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Persecution against the Ahmadiyya Muslim Community in Pakistan: A multi-dimensional perspective

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Abstract

The Ahmadiyya Muslim Community (AMC) has always considered itself as part of the Muslim *ummah*, the larger community of Muslim believers (Khan, 2003, p. 218). However, several conservative fundamentalist groups within the Sunni Muslim community deemed the AMC as heretical and acted to ostracise its members from said *ummah* (Khan, 2010, p. 368). In consequence, the AMC community faces severe discrimination in several Sunni-majority countries. Yet in no country are AMC members so systematically (Murray, 2017, December 8) - and institutionally - persecuted as in Pakistan. Besides the existence of anti-Ahmadiyya Muslim groups (especially Islamist pressure groups and conservative clerics), the main reason for the persistently deteriorating situation of AMC members in Pakistan is that the state itself is one of the main drivers of suppression and persecution. Having been declared as ‘non-Muslim’ under Pakistani law in 1974 - and criminalised for practicing their faith since 1984 - Ahmadiyya Muslims in Pakistan today live in constant fear and humiliation (Ebrahim, 2011, October 28, Anwar, 2018, October 11). These citizens are marginalised, targeted, and discriminated in all spheres of life - including religious-cultural and social spheres, the economic sphere, and the political sphere (including its legal, constitutional and judicial dimensions).

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The Pakistani state, in alliance with radicalised Islamists, actively sponsors violations to human and fundamental political rights of AMC members (Malik, 2018, May 20). Pakistan's current government seems to continue this trend - instead of protecting the country's minorities in general, and the AMC in particular, it is in a clear breach of numerous international covenants.

Keywords

Pakistan, Ahmadiyya Muslim Community, Minorities, Persecution, State-Terrorism, Islamist Extremism, Jihadism

Table of contents

1. Introduction
2. Multifaceted/multidimensional persecution in all spheres of public & private life
 - 2.1 Political dimension
 - 2.1.1 Electoral discrimination and disenfranchisement
 - 2.1.2 State policy of appeasement of apartheid proponents
 - 2.1.3 Direct political encouragement of anti-Ahmadiyya activities
 - 2.1.4 State sponsorship of anti-AMC groups and activities
 - 2.1.5 From ‘Soft-Corner’ to ‘Capitulation’: Loss of sovereignty/decision-making power by authorities’ vis-à-vis the Islamists
 - 2.1.6 Intended failure by the state regarding minority rights and protections
 - 2.1.7 Undermining reforms of discriminatory laws and the establishment of safeguards against the misuse of laws
 - 2.1.8 Discriminatory contestation: The phenomenon of religious-political outbidding
 - 2.1.9 Truncation of other fundamental civil and political rights (Human Rights)
 - 2.2 Constitutional-legal and judicial dimension
 - 2.2.1 Constitutional-legal embedment of the persecution against the AMC
 - 2.2.2 Complete legalisation of persecution against the AMC by the judiciary
 - 2.2.3 The misuse of anti-terror laws and the role of the military courts in the persecution against the AMC
 - 2.3 Social and economic dimension
 - 2.3.1 Discrimination in access to employment
 - 2.3.2 Discrimination in access to education
 - 2.3.3 Economic discrimination
 - 2.3.4 Social boycott
 - 2.4 Cultural and religious dimensions
 - 2.4.1 Attacks against religious sites and their spiritual significance
 - 2.4.2 Perennial disruption of religious practices and daily life
 - 2.4.3 Undermining social life and social fabric
- 3 Types of violence against Ahmadiyya Muslims
- 4 Perpetrators of violence/discrimination against the Ahmadiyya Muslim Community
 - 4.1 State officials
 - 4.2 Local clerics (Mullahs)

4.3 Extremist Islamist groups

4.4 Politicians and Political parties

5 Final thoughts: summary of the main observations and findings

6 Bibliography

Abbreviations

AMC	Ahmadiyya Muslim Community
CAT	Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment
CEDAW	Convention of the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
COAS	Chief of Army Staff
ECP	Election Commission of Pakistan
GoP	Government of Pakistan
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social, and Cultural Rights
IHC	Islamabad High Court
PBUH	Peace Be Upon Him
PM	Prime Minister
PPC	Pakistan Penal Code

1. Introduction

The Ahmadiyya Muslim Community (AMC) has endured persecution ever since the emergence of Pakistan as an independent state¹. The AMC was founded in 1889 by Hazrat Mirza Ghulam Ahmad (1835-1908) in the city of Qadian - colonial Punjab, then part of British India (Saeed, 2007, p. 135). AMC members believed that their founder was a prophet, or *nabi* (Khan, 2010, p. 71), the ‘Promised Messiah and Imam Mahdi’ ‘who claimed under Divine Guidance that he was the reformer expected in the latter days by all major religions’². In other words, Ahmadiyya Muslims are Muslim believers who do not believe that prophesy ended with Prophet Muhammad (Anwar, 2018, October 11). This position was often regarded as blasphemous and constituted a fundamental doctrinal (theological) difference between Ahmadiyya and Sunni Muslims. Traditionally, Sunni Muslims - which are the majority in Pakistan - follow the belief that the ‘Prophet Muhammad is the last prophet to be sent on Earth by God, thereby holding the seal of prophecy, a belief that holds central place among Islamic religious precepts and any suggestion to the contrary is perceived to be blasphemous’ (Saeed, 2007, p. 135). The fundamental disagreement between Sunnis and the AMC ‘concerns the identity of the Promised Messiah, the reformer that the Prophet Muhammad foretold would appear after him’ (Khan, 2003, p. 218). The Ahmadiyya consider that ‘their faith has been misinterpreted by mainstream Muslims and clerics intent on persecuting them’ (Mehmood, 2016, December 18). The fact that the AMC’s religious beliefs apparently differs from traditional-orthodox positions led to the ostracism of Ahmadiyya Muslims both in Pakistan and in other Sunni-majority countries. However, Pakistan is the only state to have officially declared that Ahmadiyya Muslims are non-Muslims (Murray, 2017, December 8). There is a general understanding among non-partisan observers that Ahmadiyya Muslims face in Pakistan ‘the greatest and, arguably, the worst kinds of violence’ (Dawn, 2015, March 23).

Today AMC members are described in Pakistan as ‘apostates’, ‘fifth-columnists’ and ‘stooges’. Firebrand clerics demand that they be ‘chased until death’ (Dawn, 2015, March 23). The AMC seems to be facing a kind of ‘catch-22 situation’: Ahmadiyya Muslims ‘could be accused of perjury if they fail to declare their faith, and could be singled out and discriminated against if they do declare their faith’ (Anwar, 2018, October 11). There is simply no venue in Pakistan for the Ahmadiyya to express and practice their faith without being persecuted – by both state and members of civil society, and in

¹ Today, it is estimated that the AMC has 10 to 20 million members worldwide. Regarding the numbers of Ahmadiyya living in Pakistan, the estimations defer largely, from 500.000 to 4 million (Sayeed, 2017, November 16).

² See Ahmadiyya Muslim Community UK, official website: <http://www.loveforallhatredfornone.org/>

all spheres of life. The community furthermore hardly receives any support from the international community. Several members of said international community, for example the European Union (EU), simply ignore the deteriorating human rights situation and the persecution of minorities in Pakistan (Khan, 2003, p. 217-218), especially the conditions affecting the AMC. This appears to be linked with a hope by Western governments that Pakistani support could be ensured in the fight against international terrorism, which is valued far above the need to make Pakistan stick to its international commitments regarding human rights and the protection of minorities.

2. Multifaceted/multidimensional persecution in all spheres of public & private life

2.1 Political dimension

2.1.1 Electoral discrimination and disenfranchisement

According to Pakistani electoral rules, the basic criterion of eligibility to vote is citizenship itself and not particular religious or ideological beliefs (Dawn, 2013, May 6). However, electoral law also contains several discriminatory provisions that effectively exclude Ahmadiyya Muslims because of their religious beliefs. This phenomenon can be traced back to several decades ago – it was in 1985 that the military dictator Zia-ul-Haq pushed through the parliament the 8th Amendment to the 1973 constitution, which was accompanied by a series of laws effectively creating a separate electorate system for non-Muslims, including Ahmadiyya Muslims (Khan, 2003, p. 225). Separate voter lists were subsequently introduced separating electors by religion (with a separate voter list for each religion; Tanveer, 2015, November 12). If one wanted to be listed as a Muslim voter, who had to sign a certificate of faith regarding ‘the end of prophethood’ and ‘deny the veracity of the holy founder of Ahmadiyyat’ (Tanveer, 2015, November 12). This is described by AMC representatives as the violation of ‘their right to religiously self-identify as Muslims’ (Sayeed, 2018, July 21). Khan points out that ‘separate electorates were imposed upon them without their consent and clearly against their will’ (Khan, 2010, p. 548) and their religious beliefs. Ahmadiyya Muslims were thus prevented from participating in the country’s electoral process. This of course excluded the community from mainstream political dynamics and denied them any official political representation (Mehdi, 2013, April 15), both on the national and provincial/local level. Furthermore, the introduction of an electorate system with separate voter lists marks a clear split of the Pakistani ‘demos’ into numerous religiously-based segments. This not only alienated religious minorities but also damaged the first pillar of ‘Unity’ in the motto ‘Unity, Faith and Discipline’ (*Iman, Ittihad, Nazm*) given by the founding father Muhammad Ali Jinnah, who understood these three pillars as the guiding principles of nation-building in Pakistan (Kundi, 2016, December 25).

Due to international pressure, some ‘cosmetic modifications’ were subsequently undertaken by the Government of Pakistan and the Election Commission of Pakistan (ECP); several additional changes to electoral laws were introduced (Younus, 2013, May 10). Most interesting among these are the reforms of the electoral laws in the context of the 2002 General Elections. At that time, President (and retired General/COAS) Pervez Musharraf announced the restoration of the old Joint Electorate system effective prior to 1985 (Mehdi, 2013, April 15). Yet despite his promises of demolishing the segregated electoral system, he never actually re-established the Joint Electorate System. Facing increasing pressure by clerics, Musharraf – who announced the reintroduction of the Joint Electorate in May 2002 – issued on June 17 the Chief Executive’s Order No 15³ so as to create a separate ‘supplementary list of voters’ in which Ahmadi voters were categorised as ‘non-Muslim’ (Tanveer, 2015, November 12). Concretely, the ECP introduced two separate forms for voter registration - one for Muslims (Form 2) and another for Non-Muslims (Form 8) - and made it obligatory for Ahmadiyya Muslims to apply through the latter.⁴ The result was that AMC members continued not to be able to register as voters (and boycott elections) because they do not consider themselves non-Muslims (Jamil, 2018, July 13). In the following elections the ECP abolished Form 8 and included its wording regarding non-Muslims in Form 2. However, the basic ‘spirit’ of Musharraf’s 2002 amendment order remains in full force. Here, on January 17, 2007, the ECP in its letter No F1(6)/2001-Cord ordered that ‘the competent authority has been pleased to decide that separate supplementary lists of draft electoral rolls for Ahmadis/Qadianis [Ahmadiyya] for the electoral areas concerned, wherever they are registered, may be prepared and published...’. Moreover, the provisions of 7B and 7C of the Conduct of General Elections, Chief Executive [C.E.] Order No. 7 of 2002 -as amended by C. E. Order No. 15 - are now part of the Election Act of 2017 (Jamil, 2018, July 13). In consequence, Ahmadiyya Muslims do not make use of their voting rights (Tanveer, 2015, November 12). The AMC remains without any noteworthy political voice and is not able to play ‘any effective role in national affairs’ (Khan, 2010, p. 548). Pakistani discriminatory electoral laws have been maintained to this day.

All proposed changes to election laws are systematically turned down due to pressure by Islamist groups (Sayeed, 2018, July 21). AMC members still cannot register on the common (general) voters list; instead they have to register on publicly available separate lists specifying their religious identity. In order to do so, Ahmadiyya Muslims must a) sign a certificate denying the veracity of the founder

³ Published on 17 June 2002 in Gazette of Pakistan, titled Conduct of General Elections (Second Amendment) Order, 2002.

⁴ It included also a clear warning that providing inaccurate information about religion is punishable.

of the AMC; b) declare themselves as ‘non-Muslim’. Furthermore, there are severe obstacles for Ahmadiyya Muslims wishing to stand as candidates for any elections (national, provincial, or local-level); severe consequences are risked by the candidate, its relatives, and other close ones such as employees and supporters.

In sum, **it is apparent that the GoP and the ECP have all along adopted a well-considered and manipulative strategy ‘to ensure that Ahmadis are unable to participate in elections’, thus leading to their disenfranchisement.** AMC members are denied **their voting rights both in national and local elections. This was highlighted by The European Union Election Observation Mission (EU EOM) in both 2013 and 2018. The EU EOM stated that**⁵ ‘... the situation of the Ahmadi [Ahmadiyya] community remains unchanged. They are still registered on a separate electoral roll, contrary to constitutional provisions on the equality of citizens and against international law.’ Other observers note that this discriminatory situation violates Article 21 of the UN Human Rights Charter’s (1948), whose wording regards the right to a genuinely free and fair environment to elect the representatives under free voting procedures (Jamil, 2018, July 13). Pakistan’s electoral law contradicts not only the founding principles of the country itself but also ‘the spirit of justice’ and articles 3, 4, 36 and 37 of the Constitution of 1973 (Jamil, 2018, July 13).

2.1.2 State policy of appeasement of apartheid proponents

Anti-Ahmadiyya Muslims sentiments and agitations have a long history in South Asia. Even before the end of the British colonial rule in 1947, religious extremist groups - most notably the *Majlis-i-Ahrar-i-Islam*⁶ - portrayed Ahmadiyya Muslims as heretic (Saeed, 2007, pp. 136-137). The persecution against the AMC gathered much momentum after the emergence of Pakistan as an independent state. In organisational terms, anti-Ahmadiyya Muslims sentiments found their first major expression in 1953, when ‘a group of prominent *ulema* (body of Sunni Muslim scholars⁷) launched a social movement demanding that the GoP forcibly declare the AMC a non-Muslim minority (Saeed, 2012, p. 190). This movement escalated in large-scale pogroms leading to physical harassment against as well as killing and displacement of thousands of Ahmadiyya Muslims in the city of Lahore – much tragedy ensued until martial law was declared and security forces restored law

⁵ See also: <http://stopthepersécution.org/rights-denied/>

⁶ Since its formation, the *Majlis-i-Ahrar-i-Islam* launched persistent public campaigns against Ahmadiyya Muslims. Moreover, this organization not only opposed the AMC but also the creation of Pakistan as an independent state. See also Oxford Islamic Studies Online:

<http://www.oxfordislamicstudies.com/article/opr/t125/e1397>.

⁷ The term ‘ulema’ refers to a body of Muslim scholars trained in Islamic prudence which perceive themselves as the guardians, transmitters and interpreters of religious knowledge, Islamic doctrine and law

and order. Although at the time the state did not give in to Islamist demands and pressure, the situation changed drastically in the following years and culminated in legal-constitutional persecutions against the AMC (starting in 1974). State-sponsored discrimination seems to have been linked to the emergence of a new anti-Ahmadiyya Muslims movement launched in the same year and which led to a second major wave of riots against the community. Since then, being afraid of the clerics' capacities to mobilise religious fanatic mobs and in order to avoid this 'street pressure', the GoP chose to appease the country's Islamist clergy by enforcing repressive measures against the AMC. It is crucial to mention that this general principle or 'appeasement approach' evolved during the last decades from rather sporadic and reactive into an established, systematic, proactive strategy - meaning that today the GoP appeases Islamists by persecuting the AMC even in the absence of any concrete pressure. Naturally, this appeasement strategy not only panders to Islamist extremists but also encourages their harassment and violence against Ahmadiyya Muslims.

2.1.3 Direct political encouragement of activities that discriminate against Ahmadiyya Muslims

It is reported that state authorities are 'engaged in anti-Ahmadiyya rhetoric' and participated in events which incite violence against AMC members (USDOS, 2018, May 2019, p. 1). Extremists observing speeches and campaigns of hate against religious minorities by government officials in the country are encouraged to heighten discrimination against Ahmadiyya Muslims.

In this context, the removal of Atif Mian, a well-known U.S.-based economist who belongs to the AMC, from the Economic Advisory Council after the current government relented to pressure by Islamist groups not only encourages anti-Ahmadiyya agitation but also heightens fear among the members of this community (Anwar, 2018, October 11).

Another example of how Pakistani officials, especially government officials and lawmakers, encourage attacks against the AMC is the deafening silence regarding those incidents. After most major attacks there was hardly any condemnation of the violence involved - neither on the government side nor by the media. Instead one observes a 'massive indifference' among politicians (Walsh, 2010, June 7). Also, the fact that the government usually neither offers any compensation nor expresses any solidarity with the victims of anti-Ahmadiyya Muslims violence⁸ can be interpreted

⁸ It is interesting to note here that the bloodiest attack against the AMC in Pakistan to this day, the 2010 twin attack against Ahmadiyya Muslims, was only condemned by the National Parliament after three female politicians crossed party lines and pushed a resolution through. However, Pakistani lawmakers made sure that the condemnation did not receive too much attention by passing a second, adjournment motion in the form of the condemnation of an Israeli security operation on a Gaza-bound aid flotilla (Dawn, 2010, June 4).

by the perpetrators as further encouragement.

2.1.4 State sponsorship of anti-AMC groups and activities

As indicated above, the GoP changed its policy towards the AMC in what can be described as a persistent and linear process. More concretely, an initial approach of accommodation⁹ was gradually transformed - first into a strategy of exclusion and later into what can only be assessed as comprehensive, open, state-supported persecution. Besides the use of legal-constitutional instruments, Pakistan's authorities not only gave into Islamist pressure but started to actively support Islamist forces. This includes financial support (e.g., in the form of public/government grants to charity organisations functioning as societal front organisations of militant Islamist groups or in the form of payments to clerics preaching hate and violence against AMC), political and judicial protection of perpetrators (granting impunity), and political mainstreaming (Fazil, 2017, October 24) of radical Islamist groups (allowing the formation of radical Islamist political parties). This not only gives Islamists more political leverage but also helps to further entrench anti-Ahmadiyya sentiments into the political-administrative system of Pakistan. As such, one must point out that this state-sponsorship of anti-AMC groups and activities is systemic in nature and constitutes what can only be called a general policy by the GoP.

2.1.5 From 'Soft-Corner' to 'Capitulation': Loss of sovereignty/decision-making power by authorities vis-à-vis Islamists

The extent to which the GoP allows itself to be blackmailed by Islamist forces is so extremely high that one can't speak anymore about a 'soft corner' by the authorities regarding religious extremists. Instead one must describe the current state of affairs as a 'capitulation' of the GoP and his administration before Islamist forces – a capitulation reflected in a loss of sovereignty and decision-making power by authorities in numerous domestic areas, foremost in affairs related to Ahmadiyya Muslims. There are numerous examples of this phenomenon. In October 2017, the then president of Pakistan signed into law a bill that would transform the 'electoral oath'¹⁰ [*Khatm-i-Naboowat* oath] affirming the belief that the Prophet Muhammad is the final prophet of Islam to a "declaration" and abolished separate voter lists for AMC members (USDOS, 2018, May 29, p. 1). This amendment to

⁹ It is interesting to note that Muhammad Ali Jinnah, known as the founding father of Pakistan, explicitly invited Ahmadiyya Muslims to migrate to Pakistan at the time of the partition of British India (and the subsequent emergence of Pakistan and India as independent states), and assured the AMC members 'that their rights as full citizens of Pakistan would be fully protected' (Saeed, 2007, p. 136).

¹⁰ Public office holders in Pakistan are required to take an oath confirming the finality of prophethood (*Khatm-i-Naboowat*).

the Election Act 2017 could also be seen as ‘a softening of the state's position against Ahmadi Muslims¹¹ [AMC members]’ (Hashim, 2017, November 3) since the *Khatm-i-Naboowat* oath ‘had been made not applicable to non-Muslim candidates’ (Khattak & Guramani, 2017, October 5). The Sections 7B and 7C of The Conduct of General Elections Order, 2002¹², which relate to the status of AMC members, had been omitted from the Elections Act of 2017 (ET, 2017, November 16). This decision sparked strong protests among radicalised Islamist hardliners in Pakistan, leading to a massive rally and general blockade of Islamabad¹³ during three weeks (RFE/RL; 2017, November 27). It is also important to note that the army refused to follow the orders by the federal government to restore law and order (Economist. 2017, November 30; Johnson & Shahzad, 2017, November 28). After it became clear that the police and specialised forces were not able to control the situation, the Ministry for Interior issued an order on 25 November 2017 requesting the Pakistani Army the proceed with a ‘deployment of sufficient numbers of troops’ under Article 245 of the Constitution so as to aid civilian law-enforcement agencies (Ali, 2017, November 26). Yet instead of deploying troops as ordered, the COAS requested a meeting with the PM and called for a ‘peaceful resolution’ (Dawn, 2017, November 25). Many observers hold that the military not only sides with Islamist protesters but actually supports them (Khan, 2017, November 26). The Pakistani army actively contributes to the persecution of the AMC by hampering reforms of discriminatory laws and by undermining decision-making powers by the civilian government (Economist, 2017, November 30) in its attempts to improve the legal status of the country’s minorities. Economic losses due to the blockade of major routes for transit and transport (Reuters, 2017, November 10) were additional factors forcing the government to abandon their plans for reform. The contentious amendment was declared a ‘clerical error’ (Chaudhry & Bhatti, 2017, October 4) and the respective bill was amended so as to revert to the original wording (Hashim, 2017, November 3) via the Elections Reform Amendment Bill 2017 (Khattak & Guramani, 2017, October 5). Pakistan’s then law minister Zahid Hamid was forced to resign (DW, 2017, November 27). This cannot but be interpreted as a serious weakening of the government’s decision-making power.

Another crucial example of capitulation by the state in the face of Islamist pressure is that authorities allow radicalised vigilantes and mobs to take ‘the law’ into their own hands and kill people over

¹¹ awmakeLrs pointed out that there were no significant changes to the Khatm-i-Naboowat declaration. Instead ‘through the Elections Act 2017, the words in Form-A “I solemnly swear” had been replaced with “I believe” in a clause relating to a candidate's belief in the finality of the prophethood of Prophet Muhammad...’ (Khattak & Guramani, 2017, October 5).

¹² <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/96214/113651/F1497294124/PAK96214.pdf>

¹³ There are reports that other urban areas in Pakistan were also affected by violent Islamist demonstrations, e.g. Pakistan’s crucial port city of Karachi (RFE/RL; 2017, November 27).

alleged blasphemies (Aziz, 2017, August 15). According to a report from the Center for Research and Security Studies (CRSS) in Islamabad, at least 60 people¹⁴ were victims of extrajudicial killings between 1990 and April 2013 (CRSS, 2013, April). Furthermore, there are reports that the functionality of the justice system, foremost the lower courts, is severely hampered when it comes to blasphemy cases: ‘Whenever such cases are heard there are mobs that surround the courts, and sometimes the defendant is even murdered’.¹⁵ Most worrying is that security agencies do not offer sufficient protection to courts and their justices, which is one of the main reasons why Jihadists are able to compromise Pakistan’s judicial system.

2.1.6 Intended failure by the state regarding minority rights and protections

It is argued here that the Pakistani state is failing to protect its minorities and their rights not because of a lack in capacity but because of a lack in political will. Such lack is clearly visible in the fact that many violent incidents, including attacks against individuals¹⁶ and large-scale assaults on religious places and properties of the AMC - like that against an AMC mosque in Lahore in December 2016 (Reuters, 2016, December 8) - are foreseeable and consequently preventable. It was obvious, after the government’s decision to honour an internationally renowned scientist belonging to the AMC – a decision which stirred massive protests among the country’s conservative clergy and fundamentalist Islamist groups - that a large procession would take place so as to mark the birthday of Prophet Mohammad. Any simple consideration of past patterns regarding attacks against minorities in Pakistan would leave no doubt about the eminent danger of a new attack against the AMC. However, the state failed to provide protection (e.g., in form of the deployment of additional security forces) to any AMC religious site. This obvious failure to either prevent foreseeable attacks or protect victims of ongoing attacks constitutes another form of discrimination. Furthermore, one must state that large numbers of Pakistani politicians are obviously convinced that there are much larger political gains to be reaped by actively and directly engaging in both discriminatory policies and in the sponsorship of terrorist acts against minorities than in the protection of the lives and political rights of minorities.

¹⁴ Al Jazeera reports about 69 killings between the 1990s and August 2017 (Aziz, 2017, August 15).

¹⁵ IA Rehman, Secretary-General of the Human Rights Commission of Pakistan, quoted in Alvi (2015, April 28).

¹⁶ For example, the killing of the retired Professor Muhammad Yusuf, member of the AMC, who was murdered because of his faith in Lahore on January 5, 2010. It is reported that the killing was preventable: (1) The deteriorating sectarian situation was known and was the cause of major concern among observers; (2) Professor Yusuf was a well-known public figure president, besides being the president of the local Ahmadiyya community; (3) The instigators had previously been reported to the police. There can be no doubt that the target killing of Professor Yusuf was preventable (AMC, 2010, December 31, p. 28).

2.1.7 Undermining reforms of discriminatory laws and the establishment of safeguards against the misuse of laws

Another remarkable example in this context is the August 2017 attempt by the Islamabad High Court (IHC) to change the blasphemy law in order ‘to prevent people from being falsely accused of the crime’ (Aziz, 2017, August 15). The fact that ‘there is an only very minor punishment for falsely accusing someone of blasphemy’ is one of the reasons why blasphemy laws are exploited for partisan interests¹⁷ - as well as for matters of personal revenge (Aziz, 2017, August 15) or tribal and community rivalries (CRSS, 2013, April, p. 7). The Islamabad High Court (IHC) directed the National Assembly to take action to amend the penal code so as to ‘make the blasphemy law tougher by fixing the same punishment for any person misusing it or falsely accusing someone of blasphemy’ (Asad, 2017, August 12). It is interesting to note that in the same order the IHC also rejected demands for a complete abolishment of the blasphemy laws by stating that ‘it was better to stop any exploitation of the law rather than abolishing it’ (Asad, 2017, August 12). Furthermore, the court ‘ordered a complete ban on the social networking site Facebook in case the website management does not conform to Pakistani laws’ (Asad, 2017, August 12). Another matter of concern, as stressed by the U.S. Commission on International Religious Freedom, is that ‘despite the law’s rampant abuse and lack of procedural safeguards, Pakistan’s Federal Sharia Court recently ruled that the death penalty should be the only penalty for blasphemy’ (USCIRF, 2014, March, p. 3).

In any case and despite the IHC’s clear stance on the matter, the National Assembly took no action to amend blasphemy laws so as to counter potential exploitations (USDOS, 2018, May 29, p. 9). Pakistan’s lawmakers actively undermine attempts not only to reform discriminatory laws but also to establish safeguards against the misuse of said laws.

2.1.8 Discriminatory contestation: The phenomenon of religious-political outbidding

‘Religious-political outbidding’¹⁸ is understood here as the process through which politicians compete for the support of a particular religious group and which often lead to ever greater demands by this group at the expense of other citizen interests. In the Pakistani context, the term refers to a strategy used by politicians so as to gain political capital and legitimacy (especially in time of unstable and/or authoritarian governments) by portraying themselves as guardians of the beliefs held by the

¹⁷ Justice Shaukat Aziz Siddiqui from the IHC emphasised that ‘under the existing law, the false accuser can only face proceedings under Section 182 of the Pakistan Penal Code (PPC)’ ... ‘Section 182 of the PPC entails the maximum punishment of six months or a fine up to Rs1,000 only’, which was described by the judge as a ‘very minor punishment for such a serious offence of accusing someone of blasphemy’ (Asad, 2017, August 12; Aziz, 2017, August 15).

¹⁸ The term ‘religious-political outbidding’ as used by the author, is derived from the concept of ‘ethnic outbidding’ as defined by Donald L. Horowitz (1985). *Ethnic Groups in Conflict*. Berkeley: University of California Press, pp. 410-416.

majority - Sunni Muslims. A most favoured strategy consists in describing (or at least promoting the image of) Ahmadiyya Muslims not only as ‘non-Muslim’ but also as an ‘alien, hostile element’ – hostile towards Sunni Muslims and as such towards the Pakistani state and society as a whole. These politicians who use religious-political outbidding aim to foment xenophobia (‘a kind of ‘Ahmadiyya-phobia’¹⁹) and produce maximum fear among the majority religious group regarding threats to their beliefs and to the country’s identity. Politicians appeal to the majority’s perceived interests regarding the protection of their religious and national identities (since Pakistan is an Islamic Republic) – and proceed through the rationale that in order to protect both, Islam needs to be kept ‘pure’. In order to portray themselves as capable of ‘protecting Islam’, they promote exclusive and repressive policies against the AMC. It appears that Pakistan’s politicians expect that through the exploitation of anti-Ahmadiyya Muslims sentiments a ‘rally around the flag’ effect among Sunni Muslims is to follow which will bolster their own power and delegitimise political opponents. Pakistan’s politicians are thus entering a demagogic, vicious cycle. When one politician gets traction by demonising the AMC, others follow suit — and even try to top the first comer’s actions. This phenomenon is particularly obvious during elections. Anti-Ahmadiyya Muslims rhetoric regularly infects mainstream electoral campaigning as part of efforts to win over the votes of the religious conservative electorate. Anti-Ahmadiyya Muslims rhetoric reached a new peak during the last general election in 2018, after mainstream political parties witnessed the success of Islamist political parties and responded by intensifying their own anti-AMC agenda (Sayeed, 2017, November 16).

2.1.9 Truncation of other fundamental civil and political rights (Human Rights)

The AMC is deprived from numerous fundamental civil and political rights due to the country’s discriminatory and/or ambiguous legislation (USDOS, 2018, May 29, p. 1). Ahmadiyya Muslims in Pakistan suffer severely from a lack of protection of their individual freedoms’ vis-à-vis infringement by both the GoP itself, civil society organisations and private individuals. Denied rights include freedom of assembly and association, freedom of speech and expression (including freedom of press), freedom of employment (free choice of occupation), right to self-defence, and freedom of movement, among others. Furthermore, due to faith-based persecution by the authorities and Islamist sections of society, Ahmadiyya Muslims are deprived from the opportunity to participate freely (meaning without facing discrimination and repression) in societal and political life. These civil and political rights constitute the essence of international human rights – and it is an international outrage that the

¹⁹ For example, politicians are describing the practice of AMC beliefs as provocation and discrimination against Sunni Muslims and subsequently as a threat to law and order.

AMC must face such state-sponsored, systematic human rights violations threatening its members' lives, safety and physical as well as mental integrity.

In this context, it is also crucial to mention that AMC members are excluded from top political posts in Pakistan. The constitution requires both the Prime Minister and President both to be Muslims (USDOS, 2018, May 29, p. 8). A more specific regulation, very far-reaching as regards the AMC, concerns the provision in the Code of Criminal Procedure pointing out that only Muslim judges can preside over section 295-C trials ('Blasphemy Cases', ICJ, 2015, November). Furthermore, all senior officials, including members of Parliament, must swear an oath to protect the country's Islamic identity (USDOS, 2018, May 29, p. 8). This regulation also requires that elected officials swear an oath affirming their belief that the Prophet Muhammed is the final prophet of Islam (USDOS, 2018, May 29, p. 8). Such vows, as we have seen, are contrary to Ahmadiyya Muslims' faith. There is an obvious strategy by Pakistani lawmakers to exclude Ahmadiyya Muslims from any relevant political decision-making power. Such attempts can be traced back to the early independence years, when religious extremists demanded not only the declaration of the Ahmadiyya Muslims as 'non-Muslims' but also their exclusion from all public offices (Friedmann, 1989, pp. 36-38). One of the most prominent examples of this phenomenon regarded the demand for the resignation of Muhammad Zafarullah Khan²⁰ who was appointed as Pakistan's first Foreign Minister.

2.2 Constitutional-legal and judicial dimensions

Pakistan's constitution establishes Islam as state religion²¹ but recognises the 'Freedom to profess religion and to manage religious institutions' (NAoP, 2012, p. 12). The constitution states 'subject to law, public order, and morality -, (a) every citizen shall have the right to profess, practice, and propagate his religion; and (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.' (NAoP, 2012, p. 12). Furthermore, the constitution states that no person shall be compelled to pay any special tax for the propagation or maintenance of a religion other than his or her own (USDOS, 2018, May 2019, p. 5). One must also point out that according to Pakistani law, *madrasas* (Islamic religious schools) are prohibited to teach or encourage sectarian or religious hatred or violence. However, it is important to note that these

²⁰ Muhammad Zafarullah Khan, a prominent Ahmadiyya Muslim, was also President of the Muslim League Conference in 1931 and was member of the British viceroy's executive council - as well as chairman of the All-India Kashmir Committee promoting the interests of Muslims living in Kashmir under the reign of the Hindu Maharaja of Kashmir (Friedmann, 1989, p. 37).

²¹ Actually, it was only the Constitution of 1973 (Article 2), which declared Islam to be Pakistan's State religion. This constitutes a clear departure from the Constitutions of 1956 and 1962 (Khan, 2010, p. 587).

provisions, while basically providing religious freedom, at the same time target directly the AMC (Khan, 2003, p. 218).

In this context it is important to stress two crucial phenomena:

Firstly, that initially the AMC was treated in constitutional-legal terms as a religious minority within Islam and enjoyed the same legal status as other Muslim communities such as Sunni or Shia Muslims (Lau, 1994, January 1). According to Martin Lau, AMC members were therefore governed by Islamic personal law (including the area of family law). Also, Ahmadiyya Muslims were allowed to contest elections as Muslims and were able to assume public offices reserved for Muslims, for instance taking office as President (Lau, 1994, January 1).

Secondly, that all administrations and higher courts in the first years of Pakistan's independence turned down attempts to declare AMC members as 'non-Muslim'. One of the most remarkable judgments in favour of the AMC in Pakistan's first decade was the case Abdul Karim Shorish Kashmiri²² v. The State of West Pakistan PLD 1969 Lahore 289 ('Kashmiri'). This judicial decision clearly states that AMC members are citizens of Pakistan and as such they '...were guaranteed by the Constitution the same freedom to profess and proclaim their religion as any other citizen of Pakistan and that Ahmadis [Ahmadiyya Muslims] are within the fold of Islam' (Lau, 1994, January 1). Only after constitutional engineering by the government of Zulfikar Ali (Z.A.) Bhutto in 1974 was a legal process started which was to function as a critical juncture in the judicial treatment of the AMC, leading to a comprehensive legal-constitutional persecution of Ahmadiyya Muslims - in consequence of which perpetrators of violence against AMC members were to act with impunity.

2.2.1 Constitutional-legal embedment of the persecution against the AMC

The origins of the constitutional and legal embedment of the persecution against the AMC in Pakistan can be traced back to two major judicial moves. The first was made under the civilian administration of Z.A. Bhutto, who initiated the process of legal discrimination against Ahmadiyya Muslims in 1974. Bhutto's administration enacted an amendment to the Article 260 of the 1973 Constitution of Pakistan (Constitution *Second Amendment Act*, 1974) which declared the Ahmadiyya Muslim Community to be a 'non-Muslim (Islamic) minority' (Keddie, 1987, p. 40). More concretely, his administration

²² Abdul Karim Shorish Kashmiri, a prominent journalist, public orator, and vocal member of the *Ahrar* (religious fanatic, anti-Ahmadiyya group) deployed his weekly Urdu periodical *Chattan* as an instrument for spreading anti-Ahmadiyya Muslims rhetoric as part of a larger cultural campaign against the AMC. (Saeed, 2016, p. 115-116). The 'Kashmiri' case concerned an order passed by the Punjab provincial government that banned the *Chattan*. A.K.S. Kashmiri tried to challenge the administration's order by arguing that the decision of banning of his paper infringed on his right to freedom of speech. However, the appeal was rejected by the judges on the ground that the 'the religious right of Ahmadis to freely proclaim their religious identity was given legal precedence over Kashmiri's right to freedom of expression, with the latter likened to "religious persecution" of Ahmadis' (Saeed, 2011, p. 8).

added a new clause explaining who is to be considered a ‘non-Muslim’²³. As such, one can state that the Second Amendment Act indirectly declared AMC members to be ‘non-Muslim’- indirectly because the newly-provided definition of a ‘non-Muslim’ did not specifically refer to Ahmadiyya Muslims. Nevertheless, the constitutional amendment of 1974 in practice defined the AMC as outside the ‘official understanding’ of who is to be considered a Muslim. Besides the Article 260, another article was amended - the ‘Article 106, which pertains to the formation of provincial assemblies and distribution of the seats within such assemblies was also amended to make mention of Ahmadis [Ahmadiyya Muslims] amongst the non-Muslim faiths described in the Article for the purpose of reservation of special seats for them’ (Khan, 2010, pp. 291-292).

Martin Lau (1994, January 1) states that this first step in the development of constitutionally-contemplated persecution against the AMC had only ‘limited’ (legal) effects in practice.²⁴ The re-definition of the AMC as a non-Islamic religious community deeply affected their political rights, yet crucial spheres of their private and public life - especially regarding their religious and social practices - remained untouched, at least by the GoP. More concretely, the 1974 amendment resulted in the exclusion of the AMC from general elections either as Muslim voters or as candidates. Instead the AMC were given special minority representation in the parliamentary domain along with Christians, Hindus and other non-Muslim communities (Lau, 1994, January 1). Nevertheless, despite the fact that they were now identified under Islamic law as ‘*dhimmi*’ (as second class citizens; Esposito, 1998, p. 336), and thus suffered truncations of their political rights (foremost their right to vote and be eligible in any way to senior positions in the political-administrative structure of the country) the AMC was able to maintain their status as Muslim under the country’s civil law (including family law). Moreover, as Sadia Saeed (2011, p. 9) states, ‘in terms of practicing Islam in the public space, the amendment had no practical effects’ for the AMC. But this legal and in effect public space given to the AMC provoked reactions among the conservative religious establishment and radical Islamist groups, which were translated in a series of claims and petitions to Pakistani courts. One of the most prominent such cases filed against the AMC in order to prohibit them to practice Islam is the case of *Abdur Rahman Mobashir v. Amir Ali Shah* (‘Mobashir’), which was brought to the Lahore High

²³ This new clause - Article 260 (3) – stated that ‘a person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (PBUH) as the last of the Prophet, in any sense of the word or of any description whatsoever, after Muhammad (PBUH), or organises such a claimant as a Prophet or a religious reformer, is not a Muslim for the purposes of the constitution or law’ (Khan, 2010, pp. 291-292)

²⁴ However, that the AMC did not face deep legal ramifications due to new regulations introduced by the Z.A. Bhutto administration should not be misinterpreted as meaning that Ahmadiyya Muslims could feel safe in their country. Instead, the fact that the GoP finally initiated the process of exclusion of the AMC encouraged the firebrand Islamists to enhance their anti-Ahmadiyya campaigns.

Court in 1978 (Uddin, 2016, pp. 82-83). Courts at the time did not differ much from the “spirit” of the 1974 regulations by highlighting that one can’t bar the AMC ‘from continuing to perform religious practices associated²⁵, as was alleged by the petitioners, exclusively with Islam as defined by the majority Sunni community’ (Lau, 1994, January 1).

But this approach by Pakistan’s judiciary towards Ahmadiyya Muslims changed drastically under the reign of military dictator President Mohammad Zia-ul-Haq (1976 –1988) and his Islamic reform program called the *Nizam-i-Mustapha* (System of the Prophet) - also known as the *Nizam-i-Islam* (System of Islam; Esposito, 1998, pp. 175-176). There are no doubts that the first concrete steps towards the introduction of Islam as a political instrument and the Islamisation of Pakistan were taken by Z.A. Bhutto (Hassan, 1985, p. 263). This is especially true of those steps affecting the AMC. Zia’s Islamization program, the core constituent of his political agenda, differed significantly from both his predecessor Bhutto and all previous administrations by military rulers, namely Ayub Khan (1958-1969) and Yahya Khan (1969-1971). By sympathising with hard-line religious groups and nurturing the jihadist ideology (Haqqani, 2005, p. 131), Zia conducted the first systematic campaign intended to transform the country into a ‘true orthodox Islamic State and Society’ (Hassan, 1985, p. 264; Murphy & Malik, 2009, p. 24). Besides several modifications of the country’s institutional-administrative system (e.g., the establishment of a Federal Sharia Court accorded with wide discretionary power) he pushed several criminal ordinances through the parliament.

According to Khan (2003, p. 227), five of these ordinances explicitly targeted religious minorities: ‘a law against blasphemy; a law punishing the defiling of the Qur’an; a prohibition against insulting the wives, family, or companions of the Prophet of Islam; and two laws specifically restricting the activities of Ahmadis’. After observing the difficulties faced by anti-Ahmadiyya Muslims campaigns attempting to use civil law so as to attack the AMC’s religious practices (including legal punitive measures), Zia-ul-Haq became involved in the area of criminal law (Lau, 1994, January 1). His administration issued the above-mentioned Martial Law Ordinance XX of 1984 - also known as the Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance of 1984, or simply the ‘Blasphemy Laws’. These added the new sections 298B and 298C to the Pakistani Penal Code (PPC) [see also table 1 below], 1860, and amended both section 99A of the Code of Criminal Procedure, 1898 and section 24 of the West Pakistan Press and Publications Ordinance, 1963 (GoP, 1984, April 26). The Ordinance XX curbed activities by any religious minority in general but affected the AMC in particular (Khan, 2003, p. 227). ‘Ordinance

²⁵ Practices like calling *Azaan*, the Muslim call to prayers, or the naming of Ahmadiyya places of worship “mosques”, among others.

XX’ - proclaimed on 26 April 1984 – effectively criminalised religious expressions by the AMC in general and their engagement with Islam in particular (Ahmed, 2018, October 31).

Section 298-B criminalises AMC members for the use of various Islamic terms²⁶ whereas 298-C is so unlimited in scope that it basically criminalises anything Ahmadiyya Muslims ‘may say or do in relation to Islam’ (Ahmed, 2018, October 31). For example, AMC members ‘were prohibited from using any of the epithets, descriptions, or titles reserved for holy personages or places in Islam’, calling their place of worship ‘Majid’ (or mosque), or reciting the ‘azan’ (or call for prayers), or using the Islamic greeting ‘Assalamo alaikum’ (Peace be on you; Khan, 2010, p. 366-367).²⁷ Ahmadiyya Muslims ‘were thus prevented from practising, preaching, and propagating their faith’ - either verbally or in writing’- and were made liable to harassment and prosecution for any of their religious practices” (Khan, 2010, p. 367; Khan, 2003, 227). In sum, Ordinance XX - especially the amendments to the PPP - were highly discriminatory and only intended to prevent the AMC from ‘displaying signs of Muslimness’ (Ahmed, 2018, October 31) - prevent them from identifying (calling) themselves as Muslims (“Posing” as Muslims) [Hashim, 2017, November 3]). An Ahmadiyya Muslim contravening these provisions was liable to punishment of imprisonment and fine (see table below).

Furthermore, under the leadership of Zia-ul-Haq, another amendment to the constitution was enacted under the provisions of the Constitution (Third Amendment) Order, 1983, which further clarified the explanation of who was to be considered a non-Muslim in Article 260 (3) by adding a new sub-clause [Article 260 (3) (b)]²⁸ providing a list of groups that were legally-speaking ‘non-Muslims’ (Khan, 2003, p. 225). This amendment was further modified in 1985, ‘now giving the definitions of both the terms ‘Muslim’ and ‘non-Muslim’ (Khan, 2010, p. 587).

Table 1: Pakistan’s anti-blasphemy laws (Pakistan’s Penal Code/PPC)

PPC	Description	Penalty
298-A	Remarks derogatory to holy personages	3 years imprisonment, fine, or both
298-B	Misuse by Ahmadis [Ahmadiyya] of epithets, descriptions, and titles reserved for certain holy personages	3 years imprisonment and fine

²⁶ In its judgment, the Pakistan Supreme Court provides that Islamic terminology is a trademark of the Islamic faith and may not be appropriated by minorities (Malik, 2018, May 20; Lau, 1994, January 1).

²⁷ See also: <http://stopthepersecution.org/countries/pakistan/>

²⁸ This new clause states that “non-Muslim” means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi communities, a person of the Qadiani Group or the Lahori Group (who call themselves ‘Ahmadis’ or by any other name), or a Bahai, and a person belonging to any of the scheduled castes. (Lau, 1994, January 1).

298-C	An Ahmadi [Ahmadiyya] calling himself a Muslim, preaching or propagating his faith, outraging the religious feeling of Muslims, or posing as a Muslim	3 years imprisonment and fine
295	Injuring of defiling places of worship, with intent to insult the religion of any class	Up to 2 years imprisonment, fine, or both
295-A	Deliberate and malicious acts intended to outrage the religious feeling of any class by insulting its religion or religious beliefs	Up to 10 years imprisonment, fine, or both
295-B	Defiling the Quran	Life imprisonment
295-C	Remarks derogatory to Prophet Mohammed	Death and fine

Source: Malik (2011)

2.2.2 Complete legalisation of persecution against the AMC by the judiciary

Pakistan's Supreme Court, as the country's highest judicial authority and final arbiter of legal disputes as well as final interpreter of constitutional law, has the power to dismiss any law contrary to any of the fundamental rights contained in Part II, Chapter 1 of the Constitution of Pakistan (Lau, 1994, January 1). Numerous AMC members appealed to the Supreme Court so as to defend their basic rights from the violations contained in Ordinance XX, amendments to the PPC and other legal provisions. These petitions to the Supreme Court argued that Ordinance XX is contrary to the constitutionally guaranteed fundamental right to freedom of religion as provided in article 20 of the Constitution of Pakistan.

One of the most remarkable examples is the judgment in the case of *Zaheer-ud-din v. the State* 1993 SCMR 1718.²⁹ According to Martin Lau, this judicial decision can be regarded as the most important judgment by a Pakistani court on the fundamental right to freedom of religion since the country's independence in 1947 (Lau, 1994, January 1). In sum, the Supreme Court dismissed the appeals by AMC members and confirmed the Ordinance XX's constitutional validity, maintaining that it does not violate the principle of freedom of religion (Lau, 1994, January 1; Siddiq, 1996, p. 292). In their

²⁹ Based on the petition for review by Zaheeruddin to the Pakistan Supreme Court 1993 S.C.M.R. 1718 (1993) (Pak.). According to Siddiqui (1996), the Supreme Court voted four to one in favor of declaring Ordinance XX to be constitutionally valid.

(majority) judgment, the justices followed the rationale introduced by the Islamisation process of Z.A. Bhutto and Zia-ul-Haq by asserting that Ahmadiyya Muslims are ‘non-Muslims’ and any self-representation by the AMC ‘as Muslims is necessarily a fraud and deception upon the public’ (Siddiq, 1996, p. 277).

This judgment had far-reaching consequences for Ahmadiyya Muslims as well as for all religious minorities in Pakistan. Firstly, the Supreme Court confirmed the legal status of Ahmadiyya Muslims as ‘non-Muslims’. Secondly, the Supreme Court upheld the notion propagated by Islamists that activities by AMC members and the propagation of their faith is resisted by the Muslim ummah as it would somehow challenge the integrity of the ummah. Thirdly, the judgment confirmed the legality of the persecution against AMC members by accepting the constitutionality of discriminatory and criminalising laws. Fourthly, it constituted an ‘attempt to establish a new interpretation of the scope and the limits of fundamental rights in Pakistan’ (Lau, 1994, January 1). In brief, the court introduced a new and highly restrictive interpretation of fundamental rights and allowed Islamic law to be used so as to contain them. This has severe legal ramifications for all religious minorities. Fifthly, the judges reinforced the role of both state and courts as ‘guardians of just one religion, i.e. the state religion, namely Islam’ (Lau, 1994, January 1). Numerous observers are concerned about these stands by the country’s judiciary, especially the way they give into pressure by fundamentalist clerics. Hamid Khan states that ‘this judgment manifests that religious prejudice and intolerance has seeped into the minds of judges, and religious minorities in Pakistan cannot expect anything by way of even-handedness and justice even from the judiciary’ (Khan, 2010, p. 594). This opinion is also shared by Siddiq, who points out that the ‘Court participated in the intolerance and subversion of freedom of conscience and religion by deciding against the Ahmadiyya Community’ (Siddiq, 1996, p. 309). Numerous reports confirm that AMC members are denied access to natural justice and procedural fairness.

2.2.3 Misuse of the Blasphemy laws

A great many people, including minors, are imprisoned each year on blasphemy charges (USDOS, 2018, May 29, p. 9; CRSS, 2013, April, pp. 54-55). Several among those imprisoned were sentenced to death. It is important to point out that ‘blasphemy laws disproportionately impacted members of religious communities’ (USDOS, 2018, May 29, p. 9). The misuse of Blasphemy laws is persistently leading to unlawful arrests due to false, unfounded accusations. Numerous Blasphemy charges are fabricated in order to settle personal grievances such as conflicts with neighbours, business rivals or family-related vendettas. Besides the failure by courts to ensure basic evidentiary standards, another

worrying phenomenon in the context of ‘made-up’ blasphemy complaints is that often both the courts and the police support these actions. There is an obvious lack of political will to eradicate or even limit the misuse of blasphemy law provisions. This is extremely grave since victims of false blasphemy charges face severe consequences. It is reported that people imprisoned on blasphemy charges are not only mistreated (including torture) but also sometimes die in custody ‘while waiting trial’ - or experience long-time imprisonment without any trials when opened ‘blasphemy cases continued without solution’ (USDOS, 2018, May 29, p. 9), an increasing trend in Pakistan. According to legal experts, ‘an accusation of blasphemy hardly ever results in legal process’ (Aziz, 2017, August 15). Aarafat Mazhar, an independent researcher who launched a campaign intended to use Islamic legal reasoning so as to demand an overhaul of Pakistan’s blasphemy law (Alvi, 2015, April 28), points out that ‘Labelling a specific person or a community as being a blasphemer or just being anti-Islamic in general can be a death sentence and is a cause for disruption in public order’ (Aziz, 2017, August 15). In consequence, the application of Pakistan’s blasphemy laws is a major concern for religious minorities in general and for Ahmadiyya Muslims in particular.

2.2.4 The misuse of anti-terror laws and the role of military courts in the persecution against the AMC

It is reported that Pakistan’s security-sector agencies use anti-terror laws so as to target the AMC. For example, the provincial government of Punjab conducted several actions against Ahmadiyya Muslims after accusing several among them of producing ‘hate literature’ (Sayeed, 2017, November 16). Such measures include raids against media associated³⁰ with the AMC (Sayeed, 2017, November 16), constituting a clear violation of freedom of expression.

In this context, one must mention that blasphemy and anti-terror laws are used not only so as to target the AMC and other religious minorities but also against forces of the political opposition and various kinds of critical voices, especially those daring to question the role of the army in the country’s political structure (BAMF, 2018, November, p. 2). The new military courts take on a special role in the persecution against Ahmadiyya Muslims. The strong correlation between an undermining of Pakistan’s democracy and the repression against the country’s minorities is hard to deny.

According to many observers, political developments in Pakistan became characterised by deficient institutionalisation and chronic instability among civilian administrations, creating a void gradually

³⁰ For example, the Counter Terrorism Department of the Punjab Government (CTD) carried out an unlawful raid on the offices of the Tehreek-e-Jadid (Tehrik-e-Jadid, or Rahwah Times), a Rabwah-based monthly journal of the AMC (AHRC, 2016, December 13).

filled by the country's army. An imbalance of power favouring the armed forces was created, which in turn further weakened civilian power in political decision-making processes. The army established itself as the most dominant actor in state affairs, and through both direct and indirect intervention it was able to gain control over all significant areas of decision-making. Pakistan must be perceived as a case of failed civilian control. This is unfortunate, since civilian control of the armed forces is a necessary constituent of democracy and democratic consolidation. In the beginning of 2015, another unfortunate episode took place in Pakistan's truncated politics. Once again, the momentous military rhetoric of the 'doctrine of necessity' (Nawaz, 2008, pp. 363, 561) was put forward in order to justify direct intervention in national politics and thus establish formal prerogatives³¹ and an institutionally-ensured role for the military. On 6 January, both the National Assembly and the Senate approved the 21st Constitutional Amendment Bill and Pakistan Army Act 1952 (Amendment) Bill 201514. These laws provided constitutional cover for extending the jurisdiction by military courts to trial citizens suspect of terrorist activities. Moreover, the 21st amendment provides for shielding the Pakistan Army Act 1952, the Pakistan Army Act 1953, the Pakistan Navy Act 1961 and the Protection of Pakistan Act 2014 within the juridical scope of the Constitution's first schedule. The first schedule of the Constitution contains laws which are exempted from the application of Article 8 (1) and (2) of the Constitution, which are part of Chapter 1 of the Constitution and relate to fundamental rights. More concretely, the 21st Amendment Act provides for the creation of military speed trial courts (STCs) for offences relating to terrorism, waging war against Pakistan and prevention of acts threatening the country's security.

Although terrorism and Islamic fundamentalism need to be combatted fervently, the establishment of military courts gives observers cause for worry, especially as regards the AMC.

Firstly, the 21st Amendment constitutes a significant transfer of power to armed forces' authorities. Especially the fact that civilians can be subjected to military jurisdiction is a major cause for concern. It is not quite clear how far these special tribunals function under the supervision of the country's highest courts or whether any effective parliamentary oversight is contemplated. In this regard, one should mention that it is a generally accepted international principle that military courts should have no juridical clout over civilians (Decaux, 2010). In other words, the judicial system must ensure that civilians accused of a criminal offence of any nature, including terrorism, are brought to justice by

³¹ Institutionalised prerogatives describe formal rights through which the armed forces are able 'to exercise effective control over its internal governance, to play a role within extra-military areas within the state apparatus, or even to structure relationships between the state and political or social society' (Stepan, 1988, p. 93).

civilian courts. Military courts in many countries do not have a good reputation or record of offering a fair judicial system, especially regarding human rights and fundamental principles of justice (Decaux, 2010).

Secondly, both history and contemporary politics show that Pakistan's security circles have a quite idiosyncratic definition of terrorism, which is not necessarily in line with common understandings of this phenomenon. Subsequently, fears exist that the trials will be used not only against terrorism but also against the political opposition, critical media, and separatist groups, especially in the Baloch province (Jaffrey, 2015, January 6).

In sum, considering the discriminatory character of the country's legal-constitutional framework, military affinities with Islamists (Islamist-Military alliance), and the mechanisms through which the military identifies terror suspects, there is a high risk that Ahmadiyya Muslims are to be summarily sentenced by military courts apparently not competent to prosecute civilians (Lanzetta, 2017, April 26, p. 12).

2.3 Social and economic dimensions

Besides differing views on a cardinal principle of Islam regarding the finality of prophethood and Hazrat Muhammad (PBUH), much in anti-Ahmadiyya Muslims sentiments also has political and material overtones (Khan, 2010, p. 71). In other words, persecution against Ahmadiyya Muslims is also economically driven. In this context, one should highlight two points. Firstly, due to the fact that AMC members invest tremendously in education, many Ahmadiyya Muslims were able to 'hold prominent positions in government service and also in the profession' (Khan, 2010, p. 71). Secondly, Ahmadiyya Muslims are an economically successful community. Financial and educational success (Dawn, 2015, March 23) create resentments, envy and suspicions among some sections of the Sunni Muslim majority, which lead to persecution. As such, it is argued here that the rationale behind the repression of Ahmadiyya Muslims goes beyond religious controversies. Persecution against the AMC aims not only at the eradication of their religious beliefs³², but also at the appropriation of the economic resources and social leverage of its members.

2.3.1 Discrimination in access to employment

³² For more details on the attempts to eradicate the beliefs of the AMC in Pakistan section 2.4 Cultural and religious dimension.

The AMC also faces severe discrimination regarding access to employment. Numerous cases were reported in the last years regarding faith-based rejection of applications despite qualifications, denial of promotions, and other discriminations. These trends exist both institutionally and from within society. Regarding the institutional dimension of employment-related discrimination one can refer to a judgment by the Islamabad High Court (IHC) who decided on 9 March ‘that a faith affidavit was compulsory for anyone applying for a government or semi-government position, including the judiciary, armed forces and civil services.’ (Malik, 2018, May 20). In the above-mentioned case of Atif Mian (his withdrawal from the Economic Advisory Council), several religious fundamentalist groups publicly opposed the appointment of an Ahmadiyya Muslim to a key government position (Anwar, 2018, October 11) and were successful in exercising their influence over political decision-making. However, it is crucial to emphasise here that the discrimination against Ahmadiyya Muslims happens in all sectors of the collective, both public and private, and at all levels of employment. Low-income Ahmadiyya Muslims of course suffer most from employment discrimination since they are forced to work in the informal sector and/or undertake menial jobs – which they often hold despite high levels of formal qualification.

2.3.2 Discrimination in access to education³³

After a successful campaign to officially declare Ahmadiyya Muslims as ‘non-Muslims’, anti-Ahmadiyya forces in Pakistan focused on the persecution against the AMC in the field of education. As already indicated, Ahmadiyya Muslims were well-known for their high educational standards, which in fact make them one of the most educated communities in Pakistan. AMC members not only present an extraordinarily high overall educational level but also hold a strong presence among both staff and student bodies in universities; many well-reputed educational institutions in Pakistan are managed and/or owned by Ahmadiyya Muslims. This extraordinary contribution by Ahmadiyya Muslims to the country’s educational system and the high educational rates among this community - translated in an overall success in all spheres of state and society - led clerics and Islamist groups, in complicity with the GoP and provincial administrations, to undertake a variety of measures intended to marginalise or even eradicate the role of the AMC in the educational sector. These activities target the AMC on the following personal and institutional levels:

Firstly, reducing the number of educational institutions ran and/or owned by the AMC.

³³ For further reference and sources, see AMC (2018, December 31; March 27)

The GoP, together with provincial administrations, conducted several measures against educational institutions ran and/or owned by the Ahmadiyya. The most noteworthy, unlawful move so far was undertaken in the context of nationalisation and subsequent privatisation of schools and colleges in Pakistan. In 1972, the GoP nationalised and took over numerous institutions under private management, especially those run by Christians and by the AMC. In 1996, the government offered to return these institutions under certain terms and conditions. Despite the fact that Ahmadiyya Muslims met said conditions (including the payment of large sums of money) for unstated reasons the authorities (most notably the Government of Punjab³⁴) refused to transfer the management back to Ahmadiyya Muslims. Institutes in a similar situation were returned to numerous other parties all over the country.

Another instrument used to reduce the number of educational facilities run by Ahmadiyya Muslims is to hamper opportunities for opening new schools and colleges.

Secondly, the expulsion of Ahmadiyya Muslims engaged in the educational sector - including teachers, researchers, and administrative-managerial staff.

It is reported that Ahmadiyya Muslims employed in universities, colleges and schools are either not allowed to teach, posted away to distant locations, or summarily fired (or forced to resign). Furthermore, Ahmadiyya Muslims holding leading positions in educational institutions (deans, principals, or headmasters) are being systematically replaced.

Thirdly, denying the right to education for AMC students and pupils.

Basically the 'constitution prohibits discriminatory admission based on religious affiliation to any governmental educational institution' (USDOS, 2018, May 29, p. 8). The US Department of State points out further that according to Pakistan's regulations, the only factors affecting admission to government schools are students' grades and home provinces (USDOS, 2018, May 29, p. 8). However, applicants for public as well as private educational institutions are made to declare their religious affiliation on application forms.³⁵ There are numerous cases wherein Ahmadiyya Muslims are denied admission to educational institutions or are expelled without cause. It is also reported that

³⁴ After fully addressing the requirements, the *Sadr Anjuman Ahmadiyya* (Central Ahmadiyya Council, an executive body of the AMC responsible for administrative affairs) reclaimed the handing over of educational facilities which were taken away from them during the de-nationalisation process. However, to this day Punjab's authorities refuse the return the institution and ignore lawful claims.

³⁵ Applicants who identify themselves as Muslims must declare in writing that they believe the Prophet Muhammad is the final prophet. Non-Muslims are required to have the head/representative of their local religious communities verify their religious affiliation (USDOS, 2018, May 29, p. 8).

even when Ahmadiyya Muslims are able to enrol (or not being expelled) they are confronted with various other challenges intended to make them leave³⁶. Ahmadiyya Muslims are deprived from an equitable access to education.

Fourthly, formulation and implementation of anti-Ahmadiyya curricula

That the curricula in Pakistan's educational institutions - not only religious but also public - are increasingly adopting a rhetoric of hate so as to stir resentments against the country's minorities (SADF, 2018, July 11; 2017, February 7) is beyond doubt. This is particularly true regarding Ahmadiyya Muslims; most especially, textbooks that are a part of the national syllabus are being used to promote hate and extremism against the AMC.

Fifthly, the creation of a hostile environment and working conditions for Ahmadiyya Muslims

Islamists, especially local clerics, are spending much effort to create a hostile environment for Ahmadiyya Muslims (staff and students) in educational institutions. Student wings of Islamist parties are gaining influence in universities and colleges. These forces are not only engaged in spreading hate and formulating threats (both minor and grave) but also in conducting violent activities against Ahmadiyya Muslims, including murders. Besides the severe harassment and maltreatment of AMC staff and students, there are also reports about organised sectarian campaigns (speeches, distribution of pamphlets) calling for violence against the community. The perpetrators of such campaigns act unhindered and with impunity. Furthermore, local authorities show no interest to protect Ahmadiyya Muslims.

Sixthly, reputational attacks on AMC members

Educational discrimination also includes attempts by Islamists to disown intellectual achievements and contributions to national educational developments in Pakistan by members of the AMC.³⁷ Besides downplaying and neglecting the AMC's role in the development of the country's educational sector, Islamists try to portray AMC members as hostile infidels and thus enemies of Pakistan's state

³⁶ For example, refusal of accommodation in attached hostels/dormitories or denying access to other facilities related to the educational institutions.

³⁷ A remarkable example in this context is the government's approval in 2016 for the National Centre for Physics at the Quaid-i-Azam University in Islamabad, the capital, to be renamed after Abdus Salam, the country's first Nobel laureate (for science), after more than 30 years of official neglect. However, one week later, a mob of a couple of thousand Islamists attacked an AMC mosque in Lahore; stones were thrown and gunfire was shot (Reuters, 2016, December 8). Although the official 'initial motivation' of the persecutors of these attacks was to mark the birthday of Islam's Prophet Mohammad, there is an obvious correlation (Reuters, 2016, December 8) between the attack on the mosque in Lahore and the renaming of the academic centre in Islamabad.

and society.

Besides educational discrimination and the violation of numerous rights, the persecution against Ahmadiyya Muslims in the educational sector has dramatic consequences for Pakistan, some of the most noteworthy of which include the introduction of a hate-based educational system and consequent overall decline of the quality of education in the country. We witness the educational sector ‘instilling hatred, intolerance and sowing the seed of extremism and violence in the mind of youngsters’ (AHRC, 2013, October 12).

2.3.3 Economic discrimination³⁸

Closely linked with the social persecution against the AMC is the economic discrimination they face in Pakistan. Ahmadiyya Muslims face a multitude of injustices leading to violations of numerous of their economic-related basic rights. In order to destroy the economic basis and livelihoods of AMC members, anti-Ahmadiyya elements are calling for a boycott on companies owned by Ahmadiyya Muslims – including both large companies and small shops. Islamists also wish to ban Ahmadiyya Muslims from entering shops owned by other Muslims as well as to prohibit other Muslims from selling product to Ahmadiyya Muslims. Islamists argue that any economic interaction between Sunni/Shia Muslims and Ahmadiyya Muslims is against Islam and would strengthen the enemies of Pakistan. Nor are campaigns against Ahmadiyya Muslims in the economic field limited to boycotts alone. Economic persecution also includes physical attacks such as vandalising, ransacking and destroying shops, industries, houses, or places and facilities used for agricultural production (this includes burning down fields, looting crops and machinery, refusal by flour mills to grind wheat, among other measures).

Such socio-economic boycotts are practised unrestrained by the government. In fact, authorities often simply refuse to grant protection to AMC businessmen and shops, even after public threats being made. There are also cases in which local authorities are actually involved in attacks on business owned or run by AMC members. Ahmadiyya Muslims are often forced either to abandon or sell their businesses and lands at below-market rates and flee to another city or country where they have to start anew (Imtiaz, 2015, p. 18).

Another example of economic discrimination is the case of the misuse of land in the town of Rabwah. In 1975, the Government of Punjab ordered the confiscation of land owned by AMC members for the stated purpose of creating low-income housing. However, once confiscated, the land was handed over

³⁸ For further reference and sources, see AMC (2018, December 31; March 27)

to a religious fundamentalist organisation (the *Khatm-e-Nubuwwat*) instead and used to build a mosque to be transformed into a centre for anti-Ahmadiyya Muslims campaigns such as hate speeches and rallies (Sayeed, 2017, November 16).

Last but not least, a particularly harmful incident of socio-economic discrimination was the denial of emergency aid to Ahmadiyya Muslims during the emergency phase of the disastrous 2010 floods. Atif M. Malik points out that the inhuman treatment of Ahmadiyya Muslims ‘...was not simply the outcome of inadequate disaster aid planning or random acts of violence, but revealed a longstanding pattern of discriminatory national legislation and policies’ (Malik, 2011, p. 75).

2.3.4 Social boycott³⁹

In order to realise a comprehensive persecution affecting all spheres of life, clerics and Islamist groups aim at the enforcement of a not only economic but also social boycott of the AMC. This is translated in a multitude of measures such as cutting off milk supplies to Ahmadiyya Muslim-majority towns, cutting off water supplies and sanitation facilities for Ahmadiyya Muslim residents, or the prohibition for Ahmadiyya Muslims to take water from public infrastructure. These cases are linked to hate propaganda by both individuals and groups in numerous urban and rural areas all over the country, a phenomenon not contemplated – much less addressed – in official regulations at the national level. The growing number of such incidents is worrying and must be identified as an indicator of increasing Islamist radicalisation, intolerance and violence across Pakistan’s society. Another form of social boycott is the stigmatising of AMC members not only as ‘infidels’ but also as ‘enemies of the state’. Such statements are usually formulated in derogatory remarks and terms.

2.4 Cultural and religious dimensions⁴⁰

Pakistani Governments have for a long time now developed an environment conducive to the growth of religious intolerance against Ahmadiyya Muslims. In this environment, nationwide and systematic faith-based violence could establish itself as the accepted norm rather than as the exception. It becomes obvious that through the use of violence and other repressive measures Pakistan’s authorities, Islamists groups and radical clerics aim at the eradication of beliefs and culture heritage of Ahmadiyya Muslims.

2.4.1 Attacks against religious sites and their spiritual significance

³⁹ For further reference and sources, see AMC (2018, December 31; March 27)

⁴⁰ For further reference and sources, see AMC (2018, December 31; March 27)

There are numerous reports of attacks against the AMC's places of worship such as the vandalising of Ahmadiyya Muslim graveyards - sometime whole cemeteries are desecrated. These assaults aimed particularly at the destruction of gravestones⁴¹ because they featured Quranic inscriptions.⁴² There are also cases in which AMC members been refused the right to bury their own, for example several burials being denied in common graveyards (Dawn, 2015, March 23). In this context, there are also news of exhumations and other types of desecrations intended to humiliate Ahmadiyya Muslims.

Furthermore, there are attacks against the AMC's mosques. One of the most traumatic cases was the twin attack against two Ahmadiyya Muslims' mosques in Lahore on 28 May 2010⁴³. These terrorist acts led not only to destruction of a mosque but also to a large-scale massacre leading to over 90 deaths and over a hundred injured victims. One of the more recent attacks was the assault by a fanatic mob against the 100-year-old Ahmadiyya Muslim mosque in Sialkot in March 2018 (Saeed, 2018, March 24). Beyond the demolition of AMC's mosques, authorities are also conducting comprehensive campaigns intended to both seal existing places of worship and prohibit the construction of new ones (Dawn, 2015, March 23).

Besides the attacks on AMC mosques and graveyards all over the country, the town of Rabwah, located in the Punjab province, is the focus of particularly violent anti-Ahmadiyya Muslims agitation. Rabwah is of extraordinary significance for Ahmadiyya Muslims because it is national the headquarter of the AMC and important spiritual centre. Rabwah is also the only Ahmadiyya Muslims-majority city in Pakistan. This is why the city is also the focus on all kinds of violent acts: unlawful raids and arrests, disruption of events, destruction of property, confiscation of land, state support to local radical Islamist clerics, organisation of rallies and conferences intended to stir hatred against the Ahmadiyya (AMC, 2018, December 31; March 27).

2.4.2 Perennial disruption of religious practices and daily life

AMC members are not allowed to identify themselves as Muslims or use Islamic symbols and terminology in their religious practices and daily life. Anti-Ahmadiyya Muslim forces in both state and society persistently facilitate activities intended to disturb AMC religious practices. Here, an obviously preferred instrument used by the authorities to reduce the opportunity to perform religious practices (besides the strategy of simple destruction of mosques) is either to seal mosques or to allow

⁴¹ This included even the desecration of the gravestone of international reputed Nobel laureate Abdus Salam (the word 'Muslim' has been painted over) by a mob of vigilantes (Zahra-Malik, 2016, December 8).

⁴² See also: <http://stopthepersécution.org/rights-denied/>

⁴³ Terrorists targeted the Model Town Mosque while a larger contingent conducted an assault at the larger Garhi Shahu mosque in Lahore (BBC, 2010, May 29).

radicalised protesters to occupy them. It is also reported on numerous occasions that radical clerics and Islamist groups mobilise followers and direct them to disturb religious practices of Ahmadiyya Muslims (AMC, 2018, December 31; March 27). The AMC is ‘proscribed from the elementary human justice to worship without bigotry’ and to ‘congregate without violent disruption’ (Pulitzer Center, 2018, October 12). A specific example of the perennial disruption of religious practices is the ban on the production, publication, and dissemination of Ahmadiyya Muslim literature.

Another severe challenge to the ability of AMC members to practice their religion is the ‘passport issue’. In Pakistan, those applying for a passport (and other crucial documents like National Identity Cards or birth certificates) are required to indicate what religion they belong to. If the applicant indicates that he or she is a Muslim, then he or she must also testify to clauses that Prophet Muhammad is the final prophet and declare Mirza Ghulam Ahmad (the Ahmadiyya movement’s founder) as an imposter prophet and his followers as non-Muslim (USDOS, 2018, May 29, p. 8). Antonio Gualtieri rightly points out that this means that in order ‘to assert one’s identity as an adherent of a particular religion, one must condemn and nullify another religion’ (Gualtieri, 2004, pp. 137-138). AMC members cannot sign such a declaration, so most of them apply as Ahmadis [Ahmadiyya Muslims], which means that they apply as a religious minority – a fact which all by itself implies severe consequences for their religious and spiritual lives. For example, no AMC member (who is a Pakistani citizen) can travel to Makkah to perform the Hajj, one of the 5 sacred pillars of Islam⁴⁴.

2.4.3 Undermining social life and social fabric

AMC members face severe restrictions on organising social gatherings, especially the annual AMC meeting in Pakistan. For example, in 1989 the AMC wanted to organise centenary celebrations of their faith at Rabwah, yet was banned from doing so by the provincial administration (Khan, 2010, p. 367). Ahmadiyya Muslims were also ‘directed to remove ceremonial gates, banners, and illuminations and they were forbidden from any further writings on the wall’ (Khan, 2010, p. 237). AMC members face restrictions on attendance of all types of events, including sport events (AMC, 2018, December 31, p. 12) - a significant element in societal life among the community. Besides difficulties faced in holding events, another severe hampering on ‘societal interaction’ is the above-mentioned destruction, sealing off and occupation of mosques – a phenomenon with deep impact as mosques serve not only as religious centres but also as social and community centres. Both social life and social fabric of the AMC in Pakistan are under severe threat. Additionally, the GoP also

⁴⁴ See also: <http://stopthepersécution.org/countries/pakistan/>

attempts to hamper the international connectivity of Ahmadiyya Muslims so as to prevent them from staying in physical contact with other community members. Freedom of movement is undermined by (unofficial) restrictions on travelling abroad, not only for tourism but also for work-related purposes⁴⁵. Some Ahmadiyya daring to criticise and protest these measures are put on the Exit Control List (ECL) and become unable to leave the country by legal means.

3 Types of violence against Ahmadiyya Muslims

In order to push persecution against the AMC, both state and non-state actors employ similar strategies and use violence in nearly identical ways. In this context, it is important to emphasise that state-supported persecution against Ahmadiyya Muslims must be described as a domestic form of state-sponsored terrorism. Violative measures (violent activities and/or threats of violence) against AMC members are not conducted in a clandestine fashion but as ‘public acts’ intended to spread fear openly and therefore more effectively. The strategy put forward by anti-AMC elements clearly intends to go beyond concrete measures of persecution – a further aim is to terrify a group (audience) wider than the immediate victim(s) and thus influencing collective behaviour. Ahmadiyya Muslims are targeted so as to create extreme fear not only among the targets themselves but also among potential sympathisers.

Persecution against the AMC involves a large repertoire of repressive tactics, including physical and non-physical acts of violence. Ahmadiyya Muslims are persistently victims of blackmailing (including death threats), intimidation, harassments, kidnapping, torture, target killings (including murder while in police custody)⁴⁶, gender-orientated attacks⁴⁷, and attacks on both individual and institutional properties (including businesses⁴⁸). Last but not least, a special form of violence present in anti-Ahmadiyya Muslims hate campaigns takes the form of conferences and other events such as public rallies. It is reported that Islamist organisations (for example the *Khatm-e-Nabuwat*/Finality of Prophethood group) are free to ‘organise regular rallies and conferences against the Ahmadi community, terming them heretics for not accepting the finality of the prophethood of Muhammad’ (Hashim, 2014, August 7). These events - often organised with the good will and support by

⁴⁵ It is reported, that Ahmadiyya often forced to pay bribes in order to be able to travel.

⁴⁶ There are reports that assailants conducted target killings against AMC members (USDOS, 2018, May 29, p. 2). These target killings happen on a regular basis simply because of the beliefs held by AMC members (See also: <http://stopthepersécution.org/rights-denied/>) Murders of Ahmadiyya Muslims also include death in police custody. The perpetrators of such killings are either the police or outsiders entering the respective police stations - obviously with the knowledge and the good will of the police. For example on 16 May, 2014 Mr. Khalil Ahmad was murdered by a madrassah student while in police custody at the in Police Station of Sharaqpur (AMC, 2018, December 31, p. 40).⁴⁶

⁴⁷ Gender-orientated attacks are here understood as attacks particularly focusing on girls and women such as threats, harassment, mistreatment, or rape.

⁴⁸ See also section 2.3.3 Economic discrimination.

authorities⁴⁹ - frequently turn into violent incidents. Observers point out that these hate campaigns remain unchecked and are conducted all across Pakistan (AMC, 2018, December 31, p. 11).

4 Perpetrators of violence/discrimination against the Ahmadiyya Muslim Community

As mentioned earlier, this work states that the Pakistani state and its representative authorities became over time the main driver and persecutor of discrimination against and suppression of the AMC. However, due to the fact that perpetrators of anti-Ahmadiyya activities act with impunity, one can find them in all spheres of society. According to Zofeen T. Ebrahim, a well-known Pakistani journalist, ‘...the hatred has permeated into each and every slice of society and the oppressors have become more vocal and aggressive.’ (Ebrahim, 2011, October 28).

4.1 State officials

Besides the involvement by both national and provincial governments, lawmakers as well as the judiciary, there are numerous other state actors involved in the persecution against the AMC. Not only all branches but also all layers of government are involved. There are numerous cases in which perpetrators of anti-AMC activities act either on the behalf of the state or with the state’s approval, either tacitly or explicitly. Several state employees (usually security sector agents and the judiciary) are involved in the persecution against the AMC - often acting in an unofficial capacity (personnel off-duty or on leave) but with tacit approval by respective authorities. These anti-Ahmadiyya Muslims activities by state officials is not restricted to the establishment of a political and societal environment in which rights violations are not only legal but also socially accepted. Pakistan’s state officials are actively and directly engaged in concrete violative measures such as various kinds of physical violence - including harassments, indiscriminate arrests, torture, even murders undertaken by Pakistan security forces (foremost the police⁵⁰). Members of local administrations are involved in the desecration and demolition of Ahmadiyya mosques and other sites belonging to the AMC – for example the historic mosque and a century-old house in Sialkot, a property of historical significance for Ahmadiyya Muslims (AMC, 2018, May 24) or the mosques in Chakwal in 2016 (HRCP, 2016, December 14) and Faisalabad in 2018 (Pakistan Today, 2018, August 24). Authorities do not act as

⁴⁹ For example in November this year the PTI government held an international conference in Islamabad on the theme: ‘End of Prophethood (KN) and Muslims’ responsibilities’ which had a clear anti-Ahmadiyya agenda (AMC, 2018, December 31, p. 5).

⁵⁰ A crowning example of capitulation of the state before Islamist forces and the police involvement in the persecution against the AMC might be an incident occurred in February 2015, when a mob threatened to destroy the minarets of an Ahmadiyya Muslim mosque in Gujarat, ‘policemen in the area decided to prevent further trouble by demolishing the minarets themselves’ (Dawn, 2015, March 23)

mere ‘apathic bystanders’ of such events – nor do state agencies such as the police limit themselves to ‘occasional complicity’. Authorities are persistent and systematic stakeholders in activities directed against Ahmadiyya Muslims.

4.2 Local clerics (Mullahs)

Beside state agents, local clerics or Mullahs constitute another main driver of the persecution against the AMC. They function as a crucial connector between the different dimensions of the persecution against the Ahmadiyya - namely between different branches of government and between the GoP and societal forces, particularly those most radicalised. As ‘status-quo agents’, they do everything in order to avoid legal and constitutional reforms intended to improve the political rights or the socio-economic situation of Ahmadiyya Muslims. Mullahs are less directly involved in the physically violent activities and instead find themselves massively engaged in the production of hate speeches directed at the AMC - including speeches calling for their death. Mullahs also persistently pressure authorities to continue the persecution against the AMC and are not afraid to issue threats if the AMC’s situation seems anyhow alleviated. In order to keep the government in line with the Mullahs’ hate campaign, they employ tactics such as blackmailing, threatening, protest campaigns, and activities intended to undermine law and order as well as create negative impacts on the country’s economy (usually through blockades cutting off major urban regions). Besides the ability to mobilise the religious fanatic mob, a major instrument is the (mis)use of the ‘blasphemy laws’. Finally, the ‘Mullah-Military alliance’ (Akhbar, Amirali, & Raza, 2006) ensures that the army does not intervene in potential conflicts between clerics and government.

4.3 Extremist and Islamist groups

Numerous religious extremist groups conduct anti-Ahmadiyya Muslim activities since before independence. These groups are ‘free to spread their message and organise rallies where they call the killing of Ahmadis a "religious obligation"’ (Hashim, 2014, August 7). By demonstrating their ‘street power’, they aim not only to create fear among non-Sunni Muslim communities but also to blackmail the government ‘to implement their radicalised agendas in the society to create supremacy and influence over the socio-political set up of the country’ (Jamil, 2018, July 13). There are numerous such groups - including the Sunni Tehrik, Tehrik-e-Tahafaz-e-Naamoos-e-Risalat, or the Khatm-e-Nabuwat group, among others. Here it is interesting to note that the AMC rejects violence and ‘terrorism in all its forms and promotes the cause of peace and loyalty to one’s homeland, calls for a separation between mosque and state and advocates the safeguarding of religious freedoms’ (Malik,

2018, May 20). In this context, one must wonder about the real rationale of Islamists attacking the AMC, for it seems that the trouble is more about the fact that Ahmadiyya Muslims reject the obligation of Jihad (Saeed, 2007, p. 142) and promote peace and secularism as principles of governance, than it is about a different interpretation of Islam. It does not come by surprise that in a country whose government sees state sponsorship of terrorism as an acceptable foreign policy instrument (Wolf, 2017), groups which can be not instrumentalised for a faith-based justification of terrorist activities are identified as non-patriotic and/or enemy of the state.

4.4 Politicians and Political parties

As already indicated above, politicians and their respective political parties are some of the main drivers of the persecution against the AMC in Pakistan⁵¹. Here it is important to point out that not only Islamist political parties (e.g., Tehreek-e-Labaik, Muttahida Majlis e Amal/MMA) but also the country's mainstream political parties (such as the Pakistan Tehreek-e-Insaf/PTI, Pakistan People's Party/PPP, and Pakistan Muslim League-Nawaz/PML-N) are involved in these activities.

5 Final thoughts: summary of the main observations and findings

In sum one must state that Ahmadiyya Muslims are the most persecuted community in Pakistan. This phenomenon is due to several factors:

Firstly, despite massive anti-Ahmadiyya Muslims agitations by non-state actors such as fanatic clerics and Islamist organisations, the Pakistani state and its agencies (from the highest courts to local police and authorities) emerged over time as main drivers of the persecution against the AMC. This situation is best expressed by a statement of an AMC representative: 'If the state did not persecute us, we would be not be persecuted' (Sayeed, 2017, November 16). In this context, one needs to stress two important patterns of state support to the persecution against the Ahmadiyya:

- a) That all types of governments, civilian as military, were involved in the persecution and discrimination against Ahmadiyya Muslims.
- b) That there is no difference between any of the major political parties regarding discrimination against the AMC - all major political parties in Pakistan are engaged in the persecution against Ahmadiyya Muslims.

⁵¹ For more details on the role of the politicians in the persecution of the AMC, see section 2.1.8 Discriminatory contestation: The phenomenon of religious-political outbidding.

Secondly, said persecution must be described as a domestic form of state-sponsored terrorism. The Pakistani state conducts terrorist actions both directly via its representatives (e.g., law enforcing agencies) and indirectly through the legal framework in place, which discriminates against minorities and grants impunity to perpetrators of violence. The Pakistani state also conducts indirect state-sponsored terrorism through the active sponsorship to and judicial support of perpetrators of anti-AMC activities. This encourages intensified campaigns against Ahmadiyya Muslims.

Thirdly, the persecution against the AMC in Pakistan is conducted in a systematic manner – it does not only consist of episodic, sporadic activities by a limited number of persons and groups. Oppression must also be described as comprehensive since it targets all spheres of public and private life (social, economic and political) of the AMC. The perpetrators aim not only at the eradication of the Ahmadiyya Muslim faith but also at the destruction of their societal and cultural life, education, and economic livelihoods.

Fourthly, beside the fact that the justification of the persecution against the AMC is embedded in a religious rationale and terminology (rhetoric), it is clear that the main causalities are political in nature (intended to gain political legitimacy and achieve a ‘rally behind the flag effect’) - often linked with partisan economic interests.

Fifthly, the state’s capitulation before Islamist forces and the persecution of AMC members leads to gross injustices and violates all basic norms of good governance, rule of law and the principle of even-handed attitude towards all sections of society. In consequence, the persecution against Ahmadiyya Muslims makes the establishment of democracy, respect for human rights and freedom of religion impossible.

Sixthly, the situation of Ahmadiyya Muslims in Pakistan is rapidly deteriorating. The main reasons include not only the ongoing overall political and religious radicalisation of society but also the steadily increasing persecution against the AMC through both state and non-state actors. In this context, one needs to highlight that despite the massive electoral promises and successive statements (after taking office) by current Prime Minister (PM) Imran Khan regarding the improvement of Ahmadiyya Muslims’ conditions, at the moment it appears that the situation is only worsening. The fact that the PM is apparently not only completely backtracking from his promise of ‘justice for all’ but also actively discriminating against Ahmadiyya Muslims (most noteworthy through the

removal of Atif Mian as his economic advisor) both confirms and reinforces bigotry in the country. Here one can state that unlike many former governments which applied a kind of reactive discrimination intended to appease Islamists, PM Khan’s administration obviously switched to a ‘pro-active discrimination’ stance.

Seventhly, both state-sponsored terrorism, the country’s legal framework and policies granting impunity for anti-Ahmadiyya activities all clearly breach several international covenants the country has agreed upon - notably the International Covenant on Civil and Political Rights (ICCPR), which Pakistan ratified on 23rd June 2010 and which guarantees under Article 18 the freedom of thought, conscience and religion⁵². Despite the fact that the country ratified this Covenant only with wide reservations - and that the government does not feel bounded by the expectations involved (Malik, 2018, May 20), the persecution against the Ahmadiyya still constitutes a clear violation.

Table 2: Pakistan’s violation of international covenants through the persecution against the AMC

International Human Rights Instruments	Pakistan Status	Status of the Covenant
International Covenant on Civil and Political Rights (ICCPR)	Ratified June 23, 2010	Violated
International Covenant on Economic, Social, and Cultural Rights (ICESCR)	Ratified April 17, 2008	Violated
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Ratified September 21, 1966	Violated
Convention on the Rights of the Child (CRC)	Ratified November 12, 1990	Violated

⁵² See for more International Covenants violated by Pakistan, Table 2 below.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Accession March 12, 1996	Violated
Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment (CAT)	Ratified June 23, 2010	Violated

Source: Malik (2011), table modified and amended by the author

Eighthly, there is a concrete threat that the so-called China-Pakistan Economic Corridor (CPEC) might prove an additional catalyst for the persecution against the AMC. The CPEC is a large-scale, multi-dimensional development initiative which is usually praised by the national leadership as a ‘game changer’ for Pakistan’s economy and overall performance. Yet the CPEC faces numerous, severe challenges in its implementation - partly due to mismanagement, lacking capacities, and corruption. In order to distract both public attention and critics from mistakes done by CPEC decision-makers, there is a tendency to use religious and ethnic minorities as scapegoats for failures in CPEC-related developments. State authorities question the loyalty of minorities - particularly the AMC’s - towards the Pakistani state, particularly when these communities are majoritarian in sensitive locations at the country’s borders (ICG, 2018, p. 25). Claims are constructed accusing hostile foreign forces of instrumentalising minorities so as to sabotage Pakistan’s development (SADF, 2018, July 11). Against this backdrop, there is the menace that when the problems of the CPEC development grow and threaten the success of the initiative the persecution against Ahmadiyya Muslims (and other minorities) will intensify.

Finally, there is a causal relationship between the persecution against Ahmadiyya Muslims and the growth of international Jihadism. Since the 9/11 attacks against the USA, Pakistan has come to be perceived as the world’s epicentre of jihadist activities (Murphy, 2013, p. 1). As articulated by Ayesha Jalal: ‘while not all Pakistanis are terrorists, most acts of terrorism in the contemporary world carry the Pakistani paw print’ (Jalal, 2011, p. 7). Greig (2016, p 23). Virtually every terrorist incident since the attack on the twin towers has had some connection with Pakistan - the terrorist involved is either a Pakistani citizen, of Pakistani origin, or has supporters and contacts in Pakistan. Here, it is important to understand that the people and groups (both state and non-state actors) as well as their supporting institutions (usually madrasahs and cultural/educational facilities) at the forefront of the persecution

against Ahmadiyya Muslims oppose not only religious minorities but also anyone disagreeing with their extremist views. As such, it does not come by surprise that the birthplaces of anti-Ahmadiyya Muslims campaigns are also turning into spreading grounds/centres for Jihadism and international terrorism, incubating numerous organisations such as the Lashkar-e-Jhangvi, the Sipah-e-Sahaba, the Tehrik-i-Taliban Pakistan and the Ahle Sunnat wal Jamaat (IHRC, 2015, p. 13). In sum, the persecutors of Ahmadiyya Muslims are also responsible for the production of Jihadists who are conducting terrorist attacks world-wide.

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