

SPECIAL REPORTA Reset to Pakistan's Blasphemy Laws?

By Doug Bandow on 5.23.11 @ 6:08AM

The president is trying to reset his earlier reset of America's relationship with the Muslim world. But any genuine transformation requires action by both sides. Unfortunately, there is little evidence that Muslim states like Pakistan want to change their hostile behavior.

As a modern Western republic, Washington focuses on geopolitical issues while assuming all religions can reason together. Not so most Islamic states.

About the only Muslim nations that can be described as anything vaguely resembling a modern republic might be Turkey and Indonesia. Unfortunately, the Islamic world features medieval monarchies, militarized autocracies, democratic quasi-theocracies, brutal dictatorships, and a couple nations, like Egypt, in transition. Most Islamic states flavor their political repression with religious persecution.

So it is with Pakistan, perhaps America's most dangerous "frenemy." Islamabad's problems are many. Perhaps most fundamental is a dangerous intolerance that pervades this self-proclaimed Islamic republic. Individual life is cheap if one is anything other than a professing Muslim.

The latest State Department report on religious liberty observed: "the number and severity of reported high-profile cases against minorities increased during the reporting period." Not only did "organized violence against minorities" rise, but "there were instances in which law enforcement personnel abused religious minorities in custody." The government failed to adequately respond to attacks on Christians, Ahmadis, and others.

The United States Commission on International Religious Freedom was even blunter in its new survey: The status of religious liberty had deteriorated "greatly." Overall, "Pakistan continues to be responsible for systematic, ongoing, and egregious violations of freedom of religion or belief." The state is complicit in brutal persecution: "Sectarian and religiously-motivated violence is chronic, and the government has failed to protect members of the majority faith and religious minorities. Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal leaders who incite violence."

However, the government's failure included commission. Added State: "Discriminatory legislation and the government's failure or delay in addressing religious hostility by societal

actors fostered religious intolerance, acts of violence, and intimidation against religious minorities." Among Islamabad's worst practices are "the blasphemy laws which provided the death penalty for defiling Islam or its prophets."

The latter is not just an esoteric administrative matter. Noted the Commission: "Blasphemy laws are used against members of religious minority communities and dissenters within the majority Muslim community, and frequently result in imprisonment on account of religion or belief and/or vigilante violence." These and other statutes "have created an atmosphere of violent extremism and vigilantism."

International Christian Concern includes Pakistan among the 11 members of its "Hall of Shame." ICC highlights the impact of the blasphemy laws, which are routinely used to silence and oppress: "Several Christians were killed in 2010 as a direct consequence of these laws and many more have been imprisoned."

THE BLASPHEMY LAWS originally were instituted by colonial overlord Great Britain. People were prohibited from interfering with religious services and hurting religious feelings. The occupiers wanted to maintain social peace.

Unfortunately, over the years the laws were Islamized and expanded, more for political than religious reasons. In particular, military dictator Muhammad Zia-ul-Haq used Islamic fundamentalism to his political advantage. He expanded the law to include desecration of the Koran and later added death as a penalty for blasphemy. The Federal Sharia Court then ruled that the punishment "is death and nothing else."

Moreover, there are no procedural safeguards. The law is vague, penalizing anyone who through word or visual depiction "by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad." No warrant or preliminary investigation is required before an arrest is made. Pastor Zulfikar from Gojra explained: "The injustice is that if two people get together and accuse one of us, we are sentenced to death. There's no need for any proof, just one person's testimony."

Thankfully, "only" 40 to 50 people a year are typically charged and no one has yet been executed under the law. Still, that is small comfort. The majority of those prosecuted are Muslims, but Christians suffer disproportionately. They are much more likely to be arrested for blasphemy and, if charged, much more likely to be murdered. At least 35 have suffered deadly vigilante injustice since 1986. "Many others have endured brutal rapes and beatings, while churches, homes and businesses have been ransacked, looted and burned," wrote author Lela Gilbert.

Mounting a defense is not easy, since lawyers and judges often are intimidated. Christian Solidarity Worldwide noted that "[t]his has an impact on the impartiality of local court rulings -- convictions are likely in the first instance." Nor is the testimony of Christians typically accorded the same weight as that of Muslims. Thankfully, more distant appeals courts often overturn convictions and the government usually commutes any death sentences.

However, those charged can spend many years in jail awaiting trial. There they are vulnerable to retaliation. Earlier this year Qamar David, a Pakistan Christian sentenced to life imprisonment and jailed since 2002, mysteriously died in a Karachi jail. The government claimed it was a natural death; his family said David had no known health problems. Like so

many other cases, his prosecution arose from business disputes.

Finally, reported CSW: "even if acquitted, the accused is marked for life in the eyes of extremist groups. Many former blasphemy prisoners and their families live the remainder of their lives in hiding."

The potential for abuse is enormous. Eric Rassbach of the Becket Fund argued that "blasphemy laws are laws in name only -- in fact, they encourage lawlessness and disorder." Ali Hasan Dayan of Human Rights Watch in Pakistan explained simply: the measures are "designed as an instrument of persecution." The way the laws operate, noted Lela Gilbert: "invites shocking abuses and fabricated accusations, frequently motivated by business competition, personal grudges, property disputes or religious fanaticism."

INDIVIDUAL STORIES ILLUSTRATE how these laws have been misused. Two years ago in the town Gojra Christians were accused of desecrating the Koran at a wedding. The local police chief said the charge was false, but told the BBC "the rumor spread and the issue became politicized." A Muslim mob burned buildings in the Christian enclave and murdered nine people, including children. One of the demonstrators explained: "We Muslims are the victims." He told the BBC that Christians "provoked the Muslims here."

International Christian Concern highlights the case involving Pastor Rashid Emmanuel and his younger brother Sajid, an MBA student. Last year they were accused of writing blasphemous remarks in a pamphlet about the Prophet Muhammed. Reported ICC: "The charges were based on handwritten and photocopied pamphlets with remarks about the prophet Muhammad that the Muslims consider offensive. Rashid and Sajid Emmanuel's names and phone numbers were printed on the pamphlets. Expert witnesses for the police indicated that the handwriting on the pamphlets didn't match Rashid or Sajid's handwriting." Observers pointed out that no blasphemer would make his prosecution easy by including his name.

Alas, while the Emmanuel's were being transported back to jail from court last July, masked gunmen killed both. The real cause of the charges apparently was a land dispute. Their family has gone into hiding. Their mother, Rani Emmanuel, asked: "Why do they kill us Christians?"

In mid-April Mushtaq Gill and his son Farrukh were accused of desecrating the Koran in Gujranwala, near Lahore. Although the police rejected the allegations, under mob pressure the two Gills were arrested. Released the next day, the police rearrested them, again under pressure from militants. At the end of April a Muslim mob attacked homes, school, and seminary in the same Christian community. The protestors accused the Presbyterian pastor of burning the Koran, and he was arrested. Police stopped the destruction but most of the Christians left the area for safety.

In mid-May Christian businessmen Gulzar Masih and son Suleman Masih found themselves accused of blasphemy by employees of Muslim rival Abdul Rauf. A decade ago Gulzar Masih and Rauf opened a bookstore as partners. Two years ago they divided the business and Rauf grew jealous of Masih's success.

Earlier this month the Suleman Masih found burnt pages of the Koran under the security shutter when he went to open their store. Rauf's employees accused the Masihs of burning the Koran, generating a mob which forced the younger Masih to flee. Only police intervention prevented destruction of the Masihs' store. But the Masihs fled their town of Sialkot and face

an uncertain future. Observed Father Naeem Taj, a priest working to defend the two Christian businessmen: "The blasphemy law is being [used] once more as a pretext to settle a personal score."

An acquittal does not end the nightmare. Eight years ago Anwar Masih was accused by a neighbor with whom he'd had an argument. Acquitted the following year, he continued to receive death threats. He left his town for a time. After returning to his factory job he was fired when threats were made against his employer.

No one is safe. In November Asia Bibi, a Christian mother of five, became the first woman sentenced to death for blasphemy. An illiterate farmworker in Punjab, hers was the only Christian family in the village. An argument erupted when Muslim women refused to drink water she had been asked to retrieve. They later accused her of defaming the prophet. She was beaten by her neighbors; the police rescued her from death and then charged her with blasphemy. Her case is on appeal, but the village imam promised that "we will also take the law in our own hands" if she is pardoned; he even offered a reward for anyone willing to "finish her." Her family has received death threats and must move constantly.

Overall, a Catholic priest, Father Javed Gill, complained, "The abusive use of the blasphemy law has increased in the past few years." Action is needed, he warned, since "extremist elements are becoming stronger in our society."

So they are.

EVEN MORE FRIGHTENING than these prosecutions was the assassination of Punjab Governor Salman Taseer in January and Religious Minorities Minister Shahbaz Bhatti in March.

Taseer was a moderate Muslim, jailed by Zia for opposing religious parties. Taseer criticized the blasphemy law and visited Bibi in prison. He received death threats for his trouble and was assassinated by one of his bodyguards, who after being captured denounced Taseer as a "blasphemer" for wanting to change the law. Demonstrators celebrated the murder and few government officials attended his funeral.

Bhatti was a high-profile Christian in an increasingly Islamic environment. In a video that he prepared in the event of his death, he said he was "speaking for the oppressed, marginalized and persecuted Christians and other minorities." One of his priorities was the reform of the blasphemy laws. Denied use of an armored vehicle or a home in a secure neighborhood available for other federal ministers, he was gunned down. His killers left leaflets denouncing him as "a Christian infidel."

One of Pakistan's most important faces to the world, Bhatti attended the National Prayer Breakfast in Washington. He was scheduled in early April to be the keynote speaker at a conference of the Religious Liberty Partnership, a gathering of groups from around the world dedicated to protecting religious freedom.

Both Taseer and Bhatti visited Gojra after the Muslim rampage. Father Zulfikar said, "The two men who came here to speak for us... have both been killed." Another Pakistani Christian said that the murderers intended to "kill the voice of Pakistani Christians," but vowed that "the voice will be raised ten times."

Perhaps, yet other Pakistani voices are being lowered. Worried Father Zulfikar: "This country's leaders are no longer safe, so how will they protect us?"

Taseer and Bhatti's murders mean more than the death of a person. They suggest the death of a nation, at least one that respects human values.

Three leading Pakistani Christian churchmen issued a statement after Bhatti's death: "We would also like to appeal to the federal and provincial governments to wake up to the challenge of protection of the citizens of Pakistan. If the country becomes a killing field of the democrat and liberal individuals who exercise their freedom of conscience and expression, it would embolden the criminals trying to take charge of the country."

However, Pakistani moderates are in retreat. Former President Pervez Musharraf planned on amending the law but backed down when faced with strong opposition from Islamic fundamentalists.

When the United Nations Committee on the Elimination of Racism considered Pakistan's blasphemy law in 2009, Islamabad acknowledged the potential for abuse, but claimed to be adjusting the measure in response. The ruling Pakistan People's Party did form a commission, chaired by Bhatti, to consider legal revisions. Parliamentarian (and former information minister) Sherry Rehman introduced legislation to amend the statute.

But under intense political pressure Prime Minister Yousuf Raza Gilani retreated, explaining: "we have no intentions to amend this law." After Bhatti's death the government disbanded the commission. Rehman dropped her legislation, saying it had no chance of passage.

IN PUSHING HER BILL, Rehman, who regularly received death threats, did not emphasize the rights of religious minorities. Rather, she explained that she wanted to protect "our great Prophet's name against injustices done via procedures introduced by" Zia and protect "our citizens from injustice done in the name of a religion that values peace and tolerance more than anything else."

Her comments are sadly necessary in Pakistan. Anywhere else they can bring only laughter. If Islam really does value peace and tolerance, why are so many of its adherents so quick to use violence?

The challenge to U.S. policy is obvious. One anonymous administration official told the *New York Times* that the Taseer killing was "a reminder of how we're still losing ground in Pakistan." But no "reset" there is in the offing.

Obviously, the Pakistani population is not liberal in any sense of the word. And the war spilling across the border Afghanistan only further radicalizes people. Catastrophe impends for the nuclear-armed power.

Some brave Muslims remain willing to speak out. Pakistan's Ambassador, Husain Haqqari, organized a memorial service for Bhatti in Washington, concluding: "it is time for us to stand up, courageously against intolerance, against discrimination and against extremism." We must hope and pray, against all odds, that there are enough Husain Haqqaris to rescue Pakistan.

5/23/2011

The American Spectator : A Reset to P...

Doug Bandow is a Senior Fellow at the Cato Institute and the Senior Fellow in International Religious Persecution at the Institute on Religion and Public Policy. A former Special Assistant to President Ronald Reagan, he is author of *Beyond Good Intentions: A Biblical View of Politics* (Crossway).