been exempted from Zachat, which the Sunnis are paying. That's why we have two types of Shias in Pakistan, what we call the Shias and then the Zachati Shias.

[Laughter.]

PROFESSOR AHMAD: Those who profess to be Shias only not--for not paying Zachat.

[Laughter.]

MR. SHAHANI: This was, in fact, I would say, the outcome of the provision which has been put in Article 2, that Islam shall be the state religion. Now, there are various interpretations of Islam according to Shiites. They have a different interpretation of Islam. According to Sunnites, there is a different interpretation of Islam.

Which interpretation of Islam shall be the state religion?  
Now, that creates a rift in the society itself between Shiites and

Sunniites themselves. And in the process, in the process, when two elephants fight with each other, the pygmies, the plants are crushed, and the plants are we the non-Muslim citizens.

MR. RAHMAN: Mr. Shahani has mentioned about the judge of the high court making that statement in public. The same judge, while sitting in that court, decided a case of an Ahmadiyya saying that when he invokes drude [ph] on Prophet Muhammad [ph], the traditional drude, he commits an offense of blasphemy under 295(c). He has held it in a judgment of court.

Another judge of the Lahore High Court said when an Ahmadiyya recites Kolyma [ph], ordinarily, people who are being charged under 298(c) for posing as a Muslim; he said when an Ahmadiyya does that, he does not only pose as an Muslim, he commits an offense under 295(c) punishable by death. So the law is being extended by interpretation, the criminal law. I never heard of extending criminal law by interpretation.

CHAIRMAN ABRAMS: We'll have the last comment from Father Channan, because we are, in fact, out of time.

REV. CHANNAN: Firstly, I will say that even between Shiites and Sunniites, there are frictions in Pakistan, and very often, we hear that mosques of one another are bombed, and dozens of people are killed. And I happened to meet some Shiite leaders, and they are terrified, and they are very scared. And they say you--he was talking to me--he said Father, you, as a minority, as Christian minority, we feel that you are in a better position. He said if something happens to Christians, then all Christians, they will speak about it, and then, the government will also come to your rescue. He gave the example of Shantinagar, this village. He said when it was destroyed; people came to Shantinagar and building the houses.

He said how many of our houses have been destroyed, but no one takes notice?

Secondly--and secondly, about this change of heart; I would say that being Christians and Muslims, for example, in Pakistan, we have our holy scriptures, and there are many, many things which are positive things which teach about tolerance; which teach about love; which teach about freedom of religion; which teach about respect for another person. And if we act upon those, and we practice those teachings of our holy scriptures, we can create a better society in Pakistan. So what is said that a conversion of heart is needed; that we will go back to our teachings and take examples from our holy prophets and Jesus Christ as our savior.

For example, like Prophet Mohammed, peace be upon him, when a Christian delegation went to Medina, he invited the Christian delegation to say prayers in the mosque, and he was himself the host of this Christian delegation. But now, if such things are practiced, such kinds of love, respect, certainly, there can be peace in our country, in Pakistan. And we need to work for that.

PROFESSOR AHMAD: Since a lot of things have been said about the attitude of the judiciary, as a piece of information, I'd like to put on record that the first chief justice of Pakistan's Supreme Court was a Roman Catholic--second chief justice; but nevertheless the chief justice of the Supreme Court of Pakistan.

CHAIRMAN ABRAMS: Thank you very much, and thank you, Father, for a positive and--

MR. SHAHANI: One last comment, Mr. Chairman, with your kind permission. I did not quote the cases in this, because there is one document called Unveiling Christians in Pakistan, prepared by the Law Ministry; we have given you a copy of that. That gives you the concrete examples that happen, that are germinating from this intolerance in society.

CHAIRMAN ABRAMS: Thank you, and thank you, all four, for being with us today. We certainly are much better informed because of your testimony. We appreciate your statements. The full formal statements, the statements you've made to us and the answering of questions.