

Pakistan's blasphemy laws - The Supreme Court, Asia Bibi and the laws' historical background

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Blasphemy laws are the most controversial laws in Pakistan, which have been affecting many individuals and communities' lives, especially religious minorities, since the 980s. Asia Bibi's, Christian women and mother of five, high-profile case once again shows how these laws have been misused against innocent people. The Supreme Court of Pakistan acquitted Mrs. Bibi about a month ago, but she is still hiding for safety because hardliners are after her. Will the Supreme Court's decision reduce the cases of blasphemy in Pakistan?

(26 November 2018) - About a month ago, the Supreme Court (SC) of Pakistan ordered the release of Asia Bibi, a poor Christian woman, who spent about nine years in a death cell for blasphemy allegations. On 31 October, the SC acquitted Bibi, a married mother of five, who was arrested in June 2009 for committing blasphemy against Prophet Muhammad (PBUH). In 2010, she was convicted and sentenced to death by the trial court. She moved to the High Court against the court's decision, which upheld the lower court's judgment. Then she submitted an appeal to the country's Supreme Court, which declared her innocent and setting aside her conviction and death sentence. The court ordered for her immediate release, but the complainant Qari Muhammad Salaam, a local Muslim cleric, filed a review petition against the court's ruling, which has hindered her to leave the country for safety. Her husband, Ashiq Masih, 55, is worried for her safety as many Muslims believe that she is a blasphemer. Hardliners publically declared her liable to be killed. Masih appealed to the governments of the USA, the UK and Canada for help to exit them from Pakistan.

A three-member special bench of the Supreme Court, headed by Chief Justice Mian Saqib Nisar and comprising Justice Asif Saeed Khan Khosa and Justice Mazhar Alam Khan Miankhel said in their judgment, "Keeping in mind the evidence produced by the prosecution against the alleged blasphemy committed by the appellant, the prosecution has categorically failed to prove its case beyond reasonable doubt."

In June 2009, Asia Bibi, an agriculture worker, had an argument with her co-workers by using their glass for drinking water. They strongly reacted on her act by touching their glass as many Muslims consider Christians unclean. Days after, those women approached to a local cleric and accused her for blasphemy. During the village council, which was comprised of Muslim men, Asia Bibi, 47, was offered to convert to Islam and then the charges would be dropped. Nevertheless, she refused their offer; therefore, she was dragged to a local police station and charged under a blasphemy law, Section 295-C of the Pakistan Penal Code, which carries on the mandatory death penalty. The law says, "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."

Asia Bibi's case is a high-profile case, which once again highlighted the misuse of blasphemy laws in Pakistan. Two prominent politicians were murdered for supporting Bibi. Governor of Punjab, Salmaan Taseer, a progressive Muslim, was murdered by Mumtaz Qadri, a hardliner Muslim, in 2011, after the high profile politician defended Bibi. Ironically, Qadri was Taseer's own bodyguard, but he was influenced by those voices who publically declared Taseer a blasphemer. In the wake of Taseer's assassination, Stephen Cohen, a famous author that wrote several books on Pakistan, said, "These are symptoms of a deeper problem in Pakistan. There is not going to be any good news from Pakistan for some time, if ever, because the fundamentals of the state are either failing or questionable."

Just two months later, Shahbaz Bhatti, the minister of minorities and the only Christian cabinet minister in the Pakistani government, was shot and killed by Taliban outside his home in Islamabad after he called for changes to the blasphemy laws.

Pakistan is an Islamic country where religion plays a great role in its social life, and political and legal systems. Therefore, blasphemy laws have a huge support among Pakistani people. Under these laws, it is a criminal offence to insult Prophet Muhammad (PBUH), the Holy Quran and the Muslim religious personalities. "The blasphemy law has been controversial as it has been used against Christians and other minorities in the Muslim-majority country," according to BBC.

The acquittal orders led violent protests throughout the country. Sit-in strikes were led by Tehreek-e-Labbaik Pakistan (LTP), newly formed religious party, who paralysed the country for four days. Islamists opposed the court's judgment and supported Pakistan's controversial blasphemy laws.

Originally, blasphemy laws were introduced in British India in 1860 and 1927 to promote harmony among the followers of different religions of the Sub-Continent. The laws were applicable to all religions. Pakistan adopted the same laws after independence. However, the present blasphemy laws were introduced in 1980s by military dictator General Zia-ul-Haq under his Islamisation policy. The most debatable laws are; the Section 295 -B of Pakistan Penal Code (PPC, blasphemy against the Holy Quran) was introduced in 1982, while Section 295-C, PPC (desecration against Prophet Muhammad (PBUH)) in 1986. Since 1980s, these laws are widely misused against the Ahmadi and Christian communities. Under the Constitution of Pakistan, Ahmadis are categorized as non-Muslim minority. Some Ahmadis and Christians were murdered, and many are still languishing in difficult circumstances in jails. It seems strange that these laws were introduced to protect the honour of Islam in an Islamic country, where Muslims are in 97 percent, and religious minorities are just 3 percent, and their majority is poor, helpless and marginalised. These laws are instrumental in persecution against minorities over the years.

Since 1980s, liberal Pakistanis and human rights activists have been raising voice for the repeal of these controversial laws as people are punished without any substantive evidence. The tragedy is that even the allegations cannot be repeated in courts, so it is difficult for a defense counsel to defend his client. A study conducted in 1995 by Aftab Alexander Mughal and Peter Jacob, which shows that only seven cases were registered in blasphemy laws from 1947 to 1980s in Pakistan, then Bangladesh was part of Pakistan. However, according to Daily Times, despite their tiny percentage of the population, Christians, Hindus and Ahmadis made up half of the 1,549 cases of blasphemy filed over three decades through 2017. The Centre for Social Justice reported that Pakistani Christians make up only 1.5 per cent of the total population, but over a quarter (187) of the 702 blasphemy cases registered between 1990 and 2014 were against them.

According to the human rights organisations, the blasphemy laws become tools and power to persecute not only non-Muslim citizens but liberal Muslims as well. People often use them to settle personal scores. The laws are dangerous because they are vague, so anything can be considered

blasphemy. Just an allegation can put individuals and communities lives in danger. Often, local administration, police and the lower courts face pressure from hardliners, who used religion to pressurise judges to punish the accused persons. According to Babar Sattar, a prominent Pakistan lawyer, "If the senior most judges of our highest court are not immune to intimidation and threats by bigots, which trial court will dare to release a blasphemy accused?"

In 1993, three illiterate poor Christians; Salamat Masih, 11, Manzoor Masih, 38, and Rehmat Masih, 44, were accused of blasphemy. Manzoor Masih was killed outside the High Court in Lahore, the second biggest city of Pakistan. Later, a High Court Judge, Arif Bhatti, acquitted Salamat Masih and Rehmat Masih. Sometimes after the judgment, he was murdered by a fanatic in his own chamber in Lahore. The murderer claimed that he killed the judge because he released accused persons. Bibi's case once again shows the intensity of these violent trends. Right after the judgment, radical protesters publically declared that those judges are liable for death who had acquitted Asia Bibi. Even so, nobody, including establishment, judiciary and the government, has the nerve to take any action against those who incited hatred and violence in the society.

In most cases, lawyers are reluctant to defend accused in courts. Those who take these cases are usually live under constant fear for their safety. Asia Bibi's lawyer, Saif-ul-Mulook, 62, is the latest example. He left Pakistan with his family for Netherlands on 3 November as he was facing death threats from fanatics because defending Bibi. He told AFP, "I need to stay alive as I still have to fight the legal battle for Asia Bibi."

On 7 May 2014, Rashid Rehman, a human rights lawyer, was killed by an unknown gunman in his office in Multan, Southern Punjab, because of his defence of Junaid Hafeez, a Muslim lecturer of English at Bahauddin Zakariya University in Multan. In 2013, some of Hafeez's Muslim colleagues accused him for posting blasphemous comments on Facebook. The conservatives against him were because of his liberal views. He was arrested and sent to jail under blasphemy allegations. Unfortunately, no lawyer was ready to defend him in the court. Rehman took his case and during the court hearings, he faced threats with dire consequences for defencing an alleged 'blasphemer.'

Even unproven allegations can provoke violence and murder of innocent people. Since 1987, at least 74 people have been murdered in extra judicial killing in the name of religious honour. In the recent years, some Christians were burnt alive. Many Christian and Ahmadi localities were under attack in Gojra, Sukkur, Gujranwala, Sangla Hill, etc.

On 4 November 2014, a poor Christian couple, Shahzad Masih and Shama Bibi, pregnant at that time, were burnt alive by a mob of 400 people. The couple had young children, and lived in Chak 59, a village near Kot Radha Kishan, Kasur district, 60 km from Lahore.

On 8 March 2013, a mob of more than 3,000 Muslims armed with sticks, clubs, and stones rampaged through Joseph Colony in Lahore, damaging properties, burnt down about 70 houses, two churches, and desecrated dozens of Bibles. Hundreds of residents were displaced following the violence.

Still, Pakistan is an illiberal democracy and a conservative country. Many politicians and common people believe in Islamic ideology and want to make Pakistan a complete an Islamic state. Therefore, blasphemy laws have a wider support in public even political leaders defend them vigorously. Considering the socio-political situation of the state, and the track record of the present government, there is less hope that she will bring any changes into these laws to minimise their misuse. "We are standing with Article 295-C of the blasphemy law and will defend it," said Imran Khan at a gathering of Muslim leaders in Islamabad on 7 July, 2018. Moreover, he used the blasphemy issue against the previous government of Nawaz Sharif and during the general elections of 2018. However, some progressive politicians, journalists, and members of the civil society are still opposing these laws.

The Supreme Court's latest judgment on Asia Bibi's case is certainly a positive development as it clearly defined that how these laws are used against non-Muslims. Definitely, the judgment will strengthen the narrative of liberal Pakistanis, who want to make Pakistan a true democratic state where laws should be based on the concept of justice rather than religion. Undoubtedly, it is a long way to go, but the journey should be continued to reach to the destination.

Aftab Alexander Mughal
