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Immediate
Human Rights
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Four Ahmadi school children and an adult frivolously booked and arrested by the police on false accusation of Blasphemy by extremist elements

The applied clause PPC 295-C carries death penalty

Kot Sultan, District Layyah (Punjab): The police charged four school-going Ahmadi children aged 14 – 19 and an adult on a false charge of blasphemy, under section PPC 295-C on January 28, 2009 with FIR 46/09 at police station Kot Sultan. The accused children are Muhammad Irfan, Tahir Imran, Tahir Mahmud and Naseeb Ahmad. Mr. Mubashir Ahmad, an adult is also on the list of the accused. Although the complaint was made by one, Liaquat Ali, the fabricated accusation was pushed by Shahbaz, a school teacher, and one N.E. Kulachi who belongs to the extremist group Jamaat Ud Daawa banned recently by the UN for promoting terrorism.

The police arrested the accused without establishing a *prima facie* case. They charged the innocent without evidence and before any investigation. The applied blasphemy clause carries death penalty.

According to the accusation, graffiti defiling the name of the Holy Prophet (PBUH) was found on the toilet walls of a local mosque. According to the accuser, it must have been undertaken by the four boys under instructions from Mr. Mubashir Ahmad. The complainant has provided no evidence. In fact, the accusation is false and smacks of conspiracy. The police will do well to look for the blasphemers among the group that is making the most noise.

For weeks in the recent past, the anti-Ahmadiyya lobby had been fomenting agitation. In the blasphemy accusation they appear to have found a convenient weapon to strike the final blow. Simultaneously, they threatened bloodshed, arson and processions. This provided excuse to the police to register the case and make immediate arrests. It makes no sense that the police arrest innocent persons to forestall a threat to law and order. This amounts to playing in the hands of religious extremists.

Inspector Khalid Rauf told AHRC (Asian Human Rights Commission) that “the gravity of the case against Islam justified arresting the children first. He said the police do not know of any substantial evidence that links the four students with the crime.” According to the AHRC “Family members were told (by the district police officer) that the police were under pressure from the fundamentalists to act against the children.”

According to the law, an officer of the rank of superintendent of police is required to investigate the blasphemy cases. As this law was deliberately worded to make it ineffective, it provides no relief to innocent accused, as it happened in this case and has happened often before. This law is essentially *mala fide* as the blasphemy law. It is a hoax.

The BBC reports that according to the police no one saw the named boys writing the (blasphemous) words. "Human Rights Commission of Pakistan (was) alarmed over four children's detention on blasphemy charges", reported the Daily Times, Lahore of January 30, 2009. "Victimizing children with false accusations is the most condemnable use of the blasphemy law", said the Ahmadiyya community spokesman. The AHRC urged "the government of President Asif Zardari to immediately release the illegally detained prisoners. Instead they should turn their attention to the dependence of Punjab Police on fundamentalist Islamic groups and the implementation of the rule of law in the province ...".

Hundreds of Ahmadis have faced charges and accusations under the blasphemy laws and many have suffered in prisons for years. One is now undergoing a life sentence in Faisalabad prison, although he is innocent. This is his fifth year in prison. A few months ago, a venerable old Ahmadi Dr Asghar was booked on a false accusation of blasphemy, and arrested. The lower courts denied his release on bail. A few days ago a high court judge also rejected his plea for bail, observing reportedly, "We can provide no relief to those who defile the name of great divines." This observation by the judge based on presumption of guilt of the accused was unbecoming and callous on his part. The gentleman remains behind bars and has to knock at the door of the Supreme Court now to get relief against the fabricated charge.

If the government is serious about fighting the evil of terrorism and sectarianism, it must take effective action against religious extremists by at least withdrawing support to them in the use of the blasphemy law, a convenient tool available to them. As a first step, the state should immediately withdraw all the false blasphemy charges against all the accused, to make its declared intentions credible.