
Guilty until proven innocent: the sacrilegious nature of blasphemy laws in Pakistan

The death sentence delivered in late December to Pakistani professor and scholar, Junaid Hafeez, on unsound allegations of blasphemy, sent shockwaves of indignation throughout the international community, eliciting the United Nations' prompt response, which condemned the verdict as a "*travesty of justice*". Contrary to some unduly auspicious expectations that the preceding release of Asia Bibi, a Christian woman, who was on death row for blasphemy charges, yet eventually acquitted, has been a watershed moment in the history of blasphemy laws in Pakistan, the current reality remains grim.

For the purposes of further analyzing the abovementioned dismal situation, this paper will explore the legal background and genesis of the blasphemy laws of the Islamic Republic of Pakistan, examine them through the socio-economic and political spectrums of the time and illuminate their grievous consequences, which more than often result in grave miscarriages of justice, the erroneous detention and conviction of innocent people, and vigilantism and mob violence. The Pakistani *Justitia* seems not to wear the blindfold when measuring accusations of blasphemy on her scales; on the contrary, her judgments appear to be clouded by personal vendetta, prejudice against minorities, self-interest, envy and power, turning the courtroom in an arena of hostility, instead of fairness and impartiality, perpetuating a subsequent cycle of labeling and demonization, which translates into lifelong emotional trauma and persecution, even for those found innocent.

This paper will rely upon certain landmark cases, which vividly highlight the atmosphere of injustice, fear and maltreatment, in which those laws operate, alongside the political opportunism which tends to go hand in hand with public support. In conclusion, the paper will press for the urgent reform of the blasphemy laws under the Pakistani Penal Code, arguing that their design is not simply open to misuse, but is inherently created to abuse, being drafted in a fashion that curtails basic freedoms of speech, expression and religion, while promoting religious intolerance, ethnic marginalization and discrimination, ultimately eroding the social fabric of the Pakistani State. The draconian blasphemy laws of Pakistan once again prove how the democratic set-up of the country remains an elaborate façade for the ongoing persecution of vulnerable individuals and the reign of violent extremist ideas; as Mashaal Gauhar, Pakistani journalist for the *Daily Times* asserts, "*...too many precious lives have been lost as a result of this law — the time for reform has been long overdue*".

Historical & Legal Background

The Pakistani blasphemy laws under the Pakistan Penal Code (PPC) derive from the Indian Penal Code, which was originally designed by the British Raj in 1860 under the guidance of Lord Macaulay. The spirit of the then Chapter XV, which described criminal offences related to religion, manifested in primarily fostering acceptance of all religious beliefs, by punishing acts intended to insult the religion of any members of society regardless of class differences, with a maximum prison sentence of 3 years or/and a fine. After Pakistani independence in 1947, the country adopted the said provisions without change, until the military regime of General Zia-ul-Haque came to power.

Zia-ul-Haque's reign, which lasted between 1977 and 1988, as described by Jamal Shah, Lecturer in Political Science at Government College Takht Bhai, Khyber Pakhtunkhwa, was *"...a combination of the mullah and military alliance where he used Islam to legitimize his dictatorial rule"*. According to Shah, the internal dimensions of Zia's Islamization fell into three distinct categories: political, social and economic. The political motivation was essentially popularizing his regime, which was not favored at the time, and henceforth prevent civilian revolt, by strengthening his authoritarian rule. The social objective was to accommodate the right-wing religious political parties in order to remain in power by complying with their demands for an Islamic State, while the economic rationale was to adopt Islamic interest-free banking practices. Meantime, the external dimensions of Zia's Islamization were associated with the Pakistani Army's apprehensions vis-à-vis the Soviet military presence in Afghanistan, which ultimately translated into arousing religious sentiments and jihadist beliefs in guerilla groups called *Mujahideen*, which were mobilized to fight the Soviets. As a result, fundamentalist militant groups not only managed to establish foothold in the country by working together with the Pakistani Army and the country's Inter-Services Intelligence (ISI) Agency, but also as seen from the present-day reality, their Kalashnikov culture managed to outlive the relevance of its times.

What simultaneously ensued was the Islamization process of Pakistan's legal system, through the incorporation of Shariah law in the form of Hudood Ordinances, under which the blasphemy laws also underwent certain amendments, which exacerbated their punitive nature. In 1984, the Evidence Act of 1872 was replaced by the *'Qanun-e-Shahadat'* (Law of Evidence), according to which its provisions must be read in conformity with the Quran and Sunnah, while the integrity of witness testimony should be constructed through the observation of Islamic injunctions. As a result, the Pakistani blasphemy laws, which between 1980 and 1986 were subject to severe transformation, currently appear as following:

Pakistan Penal Code (PPC)	Description	Penalty	Bailable or cognizable
❖ 295	Injuring or defiling place of worship, with intent to insult the religion of any class.	Imprisonment for up to two years, or fine, or both.	Bailable and cognizable.
❖ 295-A	Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs.	Imprisonment for up to 10 years, or fine, or both.	Non-bailable and non-cognizable.
❖ 295-B	Defiling, damaging or desecrating a copy of the Holy Quran or of an extract therefrom. (Introduced 1982)	Life Imprisonment.	Non-bailable and cognizable.
❖ 295-C	Use of derogatory remarks, by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly in respect to the Holy Prophet. (Introduced 1986)	Death penalty and fine.	Non-bailable and cognizable.
❖ 296	Disturbing religious assembly.	Imprisonment for up to 1 year, or fine, or both.	Bailable and cognizable.
❖ 297	Trespassing on burial places, etc.	Imprisonment for up to 1 year, or fine, or both.	Bailable and cognizable.
❖ 298	Uttering of any word or making any sound or making any gesture or placing of any object in the sight with the deliberate intention of wounding the religious feelings of any person.	Imprisonment for up to 1 year, or fine, or both.	Bailable and non-cognizable.
❖ 298-A	Use of derogatory remarks, etc., in respect of holy personages. (Introduced 1980)	Imprisonment for up to 3 year, or fine, or both.	Bailable and cognizable.

❖ 298-B	The misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places by people from the Qadiani group or the Lahori group ('Ahmadis'). (Introduced 1984)	Imprisonment for up to 3 year, or fine, or both.	Non-bailable and cognizable.
❖ 298-C	Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith. (Introduced 1984)	Imprisonment for up to 3 year, or fine, or both.	Non-bailable and cognizable.

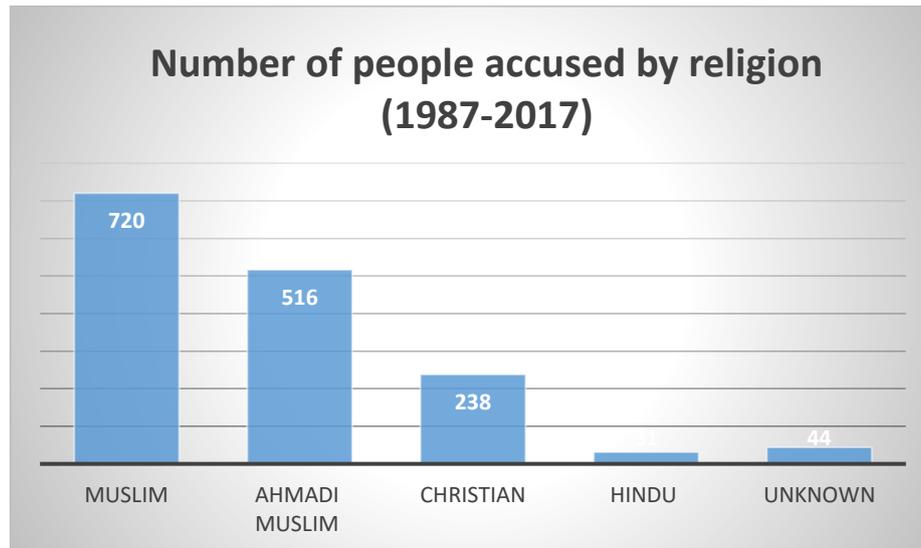
As outlined in the graph, the majority of offences appear to be '*cognizable*', which means that the police could issue an arrest without a warrant. In addition, those that are classified as '*non-bailable*', further indicate that in the abovementioned situations a bail cannot be claimed as a matter of right and could be only given at the discretion of the court.

Startlingly, in comparison with the other provisions, clauses 295-C and 298-A do not require any proof of intent, or in legal words, *mens rea*, thus leaving the nature of the offences widely to the interpretation of the accuser and the subsequent discretion of the court. They further make no mention of the perpetrator's potential psychological state or mental health, which often results in the erroneous detention of people with psychiatric problems, regardless of the fact that the PPC includes the defence of legal insanity. Meantime, provisions 298-B and 298-C, which were introduced during Zia's regime, were specifically crafted to restrict the freedom of religion and expression of Ahmadi Muslims, arguing that individuals belonging to the Ahmadiyya Community cannot call themselves Muslims or act as such. In addition to that, sections 295-A and 298-A have been included in the list of scheduled offences under the Anti-Terrorism Act 1997.

The following section will further examine the legal loopholes related to these blasphemy laws, notably section 295-C, and will demonstrate through the synopsis of numerous prominent cases how the inherently un-Islamic design of those provisions incites violence against innocent people and denial of fair trial and justice. It will further reiterate the fact that blasphemy laws are man-made and not the divine creation of God, thus prone to human err and abuse.

Legal Shortfalls

As far as Zia's formulation of Pakistan's blasphemy laws is concerned, the covert and ulterior purpose of these provisions is to protect only one religion, - Sunni Islam. That being said, it automatically casts any other religious belief as inferior and unwelcome, placing religious minorities in particular at the risk of maltreatment.



Source: Centre for Social Justice, Pakistan

According to the graph above, although the majority of those accused were Muslims, as Dr. Qaiser Julius, Director of Open Theological Seminary, Lahore, Pakistan highlights, the biggest proportion of Muslims charged with blasphemy offences still belong to the Shia community, which is considered one of the most persecuted minorities in Pakistan. According to him, in 2013, 70% of Muslims, which were accused of religious offences (excluding the Ahmadiyya community), were Shias. Considering that recognized religious minorities in Pakistan constitute only 4% of the entire population and the Shia community further accounts for 10-15%, what becomes evident is, that the country's blasphemy laws have been disproportionately targeting minority groups, often used as a tool for promoting discrimination and bigotry.

Important to note, after the 1986 amendment of the PPC, the accusations of blasphemy offences have increased exponentially. According to the Pakistani advocacy group Centre for Social Justice, between 1987 and 2017, an estimated number of 1,549 people have been charged under the draconian blasphemy laws; for comparison, before 1986, only 14 cases have been reported. Julius further pinpoints that the year 1991 was a particular landmark in that regard, with the PPC amendment of provision 295-C, which made the death sentence for blasphemy offences mandatory in the Federal Shari'at Court, alongside the alteration of the length of imprisonment from 2 to 10 years for section 295-A.

Numerous researchers pose the question, how could one justify the paradoxical phenomenon that cases of blasphemy suddenly increased with the introduction of more draconian measures? What becomes a rather credible argument is that the noticeable increase in such offences does not stem from change in human behavior, instead it is a consequence from the promulgation of these stringent laws. Further proof for that is reflected in the fact that the majority of cases brought up by lower courts to the superior courts in Pakistan have been automatically overturned on the grounds that the evidences have been fabricated and motivated by self-interest.

More importantly, the reality that the majority of convictions have been made below the baseline of “*beyond reasonable doubt*” is particularly visible from the fact that the evidence, which is more than often an oral testimony, and on which the accusations have been made, is rarely presented in court from fears from both witnesses and defence lawyers of reproducing the blasphemous content themselves. Such fears of repeating the words used by the accused not only create an absurd spiral of condemnation and censorship of any fair process, but further fail to provide scope for acquittal and exoneration of those wrongfully indicted.

Unfortunately, such atmosphere of lawlessness additionally creates justification for vigilante justice. More than 70 cases of extrajudicial killings undergone by vigilantes against accused of blasphemy have taken place since the 1980s till present day. In contrast, between 1947 and 1980, not a single individual subject to accusation has been killed extra-judicially. Such observation makes one conclude that the reinforcement of punitive actions has not only given legal dimensions to the delivery of punitive justice, but further instigated and emboldened ordinary citizens to take matters into their own hands by condoning mob violence. This is further portrayed in the way media outlets and prominent State figures respond to the phenomenon. As Abida Eijaz, Assistant Professor of Mass Communication at the Institute of Communication Studies at the University of the Punjab, Lahore, Pakistan explains, often in their “*competition for point scoring*”, news channels not only fail to fulfil the role they are expected to perform as impartial news reporters, but further twist facts and truths in order to create spectacle.

In regards to blasphemy laws, she gives an example how the remarks of the late former Governor of Punjab, Salman Taseer, who was defending the case of Asia Bibi and was subsequently assassinated for doing so, have been framed as non-supportive of the laws by TV channels, which ultimately triggered public resentment and hatred against him, leading to his killing. Former LHC Justice Mian Nazir Akhtar, who used to be the defence lawyer of Mumtaz Qadri, the bodyguard who killed Salman Taseer and became a national hero of blasphemy supporters, has not only justified the heinous act but further argued that “*no one had authority to pardon blasphemy and anyone accused of blasphemy should be killed on the spot as a religious obligation*”. In return, Mumtaz Qadri also argued that he was inspired by a sermon delivered by Mufti Muhammad Hanif Qureshi in Rawalpindi, who encouraged the public to take up vigilante justice stating that people such as Salman Taseer were worthy of being killed (“*wajibul qatal*”). Such harmful statements, particularly coming from individuals in a position of power and authority, not only show the extent to which the criminal justice system of Pakistan is bigoted and prejudiced, but also give a *carte blanche* to religious fanatics and vigilantes, thus defending and safeguarding offenders and murderers.

Case Studies

Looking closer at other prominent case studies, the abovementioned abuse of the law becomes visible through numerous miscarriages of justice. For example in *Salamat Masih v. the State*, a 13-year old Christian boy was sentenced to death under section 295-C in 1995 for

writing offensive words on the walls of a mosque. As described and analyzed by Osama Siddique, Associate Professor and Head of Department of Law & Policy, Lahore University of Management Sciences, Pakistan, charges against the accused and two older relatives of his – Rehmat Masih and Mazoor Masih, the latter of whom was later shot dead by unidentified assailants outside the court, were brought up in 1993 by the Imam of a local mosque, who argued that "*objectionable words about the Holy Prophet*" were found scribbled in the toilet of the mosque. He further suggested that pieces of paper containing "*derogatory words about the Holy Prophet*" were also thrown in various places around the mosque. The complainant and the *Lambardar*¹ of the village allegedly saw the three accused and tried to apprehend them, yet the latter were said to have managed to flee, whereupon the complainant and other witnesses immediately wiped off what was written. The complainant reproduced the pieces of paper, which contained the derogatory remarks, claiming to the police that he has kept them in his possession for a year. Throughout the process, the testimonies of the various witnesses greatly contradicted each other in terms of the exact places, timings and tools used regarding the committed offences. None of the witnesses were able to repeat before the court the allegedly defamatory words written on the wall from apprehensions of reproducing the same blasphemous content. At one stage of the trial, the complainant stated that he will no longer pursue the case, however the prosecution decided to keep using the testimony and evidence he provided. Asma Jahangir, one of Pakistan's foremost human rights lawyers and counsel for the appellants, asserted that the prosecution's case and the court's proceedings were subject to multiple grave flaws. Among those, she highlighted that with the withdrawal of the main complainant from the process, his testimony lost any evidentiary value; the reluctance of the witnesses to reproduce the derogatory remarks amounted to making a conviction on the sole basis of feelings and perceptions; the fact that the pieces of paper were recovered a year after the beginning of the trial undermined their credibility; there were implications of personal vendetta which motivated the charges pinpointing several cases of unsettled disputes, including one over a stolen tree. Meantime violent demonstrations barricaded the streets around the LHC, with angry mobs threatening the accused, the defence lawyers and judges. Religious organisations such as "*Jamaat Alh-e-Sunnat*" and "*Muttahida Ulema Council*" went so far to offer a reward of a million rupees and 300, 000 rupees, respectively, for the killing of the defendants. Despite their subsequent acquittal in 1995, the Masihis were no longer safe in Pakistan and had to flee to Germany, which provided them with political asylum. Nevertheless, even upon their escape, the ordeal of the trial was not over with the defence lawyer's and her family's lives being threatened on numerous occasions and the Justice of the case, Arif Iqbal Bhatti, soon after killed.

In another case, in 1996, Ayub Masih, a Christian man, was accused of blasphemy by his Muslim neighbour, Muhammad Akram, who argued that Masih told him to read Salman Rushdie's "*The Satanic Verses*" and said that Christianity was "*right*". Masih instantly denied the accusations as fabricated, yet he was immediately arrested, charged under article 295-C and sentenced to death. Akram acquired his land and property, and the entire Christian

¹ Lambardar is a title in India and Pakistan which applies to powerful families of zamindars of the village or town, a state-privileged status which is hereditary and has wide ranging governmental powers: the policing authority of the village, and many other governmental and administrative perks.

population of his village was displaced. In defence of Masih, Bishop John Joseph of Faisalbad pointed out that the former could not read English and thus would know little about Rushdie's book. During the trial, Akram shot and injured Masih, but the former was never tried for the crime. Throughout the whole judicial process, the courtroom was surrounded by violent extremists, who were threatening Masih and his lawyers with reprisal in case he was acquitted. In May 1998, the Bishop committed suicide in front of the Court in protest against Masih's conviction. In September 2001, Masih's family contacted the United Nations Working Group on Arbitrary Detention (WGAD), as a result of which in November 2001, the WGAD found "*the deprivation of liberty of Ayub Masih is arbitrary, being in contravention of Articles 9 and 10 of the Universal Declaration of Human Rights*". In response to the international pressure imposed, in August 2002, the Supreme Court of Pakistan welcomed the appeal, acquitted Masih of his charges, and ordered his release. Shortly afterwards he was granted political asylum in the United States and transitioned safely.

Despite the relatively swift resolution of the abovementioned cases, the fate of the majority of individuals charged with blasphemy offences is considerably less bright and the anguish of not knowing when their suffering will be over, continues for decades. The story of Wajeeh-ul-Hassan, who spent almost 20 years on death row, features the reality of those hundreds erroneously charged and imprisoned in solitary confinement, who see no hope in experiencing freedom anymore. As narrated by Asad Hashim, correspondent for *Al Jazeera* based in Islamabad, Hassan was working for Hala Enterprises, a Lahore-based textile company, owned by Mian Tahir Jehangir, the husband of Asma Jehangir, which earlier in 1994 was attacked, following the Masih's case. In 1998, Hassan moved to work for two brothers - Muhammad Wasim and Muhammad Naveed, who were running a steel foundry. At some point they started coercing Hassan to disclose information about his work at the Jehangirs in their bid of pressurizing her family to give up a valuable piece of property. When he refused to implicate her, the brothers tortured him and forced him to write "*blasphemous*" letters in which he insults the Prophet Muhammad (PBUH) and the Islamic faith while stating that their author has converted to Christianity. The letters were later sent to Ismail Qureshi – prominent lawyer and proponent of the blasphemy laws who had represented the prosecution in the case against Salamat, Manzoor and Rehmat Masih. Over the following year, the brothers were trying to use those letters as a clout over Hassan to make him "*confess*" that they were either written by Asma Jehangir or that she had compelled him to write them. In case he did not, they threatened him that the letters will be sent to Qureshi and implicate him as being the writer, while also endanger the lives of his family. Hassan did not want to implicate the Jehangirs, also because his father was still working for them, and he tried to escape from the situation by joining the *Tableeghi Jamaat*, an Islamic missionary organisation, in order to repent his sins and find salvation in prayer. Four months later, when he returned back to Lahore, Wasim and Naveed took hold of him, abducted him and heinously tortured him, this time coercing him to write a blasphemous letter signed by him. After sending it to Qureshi, Hassan was handed over to the police, which further beat him mercilessly throughout the interrogation. Fearing the lives of his family, Hassan did not testify in his defence in front of the court.

"I have even said this in court, to the stenographer, to the judge, I have told them that my family members are in danger, that is why I cannot testify [in my defence]", he argued.

"[The judge] just said he was in more danger than I am".

As a result, Wajeeh-ul-Hassan was sentenced to death. Not only was he subjected to inhumane conditions, but he was further tortured and sexually abused during his sentence.

"In Pakistani prisons, those convicted of blasphemy exist at the bottom of the hierarchy", he explained.

However, after spending almost 20 years on death row, the recent landmark ruling of Judge Asif Saeed Khosa in the Asia Bibi case, gave Hassan hope and he wrote to the Judge a letter with full testimony in his defence, and he was miraculously released some months afterwards. Yet, despite his acquittal, Hassan continues to live in fear for himself and his family in Pakistan, since even those found innocent remain permanently blemished by the scarlet letter of blasphemy.

Blasphemy Offences and Mental Illness

Although the aforementioned cases are just a minute snapshot of the vast chronicles of innocent lives thrown at the gates of torment and agony due to false accusations, personal vendetta, duress, prejudice and a string of failures of the judicial system to attain the ends of justice, these excerpts manage to portray the extent to which people from all walks of life could become faultless victims of groundless allegations. Not only that, but the individuals involved in their defence and trial – lawyers, judges, public figures and human rights activists, also automatically become branded as guilty.

Therefore, such traumatic sequence of events, stemming from these miscarriages of justice, could have long-lasting implications on the mental health of individuals, such as Post Traumatic Stress Disorder (PTSD), panic attacks, paranoia, substance abuse, depression, anxiety and others.

In addition to that, this section will also explore one of the groups that is widely misrepresented in the public discourse in terms of wrongful convictions, yet in reality is over-represented in the group of accused and disproportionately targeted under the blasphemy laws – namely individuals who are mentally ill.

As explained by Muzaffar Husain, Forensic Psychiatrist at the Kent Forensic Psychiatric Service, Dartford and Consultant for blasphemy defendants with mental illness held in custody in Pakistan, individuals with psychotic disorders such as schizophrenia and mania could manifest grandiose behavior, suffer delusions and lack disinhibition, which place them particularly in danger of wrongful accusation and prosecution. People with intellectual disabilities further fall under the diagnostic group of victims, due to their inability to follow social norms and comprehend what the community might hold as sacrosanct. In addition to that, neurotic disorders such as obsessive-compulsive disorder (OCD), could have an

overbearing urge on individuals to conduct repeated compulsive actions, which might be seen by others as blasphemous. Not only this, but people with mental illnesses are in significant danger of physical and psychological abuse. As further illuminated by Husain, cases of sexual abuse have been often masked by the abusers as accusations of blasphemy upon the victim in order to instill fear in them so that they do not report the assault.

For example, in 2012, an unidentified man, widely described by the police as mentally unstable was accused of blasphemy for burning pages of the Quran and subsequently arrested. Media channels and testimony of officers argued that the man was acting confused, *“laughing and chanting in custody”*, having no idea of what was happening. A large crowd gathered outside the police station, forcefully took him out of custody, doused him in petrol and set him on fire.

According to Dr. Adnan Ahmed and Dr. Chinmoy Gulrajani, Private Psychiatrist and Adjunct Associate Professor, Department of Psychiatry and Behavioral Sciences, University of Minnesota, respectively, the fact that the Pakistani laws do not afford protection to individuals with mental health problems is further visible from the case of Muhammed Asghar, a British man diagnosed with schizophrenia who traveled to Pakistan and was accused of blasphemy in 2014 for claiming to be the Prophet (PBUH). The Judge initially refused to welcome any evidence regarding Mr. Asghar’s medical history, yet when the latter attempted suicide in custody, a medical panel was allowed to make a report on his situation. However, the panel was later threatened by an angry mob of vigilantes and could not support the defence. While in prison Asghar was shot by a police officer, he survived the attack, but still remains on death row till present day.

The abovementioned case further suggests the pressure under which medical and psychiatric professionals find themselves, often making them reluctant to provide expert opinion and medical evidence due to external intimidation and fears for their own safety.

In another case, earlier in 2012, a 14-year old Christian girl, Rimsha Masih, with an intellectual disability, arguably Down syndrome, was arrested and jailed on allegations of committing blasphemy by burning pages of the Quran. Violent demonstrations by Muslims in her predominantly Christian neighborhood forced her family and community to flee. Throughout the trial it became evident that her accuser, the Imam of a nearby mosque called Hafiz Mohammed Khalid Chishti, had fabricated and planted the evidence as part of a conspiracy to remove the Christian population from the area. Her case, however, unfolded in a rather divergent manner. Not only was Chishti found to have tampered with the evidence, but he was further charged with a blasphemy offence. By the end of 2012, Rimsha was cleared of all charges and shortly after moved with her family to Canada to avoid vigilante violence. Regrettably, in August 2013 the Imam was released, under ruling that the prosecution had not brought forward sufficient evidence to convict him.

Although this case was widely considered a precedent in the justice system of Pakistan and many hoped it would signal a turning point in the way blasphemy laws are being addressed, as analyzed by Matt Hoffman, Researcher at Washington University School of Law, those rather extraordinary developments occurred more as a result of the unique circumstances of

the case, instead of as a reflection of a wider public desire for reform. First, Rimsha was a minor girl with mental deficiency; second, the evidence that she was framed was very quickly tracked down, and thirdly, due to those preceding factors, the case received an enormous amount of coverage by the media, which put large pressure on the prosecution and Pakistani officials. The last aspect is also visible from the fact that initially the accuser's lawyer and the prosecutor argued that her mental health report was fake, by being made to “favour” her, in addition to not even being the age of a minor. Hoffman further argues that all the ensuing events, such as Chishti’s acquittal, the lack of discourse on amendment of the laws, the unceremonious condoning of vigilantism and the continuation of handling allegations of blasphemy on the basis of fallacious evidence, individual prejudices and self-interests, substitute the argument that nothing had changed with Rimsha’s case.

Popular Support and Political Opportunism

As Hoffman argues, the Pakistani blasphemy laws enjoy high level of social support and political backing, with the former strongly influencing the latter. Many State officials either openly promote the laws or avoid discourse on reform from fears of losing political power, while a sizeable segment of the population expresses eagerness to establish “justice” on their own terms both against blasphemers and advocates of such. Courts and law firms often find themselves obstructed or even prevented from fulfilling their purpose, while the police resort to unnecessary and extrajudicial arrests to appease violent crowds.

In 2011, Shahbaz Bhatti, the then Minister of Minorities of Pakistan and the only Christian in the Cabinet, was assassinated by an unidentified gunman, who was a member of the Islamic terrorist group Tehrik-i-Taliban Pakistan (TTP), which was responsible for the 2014 Peshawar School Massacre in which 132 children were killed. Bhatti was a prominent critic of the blasphemy laws and had been a vocal defender of Asia Bibi and other erroneously prosecuted members of minorities in the country. Despite the outright international condemnation of the attack, including from parties such as the United Nations High Commissioner for Human Rights, the European Union, USA, UK, Canada, Germany and the Vatican, the domestic response ranged from silence to openly in favour of the unfortunate development. Unsurprisingly, neither the assailant has been arrested, nor has there been any development in the investigation.

Such cases not only suggest how the delicate matter of blasphemy laws is used for accumulation of dividends by Pakistani political-, religious- and media bodies, but is further hijacked by violent extremist outfits for the purposes of accomplishing their agendas. As argued by Nilay Saiya, Assistant Professor of Political Science and Director of International Studies at the State University of New York, Brockport, “...instead of promoting respect for religion ... laws against religious defamation weaken reform-minded moderate Muslims, silence members of minority faiths and political dissidents, and promote violence and terrorism”.

According to Saiya, considering that the prescription of a punishment for blasphemy is nonexistent, neither in the Quran, nor in the Hadith, the modern utilization of laws designed against religious desecration stem from the desire of leaders of Muslim-majority countries to make use of such laws in order to harness political power, censor unwelcome criticism and political opposition, instigate religious sentiments and legitimize religious discrimination, foster nationwide “*patriotism*” and consolidate a sense of Muslim union, as a result of which those political figures often find themselves backed up by radical Islamists, who enjoy legal cover for their acts of violence and terrorism.

He continues on saying that, “*Violent non-State actors thus feel empowered to commit acts of terrorism with little or no fear of governmental reprisal because blasphemy laws, in effect, lend the authority of the State to religious figures and reinforce extreme views. Rather than control the forces of extremism, blasphemy laws appease and encourage them. The result, expectedly, is that States that attempt to curry favor with radicals embolden them to take matters into their own hands; eventually such countries fall prey to violence carried out by those same radicals*”.

As a result, the government often finds itself in a self-induced gridlock of extremist rule, which they are unable to control. That is particularly visible from the case of the far-right Islamist political party, Tehreek-e-Labbaik Pakistan (TLP), headed by the preacher Khadim Hussain Rizvi. The TLP has been widely known for their long-lasting country-wide mass protests regarding any changes or opposition to Pakistan’s blasphemy laws. The party was established and subsequently gained prominence, after the hanging of the killer of Salman Taseer, Mumtaz Qadri, which according to the group was unjust.

Following the acquittal of Asia Bibi in October 2018, the TLP held days of violent protests, blocking roads and major intersections across the country. In an attempt to end the demonstrations and appease the masses, Prime Minister Imran Khan signed a deal with the TLP leadership to put Asia Bibi on the Exit Control List (ECL) in order to prevent her from fleeing abroad, alongside with releasing arrested TLP members. Numerous prominent figures considered such moves as Pakistan’s capitulation to extremists, including Jemima Goldsmith, Imran Khan’s former wife.

However, Rizvi took a step too far by verbally attacking the Pakistani military for which he was heavily reprimanded, by getting subsequently indicted on charges of inciting violence and terrorism vis-à-vis the protests. Although, he was later on released on bail, that particular episode further signified the opportunistic political appliance of the blasphemy laws – the moment, their utilisation might be in discrepancy with the actual powerhouse, the State starts acting in a “*responsible*” manner.

Conclusion

Since nowhere in the Quran a punishment is stipulated in this world for blasphemy, regardless of whether it is against the Holly Prophet (PBUH) or the Islamic religion *per se*, the current blasphemy laws of Pakistan stand on very flimsy ground in respect to their authenticity

according to Islamic jurisprudence. Numerous Muslim scholars and jurists have conveyed their objections regarding the criminalized nature of blasphemy, yet their narrative rarely dominates the public and political discourse.

As explained by Raza Ahmad Rumi, Visiting Lecturer at Cornell Institute for Public Affairs, USA, prominent Pakistani policy analyst, journalist and editor of Pakistan's *Daily Times*, *"...whenever States incorporate religion into their agenda, increased religious persecution is one of the natural outcomes"*. He continues on arguing that in the case of Pakistan the problem is even two-fold since the country must not only recognize the long-term futility of blasphemy laws, instead of their short-term utility, but further address the matter of blasphemy not from a religious, but a secular perspective: *"that is, not as an insult to God, but as an insult to the people who believe in a God, that is, from the point of view of regulating hate speech"*.

As another prominent Pakistani journalist, Kunwar Khuldune Shahid, correspondent for *The Diplomat* and *Asia Times*, argues, the issue further stems from the fact that the majority of Muslims consider their religious identity above their national, ethnic or residential identity, thus taking any act of criticism on Islam as a manifestation of aggression against all Muslims, and not simply an ideological critique. Hence, as he continues on saying, *"...the only way a tolerant and moderate Islam can emerge is when the majority of the Muslim world unites as a community that shares a lot more than just religious scriptures. When Islam will only form a part of a Muslim's identity and not its entirety, offensive cartoons will only be considered distasteful and not incitement for terrorism"*.

Therefore, this paper vigorously presses for the urgent reform of the blasphemy laws, by repealing the existent provisions and drafting new legislation, which is fully compliant with the international legal obligations in respect to the rights to life; freedom of thought, conscience, and religion or belief; freedom of opinion and expression; equality before the law; and the prohibition of discrimination, as described in Amnesty International's Report of 2016 on the matter. As such, the Pakistani officials should design and install comprehensive and efficient procedural and institutional safeguarding mechanisms at the investigative, prosecutorial and judicial stages in order to preclude any form of abuse and ensure the fair trial of those accused. Moreover, the State should take urgent steps in repealing the death penalty and commute all death sentences that have already been imposed. Criminal justice professionals should receive extensive training on identifying individuals with mental health issues and refer them to special assessment and treatment, recognising their needs and diverting them away from the criminal justice system.

By all odds, that will be a long and arduous process, yet, more importantly, such debate and resolution must start from within, with the Pakistani society, which is highly polarized between the suppressed secular minority and dominant religiously inclined majority, recognizing that a differentiation between a devoted and lay Muslim should not be made on the basis of acting upon religious slanders. Instead, both should contemplate the fact that the Islamic religion is not punitive, but forgiving in nature; that it is human to err, and even more human to bear no malice.

Whereas, regarding those who in *mala fides* engage in treacherous acts and deceitful language in order to erroneously frame an innocent being, the society should ask itself the question, is it not a blasphemy to lie, mischief, accuse and kill, and justify that in the name of religion or the Holy Prophet (PBUH)? In Islamic theology, the ends do not justify the means. Thus, not only procedural measures should be taken by the criminal justice system against such individuals, but the community as a whole must realise the harm and damage they inflict upon the cohesiveness of the Pakistani social fabric.

The emergence of the blasphemy laws of Pakistan in the form they are implemented currently, took place during the era of Zia's Islamisation, where the focal point was not Islam in itself, but a desire for consolidating State power and popularising the existing government. As summarised by Shah, *"from this perspective Islamic reforms were a witty device to mobilize popular support especially among the mullahs and bigots and to divert attention from issues of representation versus authoritarian rule. Religion was also used as a shield of survival for elites"*. As a result, what becomes visible is that in their essence, the Pakistani blasphemy laws were designed simply as an instrument for public control utilised not only by politicians, but in general by those who perceive themselves to be in a position of power in order to command and repress those considered inferior, virtually placing them outside the realm of the rule of law.

Therefore, it is a high time, this gravely perilous and divisive tenet is brought to an end. Not only for the purposes of preventing injustice and discrimination, but also to take away the license of invincibility and omnipotence from the hands of the State and the elite.