



THE

THE *Ahmaddiyya* Gazette

JULY/DECEMBER 1993

USA

100

Prohibiting Ahmadis from calling their

place of worship "masjid" and preventing them from calling of Azan (Islamic way of calling for prayer), violated fundamental rights. These practices were not of recent origin or device and adopted not with a view to annoy or outrage the sentiments of non-Ahmadis. The provision violated the fundamental right to equality because only Ahmadis were restricted by it. And being an essential element of their faith, it violated the right of religious freedom. Preventing them from propagating their faith, without placing similar prohibitions on any other minority is discriminatory.

Immediately after the announcement of the decision, Ahmadis convicted under this Ordinance, the appellants, who were out on bail were taken into custody and were required to undergo the remainder of the term of their sentence. The Ordinance provides a sentence of three years rigorous imprisonment with unlimited fine.

The 1993 Annual Report of Amnesty International observes:

Members of the Ahmadiyya community continued to be imprisoned solely for the peaceful exercise of their religious faith. In November, ten Ahmadis of Chak village in Faisalabad District were sentenced to three-year prison sentences for having distributed invitations to a prayer meeting; one of them, Mohammed Ali, was given an additional three-year prison sentence for having made a call to prayer. Ahmadis were increasingly tried on blasphemy charges, both individually and in groups, but none of the cases had been completed by the end of 1992. In March, 20 members of the Ahmadiyya community in Kotri were arrested during the Friday prayer and charged with blasphemy and with propagating their faith. They were released on bail after two weeks.

The following known cases instituted against Ahmadis up to November 28, 1992, show the intensity of enforcing the Ordinance XX to persecute Ahmadis:

- | | |
|-----------------------------|--------------------|
| a. reciting religious creed | |
| (Kalima) | 718 criminal cases |
| b. using Islamic phrases | 729 criminal cases |
| c. saying prayers | 647 criminal cases |

This is apart from murders of and assaults upon Ahmadis. Their properties have been ransacked and looted and 109 mosques have been desecrated or forcibly captured. The number of cases of imprisonment and fine are growing daily. The Ordinance is unique in the sense that it penalizes the citizens of the country for following a universal faith, Islam.

Moreover, the decision of the Supreme Court has given strong and direct support to the growth of fundamentalism. Unless the trend is reversed, it will engulf the entire region and will become an irreversible situation posing a threat to the world's harmony and peace. It is genuinely apprehended that the decision of the Supreme Court will aggravate the communal situation in Pakistan. It will unleash the forces which will give fresh impetus to mass migration in search of asylum outside Pakistan. The world is already groaning under the weight of mass migration with its financial, social, and political burdens. The rejection by the Supreme Court of the Ahmadis' appeals will undoubtedly lend strength to the anti-Ahmadi bigots, and result in an acceleration of persecution against them.

We urge all who are concerned about freedom of conscience to do their best to see that the principle of protection of basic human rights is upheld, and the Ordinance XX and other anti-Ahmadi legislation is repealed so as to guarantee political and civil liberties to the Ahmadiyya community, which is consistent with the democratic values and principles to which Pakistan claims to be dedicated.

(by Brother Mubasher Ahmad, Regional Human Rights Committee and Missionary Southeast Region)

FROM THE HOLY QURAN

O ye who believe! fear Allah as He should be feared; and let not death overtake you except when you are in a state of submission.

And hold fast, all together, by the rope of Allah and be not divided; and remember the favour of Allah which He bestowed upon you when you were enemies and He united your hearts in love, so that by His grace you became as brothers; and you were on the brink of a pit of fire and He saved you from it. Thus does Allah explain to you His commandments that you may be guided.

And let there be among you a body of men who should invite to goodness, and enjoin equity and forbid evil. And it is they who shall prosper.

يَا أَيُّهَا الَّذِينَ آمَنُوا
اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا وَأَنْتُمْ مُسْلِمُونَ
وَاعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا وَاذْكُرُوا
نِعْمَتَ اللَّهِ عَلَيْكُمْ إِذْ كُنْتُمْ أَعْدَاءً فَأَلَّفَ بَيْنَ قُلُوبِكُمْ
فَأَصْبَحْتُمْ بِنِعْمَتِهِ إِخْوَانًا وَكُنْتُمْ عَلَى شَفَا حُفْرَةٍ مِنَ
النَّارِ فَأَنْقَذَكُمْ مِنْهَا كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ
لَعَلَّكُمْ تَهْتَدُونَ * وَلَتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى
الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ
وَأُولَئِكَ هُمُ الْمُفْلِحُونَ *

So Said The Holy Prophet

(1) Narrated Abu Musa: The Holy Prophet (PBOH) said, *A faithful believer to another faithful believer is like a building whose different parts strengthen each other.*

(2) Narrated Abdullah bin Umar: Allah's Apostle said, *A Muslim is a brother of a brother Muslim, so he should not oppress him nor should he hand him over to an oppressor. Whoever fulfills the needs of his brother, Allah will fulfill his needs; whoever saves his brother from one calamity, Allah will save him from one of the calamities of the Day of Resurrection and whoever shades a Muslim,*

Allah will shade him on the Day of Resurrection.

(3) Narrated Abu Huraira: The Holy Prophet (PBOH) said, *Whoever has wronged another person concerning his reputation or anything else, he should ask him to forgive him before the Day of Resurrection when there will be no money (to compensate for wrong deeds) but his good deeds will be taken away from him for the oppression which he has done. If he has no good deeds, the sins of the oppressed person will be loaded on him.*

FROM THE WRITINGS OF THE PROMISED MESSIAH

O mankind! harken, this is the prophecy of God who made the heavens and the earth. He will spread this Movement in all countries and will give it supremacy over all through reason and argument. Remember, no one will descend from heaven. All our opponents who are living at present will die and not one of them will see Jesus, Son of Mary, descend from the sky and then their children who survive them will also pass away and none of them will see Jesus, Son of Mary, coming down from the heaven. Generations of their posterity will also perish and they, too, will not see the Son of Mary descending from Heaven. Then God will create restlessness in their hearts; that the days of the glory of the Cross had passed away and the world

had taken another shape, but Jesus, Son of Mary, had still not come down from the sky. Then all the wise people will discard this belief and the third century from today will not have completed when all those who had been waiting for Jesus, both Muslims and Christians, will despair of his coming and entertain misgivings and shall give up their belief and there will be only one faith in the world and one preceptor. I came only to sow the seed. That seed has been sown by my hand. It will now grow and blossom forth and none dare retard its growth.

(Tadkira tus-Shahadatain, pp. 64-65)

A COMMENT ON THE SUPREME COURT JUDGMENT IN THE CASE OF AHMADIS

On the 3rd day of July, 1993, the Supreme Court of Pakistan dismissed a set of eight appeals filed by Ahmadis. The question of law common to all these appeals was whether "The Anti-Islamic Activities of the Qadiani Group, Lahori Group, and Ahmadis (Prohibition and Punishment) Ordinance, 1984," was *ultra vires* the Constitution of Pakistan. It may be mentioned that these appeals have arisen out of proceedings initiated by or against certain **individual Ahmadis**. The Ahmadiyya Community, as such, has persistently and resolutely maintained that no legislative, judicial, or executive authority in any country can decide, determine, or prescribe religious beliefs for an individual or a group. The jurisdiction to do so was challenged and was not conceded to the National Assembly which enacted in 1974 the amendment declaring Ahmadis to be "not Muslims for the purposes of constitution and law," nor was this jurisdiction ever conceded to any court. The religious beliefs are determined and prescribed by the founders of the religion, religious sects or denominations and are accepted and practiced by the followers as a matter of conscience. In view of this fundamental principle, the question of faith was never taken to or agitated before any court, even by Ahmadi individuals. It was under the constraint and compulsion of criminal prosecution and denial of fundamental citizenship rights that the concerned individuals took the precise question of the scope and *vires* of the Ordinance XX to the courts. Only that, and nothing more.

At the outset of the proceeding, the attorney for the appellants, Retired Judge Fakhruddin Ibrahim, told the court that he had come not to seek a judgment as to whether Ahmadis should be called Muslims or not. What the appellants sought from the Court was a restoration of their basic rights guaranteed under Article 20 of the Constitution of Pakistan. It was argued that the provisions of Ordinance XX of 1984 were also:

- a) oppressively unjust,
- b) vague and unclear, and
- c) blatantly discriminatory.

The Supreme Court judgment miserably failed to

give a clear cut answer to the constitutional issues raised before them. Instead, the appeals were dismissed on the premise that:

- (i) Ahmadis follow a "new" religion which cannot progress or expand on its own strength but has to rely on "deception."
- (ii) Ahmadis cannot "pass off" their religion as Islam and usurp Islamic terms and epithets.
- (iii) Ahmadis are not forbidden to "coin" their own phrases and epithets, et cetera.

The Supreme Court judgment will be received with a measure of shock and surprise by all lovers of human rights throughout the world. Well-informed legal opinion finds it incompatible and cannot reconcile it with the earlier pronouncements of the same court on fundamental rights. The judgment denies Ahmadis the religious practices which have earlier been declared by the courts to be their religious practices. Ahmadis, who have suffered a relentless decline in their religious freedom on account of Ordinance XX of 1984 will now be even more vulnerable than before and will be exposed to greater persecution.

The majority judgment suggests that the Ahmadis should modify their faith and coin new phrases and epithets for their religion. The learned Judges of the Supreme Court have instructed Ahmadis to invent a new faith if they want to practice any faith at all. "They have no right," says the Supreme Court, "to use the epithets, etc., and the Shaair-i-Islam (customs and rites of Islam) which are exclusive to Muslims and they (the Ahmadis) have been rightly denied their use by law." Thus having granted all non-Ahmadi Muslims the right of patent and monopoly over Islamic doctrines and practices, the majority judgment further holds that "the legislation was, therefore, necessary which in any way does not interfere with the religious freedom of Ahmadis, for it only prohibits them from using those epithets, etc., on which they have no claim of any nature. It does not prohibit them from coining their own."

This advice confirms what the International Commission of Jurists had discovered long ago:

In effect, therefore, the religious freedom they are offered is for a religion which is not their own. (ICJ Report, 1987)

A part of the Ordinance has been justified on the analogy of trademark and copyright. The analogy sought to be drawn between trade mark and religion will be considered by enlightened public and juristic opinion as singularly shallow. To lay exclusive claim on concepts, ideas, or universal truths, or to treat religion as merchandise and to place copyright on Divine messages sounds so bizarre and odd. The judgment implies that religion is no longer a matter of conscience and leaves an impression that the solemn and sublime subject of religion is degraded to the profane level of trade and marketable commodity.

It is astounding to observe how the simple universally accepted procedure of registering patents escaped the minds and knowledge of their Lordships who authored the majority judgment. The issue of patents cannot be admitted as a subject of dispute in any court of law unless a patent has been granted by proper institutions for registering patents in any country. Applications to the right of patents are always directed to the "Patents Offices" and not to the courts of law. They have no jurisdiction to initially receive applications or claims to the rights of patents. Their Lordships, therefore, have failed to establish the foundation for the claim of non-Ahmadi clergy that Islamic beliefs and practices must be treated as patents granted to certain majority sects of Islam.

Again, their Lordships failed to realize that the patents are always applied for by the inventor or the originator of a device which is marketable. The ideas, as such, are never applied to be patented unless they have been translated into a tangible material, device, or machination or commodity. Yet another interesting omission made by the Lordships is to register the fact that the patents can only be granted to the inventors when they apply for it. As such, one remains wondering when the patent was sought with regard to the ideas and practices of Islam and by whom. Perhaps it would have been more appropriate for their Lordships to have directed the Government of Pakistan to constitute new registration offices, specifically for the purpose of granting religious

patents. For furtherance of this novel idea, their Lordships might well have advised the U.N.O. to have all the member states establish similar religious patents offices in their respective countries.

This will, of course, lead to a widening of the contention. Jews and Christians would certainly have a right to file counter-claims for the exclusive rights for themselves to use the terms "Islam" and "Masjid" and "Ibadat" and "Iqamatus Salat" and "Zakat" because the Holy Quran admits in no uncertain terms the fact that all these so called "Sha'air-e-Islam" were common to all the religions before Islam (see *Sura Al-Bayyana*, Chapter 98, Verse 6) and the term "Islam" was most certainly employed by Prophet Abraham (Peace be upon him) for his faith, which is a faith commonly accepted by the Jews and Christians.

There are certain parts of the judgment which would qualify as hate literature in all civilized states. The majority judgment observes at page 56:

So if an Ahmadi is allowed by the administration or the law to display or chant in public Sha'air-e-Islam, it is like creating a Rushdie out of him. Can the administration in this case guarantee his life, liberty and property and if so at what cost?

It will be recalled that in his notorious book, *Satanic Verses*, Rushdie had asserted that certain verses revealed to the Holy Prophet Muhammad (Peace and blessing of Allah be upon him) were not the Word of God, but that of Satan. The Ahmadiyya belief on this issue is crystal clear which debunks Rushdie's assertion as utterly false and vicious. To bracket Ahmadis with Rushdie is preposterous. Rushdie was condemned for slandering Islam, Quran and the Holy Prophet (peace and blessings of Allah be upon him). Ahmadis, on the reasoning of the court itself, are being condemned for adopting and espousing the teachings of Islam. Where is the common denominator? It is nothing short of an attempt to incite hatred and violence; even license to murder Ahmadis. Such an observation by the court strikes the reader as an outrageous affront to the very concept of justice.

The judgment appears to have ignored many of the well-established principles of interpretation of constitutional and criminal statutes and appears simply to have overlooked the law laid down by the court itself. On the question of whether a fundamental right can be taken away by law, the principle laid down by this Supreme Court of Pakistan, in *Jibindhra Kishore's case* decided as long ago as 1957 and consistently followed thereafter, has been ignored in the judgment. In that case, the Supreme Court had observed:

The very conception of a fundamental right is that, it being a right guaranteed by the Constitution, it cannot be taken away by law and it is not only inartistic but a fraud on the citizens, for maker of the Constitution to say that the right is fundamental but it may be taken away by law....The Constitution should receive a liberal interpretation in favor of citizens, especially with respect to those provisions which were designed to safeguard freedom of conscience and worship.

The present judgment has interpreted provisions of the Constitution in a manner which has the effect of making fundamental right subject to injunctions of Islamic Shariah as interpreted by the majority in Pakistan. The proposition has been laid down in so broad terms that non-Muslims can genuinely comprehend that there are no fundamental rights available to them. Furthermore, the decision would thus lend support to the assumption that human rights are not recognized by Islam.

The appellants had argued that the Ordinance was vague and was too broad in scope, that it was unconstitutional. The court accepted the argument that the law is vague and must be struck down. The court did not deal with vagueness in a proper manner. When provisions were challenged as being too broad, the law was held to be unconstitutional. The court should have considered whether the provisions could be made out as being constitutionally in conformity with the law. The court has to consider that the day-to-day life of an

average Ahmadi had been converted into an offence. The effect of the judgment would be to enlarge the scope of criminal statute. For example, *Kalemah Tayyabah*:

لَا إِلَهَ إِلَّا اللَّهُ مُحَمَّدٌ رَسُولُ اللَّهِ

(There is none worthy of worship save Allah, Muhammad is Allah's Messenger) which is a cardinal article of the Ahmadiyya faith, does not find mention in Section 298-B and 298-C of Pakistan Penal Code and has been made punishable only by extended application of Section 298-C, and the convictions on the charge of wearing badges of *Kalemah Tayyabah* have been maintained. On the principle of strict construction of criminal statutes, this would not be permissible, according to universally agreed legal opinion. The court has not only maintained the convictions but has also by their observation, made it blasphemy punishable with death. The principle of strict construction of criminal statutes has, therefore, been ignored.

The appellants did not raise the religious issue, the Court did not establish any basis for religious discussion, nor were the appellants put to notice on that question so as to afford them an opportunity of presenting their viewpoint. The court ought to have strictly confined to the constitutional question. Instead, it went out of the way to speculate and attribute a set of beliefs to Ahmadis against their professed, firm and avowed faith and then proceeded to condemn them on the basis of fictitiously obnoxious beliefs. As for the practices of Ahmadis, they were not of recent origin and were in no way offensive. They were the same as those of mainstream Muslims and were admittedly laudable. The Court exerted itself to go behind the overt words and practices, per se laudable, and assigned power to itself of reaching into deep recesses of mind and heart to read covert motives in Ahmadiyya beliefs.

The court has also stated that the Ahmadiyya faith has no religious foundation. This is a gross insult to Ahmadis as it is denying the foundation of their faith only because the court simply refuses to see that it exists. This foundation was laid by the Founder of the movement, Mirza Ghulam Ahmad, over a hundred years ago in the following unambiguous terms in his book, *Taha-e-Auham*:

The summary and essence of our faith is

لَا إِلَهَ إِلَّا اللَّهُ مُحَمَّدٌ رَّسُولُ اللَّهِ

"There is none worthy of worship save Allah, Muhammad is the Messenger of Allah." Our belief, which we hold in this life here on earth and to which we will continue firmly to adhere till the time that we pass on to the next world, is that our spiritual leader and master, Muhammad, peace and blessing of Allah be upon him, is the Seal of Prophets and the Best of the Messengers. At his hands, religion has been perfected and blessing of Allah has been consummated which lead man to the right path and further on to God Himself.

This declaration of true faith has remained unchanged and will always remain so because no one has the authority to amend or alter it. Again, this foundation of adherence to the fundamental article of Islamic faith was never challenged during the National Assembly debate in 1974. All that was claimed was that the Ahmadiyya interpretation of

خَاتَمُ النَّبِيِّينَ

(Seal of Prophets) was different from that of orthodox Muslims.

The prohibition created by the Ordinance and now being enforced clearly strikes at the heart of the practice of the Ahmadiyya faith. Ahmadis, instead of protesting or agitating in the violent manner which is so common in Pakistan, remained peaceful and tried to adopt all legal methods to protect their religious freedom. They were prosecuted under the new law. They were punished, their appeals were taken to different courts, some of the appeals which were dismissed were taken to the Supreme Court, wherein the convictions were challenged on various grounds, including the ground that the Ordinance itself was violative of fundamental rights guaranteed under the Constitution and was, therefore, void. The Ordinance was also directly challenged through two writ petitions in the Lahore High Court which were dismissed and challenged the ban imposed on the Centenary Celebrations in Rabwah by the

District Magistrate of Jhang. This also came up before the Supreme Court. In all of these appeals, the constitutional validity of Ordinance XX was under challenge. These appeals were disposed of by a single split Judgment with one to four majority.

Another fact which cannot escape the notice and attention of a keen lawyer is that the difference between the minority and majority opinion is sharp and fundamental. The minority judgment confines itself to the purely legal and constitutional question before it and comes to the conclusion that certain portions of Ordinance XX are violative of religious freedom and fundamental rights guaranteed under the Constitution, strikes them down as unconstitutional, and, therefore, partially accepts appeals. The majority judgment, on the other hand, enters into doctrinal controversies and religious polemics, which were neither in issue nor germane to the points in issue, and dismisses all the appeals. The majority judgment speaks more of greater fundamentalist religious influence than of deeper legal and constitutional analysis. The questions involved in the appeals were not of religious polemics but were purely of legal and constitutional interpretation. Religion was not and apparently could not be the issue. If it were, it is doubtful whether their Lordships would at all be competent to sit in as Judges because their Lordships, who were admittedly not Ahmadis, would then constitute a party to the dispute.

The majority judges have not distinguished nor particularly discussed or spelled out the basis of disagreement with the points raised and dealt with in the leading judgment written by the Senior Judge. This leaves an impression that the view of the minority Judge was evidently unassailable on the legal plane.

The Supreme Court has refused to strike down the Ordinance. As far as the disposition of justice in Pakistan is concerned, this seems to be the end of the road for Ahmadis and they have been delivered a clear and unambiguous message that access to domestic courts is now closed to them forever.

The Supreme Court of Pakistan has rendered

(continued on page 13)

Pakistan's 'Repression' Condemned; Resolution Focuses on Minority Sect

The Baltimore City Council passed a resolution last night condemning Pakistan for "the systematic repression" of the Ahmadis, a minority Muslim sect teaching that Jesus "was a holy prophet who survived the cross and preached in India after his resurrection."

A spokesman for the Pakistan Embassy in Washington denied the repression but said such a belief in Christ would not be possible for a true Muslim. Pakistan is a Muslim country.

The resolution was introduced by Council President Mary Pat Clarke at the request of a group of Ahmadiyya Muslims in Baltimore.

Mubasher Ahmad, a native of Pakistan who is director of the center of Ahmadiyya Movement in Islam on Garrison Boulevard, said the group has 10 million adherents worldwide. Many of the 8,000 Pakistan natives living in the Baltimore area are Ahmadis, he said.

The resolution—adopted by the council without dissent—says that, "since 1974, the Pakistan government has passed laws declaring the Ahmadis to be 'not Muslims for the sake of law and the constitution,' denying them the right to hold positions of authority in government and violating the internationally recognized rights of religious freedom and freedom of expression."

According to the resolution, thousands of Ahmadis in Pakistan have been imprisoned for

practicing their faith, but Malik Zahoor Ahmad, press attaché at the embassy, said that when Ahmadis are put in prison, it is for such crimes as rape and robbery, not because they are followers of the Ahmadiyya faith.

He acknowledged that "Ahmadis are declared a minority by Parliament because they do not believe as the majority of Muslims do," but he criticized the council's action, saying, "This resolution is not based on any proper investigation of the facts."

Mubasher Ahmad, the Ahmadiyya spokesman in Baltimore, said his branch of Islam differs with many Muslim fundamentalists on the meaning of the term jihad. It is not properly a call to holy war, he said, but "primarily a call spread [Muslim] beliefs through peaceful and affirmative means, to endeavor for self-purification and to defend themselves against aggression."

He said the Ahmadis "are focused and studious people who have proposed in their undertakings and, as a consequence, incurred the wrath of Islamic extremists."

Copies of the council resolution were being mailed to Secretary of State Warren Christopher, Maryland's U.S. senators, members of Congress and the Pakistani ambassador to the United States.

(reprinted from The Baltimore Sun, Tuesday, October 19, 1993.)

CITY OF BALTIMORE INTRODUCES RESOLUTION

A RESOLUTION concerning

AHMADIYYA MOVEMENT IN ISLAM

For the purpose of supporting religious freedom throughout the world and condemning the systematic repression of the Ahmadis by the Pakistan government.

Whereas, The Ahmadiyya Muslims are an international Islamic sect of some 10 million persons that originated almost one hundred years

ago; and

Whereas, The beliefs of the Ahmadiyya sect differ from other Muslims in that they believe that Christ was a Holy Prophet who survived the cross and preached in India after his resurrection, and they believe that the "Jihad" is not a call to "holy war" but primarily a call to spread their beliefs through peaceful and affirmative means, to endeavor for self-purification and to defend themselves against aggression; and

Whereas, The Ahmadis are focused and studious people who have prospered in their undertakings

and, as a consequence, incurred the wrath of Islamic extremists; and

Whereas, Since 1974, the Pakistan government has passed laws declaring the Ahmadis to be "non-Muslim, for the sake of Law and Constitution", denying them the right to hold positions of authority in government and violating the internationally recognized rights of religious freedom and freedom of expression, and, in 1991, creating a mandatory death penalty for committing "blasphemy"; and

Whereas, For the sake of the 10 million Ahmadiyya Muslims throughout the world and the 8 thousand Pakistanis now living in Baltimore, the Baltimore City Council feels it must speak out; now, therefore, be it

RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the City Council hereby affirms its support of religious freedom for all people throughout the world and strongly condemns the systematic repression of the Ahmadis by the Pakistan government through legislative and judicial means; and be it further

RESOLVED, That a copy of this Resolution be sent to Secretary of State Warren Christopher; Senator Paul Sarbanes; Senator Barbara Mikulski; Representative Benjamin Cardin; Representative Kweisi Mfume; Pakistan's Ambassador to the United States; Sahibzada M. M. Ahmad, national leader of Ahmadi Muslims in the United States; Mr. Mubasher Ahmad, leader of the Baltimore Mosque at 4406 Garrison Boulevard; and to leaders of government and industry in Pakistan.

Houston Ahmadiyyas React to Pak Supreme Court Verdict

Commenting on the recent judgment of the Pakistan Supreme Court endorsing a decree forbidding the Ahmadiyya sect from using Islamic forms of worship, the Ahmadiyya Movement in Islam, Inc., declares that "today is no time for Muslim regimes to perpetrate atrocities when indeed their own lives are at stake."

In a press statement, Mr. Syed Shamshad Ahmad Nasir, of the Ahmadiyya Movement in Islam, Inc., notes that Muslims were famous for their justice and adds: "It was not the fortresses that sustained Muslim kingdoms in Spain, India, and elsewhere. It was their dedication to guaranteeing freedom to the people of all faiths that nourished our great forefathers to flourish in distant homes away from home."

Mr. Nasir wonders, incidentally, what the attitude of the Muslim Nations is to Bosnians whose mosques have been destroyed, who are not allowed to live as Muslims, and are being persecuted and killed just because of their faith.

"The question is: Are the Bosnians Muslims? Under what law? Are they Sunnis or Shi'ites? Or Wahabis or Deobandis? Did Zia ul-Haq declare

them non-Muslims? Or did he call them Muslims? Should there be a decree or an Ordinance that makes a Muslim?

"Should a National Assembly of Muslims be convened to judge, define, and brand people as to what faith they belong to, regardless of what they wish to worship? Who will be the judge to define Muslims when there are 73 sects, each different from the others, and calling the others kafirs?"

Mr. Nasir asks whether the Muslim world should now start deliberating if the Bosnians are Muslims.

He also asks: "What Muslim nation has raised the battle cry against the Serbs or the Croats whose thinking is not different from that of the Pakistani Supreme Court or Zia ul-Haq's Ordinance?" He holds that, whether with Ahmadis or the rest, when fundamental human rights have been violated, the government that sponsors such laws, the courts that endorse them, the administration that executes them, and the people that enforce them cannot avoid "the universal condemnation of people all over the world."

(from Voice of Asia, Monday, July 10, 1993)

PAKISTAN ENTRENCHES INTOLERANCE

Religious intolerance of some 4 million Ahmadiyya Muslims in Pakistan has now received judicial approval and opened the way for further persecution of this sect in Pakistan.

A decision by the Supreme Court of Pakistan on July 4, 1993, has effectively closed the door on any legal redress for the intolerance and persecution that adherents of this sect are encountering in Pakistan.

Mahmood Ahmad, The Amir of the Ahmadiyya Movement in Sydney, explained the situation in a recent meeting at the mosque in Marsden Park with three members of the UNAA (NSW) Executive Committee.

There are about 72 sects of the Islamic religion and members of each sect regard themselves as Muslims. Anyone who follows the religion of Islam is called a Muslim. Muslim means "obedient to God and peace loving", and Islam literally means "peace".

However, such is the intolerance of certain individuals, that in 1974 the Pakistan Government amended the Constitution to declare Ahmadis, "non-Muslims".

In 1984 an Ordinance was passed declaring that Ahmadis could not refer to themselves as Muslims, or call their place of worship a mosque, or use the Muslim call to prayer, or propagate their religion verbally or in writing with a view to converting others, or use the nomenclature associated with the Holy Prophet.

Since then, many Ahmadis have been fined and imprisoned for periods of up to three years or more for breaches of the ordinance. Appeals have been made to the relevant bodies and this last appeal, to the Supreme Court of Pakistan, was the last hope and chance of obtaining redress. That hope and chance are now gone.

In August, 1985, the UN Subcommission on the Prevention of Discrimination and Protection of Minorities passed a resolution expressing "grave concern" at the passing of legislation in 1984 limiting the freedom of religion of Ahmadis which "...violates the right to liberty and security of

persons, the right to freedom from arbitrary arrest or detention, the right to freedom of thought, expression, conscience and religion, the right of religious minorities to profess and practice their own religion and the right to effective legal safeguard."

It is ironic that the Ahmadis, whose slogan is "Love for All—Hatred to None", should be in this plight. In September, 1991, Amnesty International published a report, *Pakistan—Violations of Human Rights of Ahmadis*, which detailed the imprisonment and possible capital punishment of Ahmadis for the practice of their faith. It noted that, "The law-enforcement authorities do not appear to provide adequate protection or redress to Ahmadis who have been subjected to assault, attack, or provocation by non-Ahmadis."

The report called also on the Government of Pakistan to withdraw all laws affecting the freedom of religion of Ahmadis so as to prevent their becoming prisoners in their own homeland.

Amnesty International Report 1993 regrettably shows that the situation has not changed.

You only have to read the introductory summary to the Pakistan section of this 1993 report to understand the grave general human rights situation that exists today in Pakistan. No wonder the Australian Ahmadis are alarmed and concerned for the safety and well-being of their friends and relatives who are Ahmadis in Pakistan.

The 1993 report states, "Scores of prisoners of conscience were held for their political activities or religious beliefs. Thousands of opposition party activists were arrested, many of whom may have been prisoners of conscience.

"Some were detained briefly, others were repeatedly arrested on apparently false criminal charges. Many detainees were subjected to torture or ill-treatment.

"At least 15 detainees died in custody, allegedly as a result of torture.

"The security forces reportedly committed at
(continued on page 13)

A Letter from Claiborne Pell, Chairman, U. S. Senate Foreign Relations Committee

September 13, 1993

Mr. Ali Sarwar Naqvi
Chargé d'Affaires
Embassy of the Islamic Republic of Pakistan
2315 Massachusetts Avenue NW
Washington, DC 20008

Dear Mr. Naqvi:

I am writing to express my dismay over the recent decision by Pakistan's Supreme Court that dismissed petitions challenging the ordinance prohibiting the open practice of the Ahmadi religion and called for prison sentences for the petitioners.

My concern is twofold. First, subjecting the Ahmadis to fines, arrest and detention for practicing their faith is a violation of Article 2 of the Universal Declaration of Human Rights agreed to by Pakistan. At this time of increased ethnic

and religious polarity in South Asia and around the world, narrow-spectrum judgements, such as this one against the Ahmadis, encourage an atmosphere of religious intolerance that has, in the past, led to violence. Second, government support for religious legislation, which serves to "Islamize" Pakistan and intervenes against its minority citizens, threatens Pakistan's standing as a non-theocratic and democratic state.

It is my hope that after the elections in October, the new government will make a sincere effort to address this concern.

With every good wish.

Ever sincerely,

Claiborne Pell
Chairman

AHMADIYYA MOVEMENT IN ISLAM HUMAN RIGHTS COMMITTEE

ACTION MEMO #HRC: 57-9/30/93

All Missionaries in USA

All Jamaat Presidents in USA

Sadrs Kajna Ansarullah and Khaddamul
Ahmaddiya

**SUBJECT: SEVERAL AHMADIS ARRESTED
IN CONFRONTATION WITH OPPONENTS**

Dear Brothers and Sisters:

It has been reported that on August 1, 1993, the hearing of bail application of Syed Bashir Ahmad Shah of Phaghar Dist. Abbot, NWFP was scheduled in the court of the District and Sessions Judge. Mr. Shah's relatives and friends had gathered in the court. The opponents had also arrived in large number. The bail was granted by the court.

When the opponents came to know about the grant of the bail, they attacked Syed Bashir Ahmad Shah and his son-in-law, Mehboob Shah, with knives. Syed Nazir Ahmad, brother of Syed Bashir Ahmad

Shah fired in self-defense and the bullet injured one of the hooligans. Police have arrested Syed Razaq Shah, Syed Nazir Ahmad Shah, Mr. Rafi Ahmad Tanoli, and Mr. Shafiq Ahmad, driver.

A case under Section 107/151 has been registered against five Ahmadis, namely Syed Nazir A. Shah, Syed Razaq Shah, Shafiq Ahmad, driver, Nasir Ahmad Tanoli, and Sajjad Ahmad s/o Sahibzada Abdul Rashid. Syed Mehboob Shah received grievous injuries.

Please continue your prayers and take action in accordance with our established procedures. You are requested to send me copies of your correspondence and any responses you receive.

Jazakum Allah.

Yours in Islam,

Allah Bakhsh Chaudhry,
Secretary Amoores Ama and
Vice Chairman, Human Rights Committee

A Letter From Lord Avebury, Chairman Parliamentary Human Rights Group in the House of Lords Addressed to the High Commissioner, Pakistan High Commission, London

September 8, 1993

I am writing to express my dismay and concern over the decision of the Supreme Court of Pakistan on the constitutionality of Ordinance XX, the Anti-Islamic Activities of the Qadiani Group, Lahori Group, and Ahmadis (Prohibition and Punishment) Ordinance, which was promulgated in 1984 by the then President, General Zia ul-Haq. This Ordinance made it a criminal offence for Ahmadi Muslims to practice or preach their faith, and when the civilian government took over in 1986, the Ordinance was continued in force.

The counsel for the appellants before the Supreme Court, Retired Judge Fakhruddin Ibrahim, said that they sought the restoration of their basic rights, which were guaranteed under Article 20 of the Constitution. Shafiur Rahman J, in his Supreme Court judgment, referred to the Appeal Court's observation that Constitution of 1973, including that Article 20, was not in force in 1984, but had been placed in abeyance by the Proclamation of Martial Law of July 5, 1977, as amended by the Laws (Continuance in Force) Order 1977 and the Provisional Constitution Order 1981. The Appeal Court ruled that Article 20, and all other fundamental rights of the 1973 Constitution, were not enforceable.

The judges of the Supreme Court, however, argued that even if Article 20 were enforceable, it was subject to limitations not contained in the Article, which read as follows:

Freedom to profess religion and to manage religious institutions. 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 institution.

The section of Ordinance XX which the Supreme Court had to consider as conflicting with Article 20 is as follows:

298-B Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places.

(1) Any person of the Qadiani group or the Lahori group (who call themselves "Ahmadis" or by any other name) who by words, either spoken or written, or by visible representation,

- (a)
- (b)
- (c)
- (d) *refers to, or names, or calls, his place of worship as "Masjid" shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.*

(2) Any person of the Qadiani group or Lahori group (who call themselves "Ahmadis" or by any other name) who by words, either spoken or written, or by visible representation, refers to the mode or form of call to prayers followed by his faith as "Azan", or recites Azan as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

298-C Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith. Any person of the Qadiani group or Lahori group (who call themselves "Ahmadis" or by any other name) who directly or indirectly

- (a) *poses as a Muslim,*
- (b) *or calls, or refers to, his faith as Islam,*
- (c) *or preaches or propagates his faith, by words, either spoken or written,*
- (d) *or invites others to accept his faith, by words, either spoken or written, or by visible representations,*
- (e) *or in any manner whatsoever outrages the religious feelings of Muslims*

shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

The majority of the Supreme Court judges declared that the Ahmadis may not refer to their place of worship as "Masjid"; may not refer to the call to prayers as "Azan" or recite Azan as used by the Muslims; may not describe themselves as Muslims; may not refer to their faith as Islam; and may not in any manner outrage the religious feelings of Muslims. But no other person who does any of those things, whatever his beliefs may be, is to be stopped by the law.

In the judgment of Abdul Qadeer Chaudhry, J, we read that *...If an Ahmadi is allowed by the administration or the law to display or chant in public, the Shaa're Islam', it is like creating a Rusdi' out of him. Can the administration in that case guarantee his life, liberty, and property, and if so, at what cost? Again, if this permission is given to a procession or assembly, on the streets or a public place, it is like permitting civil war.*

The learned judge was inciting hatred against the Ahmadis by comparing them to Mr. Salman Rushdie, and of course if even distinguished Supreme Court judges encourage people to think in these terms, there could be a problem of public order. But then you could say the same about any minority religion. I dare say that in India, the BJP may one day suggest that restrictions be placed on Muslims because of the threat to public order posed by the exercise of their religion.

The only course of action which is consistent with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights is to allow the members of any religion to call themselves by whatever name they please, and to use whatever terms they please to describe their places of worship, prayers, and any other aspect of their faith. If the slogans, symbols, prayers, names, and other representations coincide with those of some other faith, no harm is done, as we can see by the diversity of beliefs of those who call themselves Christians or Buddhists. Even within Islam there are differences of emphasis which are not singled out by law in this way.

I would be grateful if you would draw this letter to the attention of the Prime Minister of Pakistan, Mr. Qureshi, and in doing so I would also be much obliged if you would point out that it comes from

a good friend of your country, as you already know. I look forward to standing with you in the cause of freedom in Kashmir, and hope that the Prime Minister will act to enhance the freedoms enjoyed by the people of Pakistan.

(continued from page 7)

many erudite and scholarly judgments in the past. It remains to be seen how the legal fraternity and jurists, all over the world, will rate the present judgment in terms of its intrinsic quality and independence of approach. In some areas the judgment is especially intriguing. Most particularly, one is hard put to divine the significance of the observation made in the minority judgment that a lot of "avoidable heat and controversy" was generated at "argument and post argument stage." How is heat generated at "post argument stage"? Only the Judges hold the answer. One is intrigued indeed to wonder what that answer would be.

M. M. Clarke
Birmingham, U.K.

(continued from page 10)

least 20 extrajudicial executions.

"Over 130 death sentences were reported, most of them imposed by special courts which fail to meet international standards for fair trial. Nineteen executions were reported." The rejection, by the Supreme Court, of the Ahmadis appeal will undoubtedly lend strength to the anti-Ahmadi bigots and result in an acceleration of persecution against them.

(reprinted from *Unity*, The national newspaper of the United Nations Association in Australia, October 1993, No. 43)

AN EXTRACT FROM THE PROCEEDINGS OF THE AUSTRALIAN SENATE

SENATOR BOURNE: My question is addressed to the Minister for Foreign Affairs. Is the minister aware of the increasing number of human rights violations occurring in Pakistan against Ahmadi Muslims? Can the minister confirm that under Pakistan's penal code and other laws Ahmadi Muslims are prevented from practicing their religion and are discriminated against in employment, education and health, and that an increasing number of these Ahmadis are being arrested and detained? What is the nature of Australian government representations concerning these human rights violations? Has Australia urged Pakistan to conform with and respect all international human rights declarations? Finally, what hope is there that Pakistan's newly elected government will adopt a more positive and humane approach to human rights?

SENATOR GARETH EVANS: A number of representations have been made to me by the Ahmadi community in Australia, alleging human rights violations against Ahmadis in Pakistan, in particular through the country's laws against blasphemy. It is a fact that the blasphemy laws, as interpreted by the full bench of the Supreme Court of Pakistan, have prohibited the Ahmadis from using Islamic terminology in respect of the observance of their religious practices and that members of that community have been prosecuted for contravention of the law on blasphemy.

Ahmadis are clearly being inhibited in the practice of their religion. There is also evidence that they are being discriminated against in other ways, including arrest and detention. These allegations have been very well documented by Amnesty International and other human rights organizations.

We have followed with serious concern these developments and also a number of other related developments including the Pakistan government's moves to include religious affiliations on national

identity cards and the introduction in 1992 of the death penalty for those convicted of blasphemy. We have regularly raised these concerns with the government of Pakistan, including by the High Commissioner to the Pakistani Minister for the Interior.

On the issues raised by the national identity card, the blasphemy law and the death penalty, the High Commissioner has given our view that discrimination against minority religious groups, not just against members of the four million strong Ahmadi community but also against Christians, is clearly contrary to universally accepted standards of human rights.

We were encouraged with the establishment on 27 September by the caretaker Prime Minister of a national commission on minorities to review legislation and practices which might discriminate against minorities and to recommend to the government ways to better integrate minorities into Pakistan society. I am not sure whether the brief extended to women but it might desirably do so, given the particular problems that have also been experienced by that half of Pakistan society.

In accordance with its universal policy on human rights, the Australian government will continue to monitor the situation in Pakistan and make representation to the authorities where we think that is appropriate and likely to be productive. I have specifically directed the Australian High Commission in Islamabad to maintain a close interest in the work of that commission on minorities and to ensure that the new Pakistani government is fully seized of our concerns and those of the international community generally about continuing violations of the human rights of minority religious groups in particular, including their rights to practice their religions freely and to non-discrimination generally on religious grounds.

(reprinted from Current Senate Hansard, Page 1868, 7 October 1993)

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL

Sub-Commission on Prevention of Discrimination and Protection of Minorities

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

The situation in Pakistan

Draft resolution submitted by Mr. Bossuyt, Mr. Deschênes, Mr. Despouy, Mr. Martínez Báez, and Mr. Whitaker

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the United Nations Charter, the Universal Declaration of Human Rights, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, ¹(General Assembly Resolution 36/55 of 25 November, 1981)

Bearing in mind the Proclamation of Teheran in which the International Conference on Human Rights proclaimed that the gross denials of human rights arising from discrimination on the grounds of religion outrage the conscience of mankind and endanger the foundations of freedom, justice and peace in the world, ²(Proclamation of Teheran, Para. 1)

Recognizing that the independence of the judiciary and judicial review, as general principles of law of civilized nations, are an essential element of the effective legal remedy required of all nations,

Taking into account Commission Resolution 1985/40 of 13 March 1985 in which the Sub-Commission is requested, *inter alia*, to keep in mind the relationship between violations of human rights and mass exoduses,

1. Expresses its grave concern at the promulgation by Pakistan of Ordinance XX of

28 April 1984 which, *prima facie*, violates the right to liberty and security of the persons, the right to freedom from arbitrary arrest or detention, the right to freedom of thought, expression, conscience, and religion, the right of religious minorities to profess and practice their own religion, and the right to an effective legal remedy;

2. Further expresses its grave concern that persons charged with and arrested for violations of Ordinance XX have been reportedly subjected to various punishments and confiscation of personal property, and that the affected groups as a whole have been subjected to discrimination in employment and education and to the defacement of their religious property;
3. Requests the Commission on Human Rights to call on the Government of Pakistan to repeal Ordinance XX and to restore the human rights and fundamental freedoms of all persons in its jurisdiction;
4. Alerts the Commission on Human Rights of the situation in Pakistan which is one with great potential to cause a mass exodus, especially of members of the Ahmadi community.

House Congressional Resolution 370

Expressing the sense of the Congress with respect to repression by the Government of Pakistan of individuals known as Ahmadis.

IN THE HOUSE OF REPRESENTATIVES

July 17, 1986

Mr. Hall of Ohio submitted the following concurrent resolution which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Expressing the sense of the Congress with respect to repression by the Government of Pakistan of individuals known as Ahmadis.

Whereas Ahmadis are individuals who profess their religion to be Islam, but have certain distinctive religious beliefs (as do other sects of Islam);

Whereas the Government of Pakistan and some of the people of Pakistan are discriminating against Ahmadis because of the religious beliefs of the Ahmadis;

Whereas there are approximately 3,500,000 Ahmadis living in Pakistan;

Whereas Pakistan is obligated under the United Nations Universal Declaration of Human Rights and the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

Whereas Article 20 of the Constitution of Pakistan provides that every citizen and religious sect has the right to practice and propagate religions and to establish religious institutions;

Whereas, in April 1984, the Government of Pakistan established Ordinance XX by presidential decree;

Whereas, notwithstanding the Constitution of Pakistan, Ordinance XX provides that any Ahmadi may lose the right to his or her property, be fined, and be imprisoned for 3 years, if the Ahmadi involved publicly suggests that Ahmadis are Muslims;

Whereas, in a message to the International Khatm-E-Mabuw-What Conference (an international meeting of Muslims) in London in August 1985, President Mohammed Zia-ul-Haq of Pakistan stated that the Government of Pakistan has taken several emphatic measures in recent years to prevent Ahmadis from practicing the Islamic faith, and that the Government of Pakistan will exterminate the

Ahmadi faith;

Whereas the imposition of death sentences and lengthy prison terms on Ahmadis, including civilians, by special military courts in Pakistan in certain cases indicates that religious persecution may be a factor in the decisions of courts in Pakistan;

Whereas trying civilians in military courts is a violation of internationally recognized legal principles;

Whereas hundreds of Ahmadis have been arrested for wearing Muslim religious insignia;

Whereas Ahmadis have been discriminated against with respect to admissions to educational institutions and the civil and armed services of Pakistan;

Whereas the Government of Pakistan has encouraged the people of Pakistan to commit acts of persecution against Ahmadis, including murder, attacks on mosques used by Ahmadis, and defacement of religious property;

Whereas Ahmadis have fled Pakistan and have sought political asylum in other countries because of religious persecution;

Whereas 2 organizations in the United States, the Lawyers Committee for Human Rights and Human Rights Advocates, have determined that Ahmadis are being subjected to systematic and extensive discrimination on the basis of religious belief; and

Whereas, in August 1985, the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the United Nations Commission on Human Rights determined in Resolution numbered 1985-21 that Ordinance XX violates the right of religious minorities to profess and practice their own religion, and called on the Government of Pakistan to repeal Ordinance XX: Now, therefore, be it
(continued on page 18)

RECENT ACTIONS TAKEN BY JAMAATS AND INDIVIDUALS ON THE SITUATION IN PAKISTAN

USA

1. The General Body of Washington Jamaat passed a resolution expressing their grave concern on Pakistan's Supreme Court decision. Copies of the resolution were mailed to several concerned authorities in USA.
2. The General Body of Baltimore Jamaat passed a resolution expressing their outrage on the unjust and irrelevant judgment of Pakistan's Supreme Court with copies to concerned authorities in USA.
3. Baltimore Jamaat also offered Sadqa for animal sacrifice to avert any ill consequences of the SC judgment.
4. Letter writing campaign to US Congressmen and US Senators, legal authorities and scholars, Pakistan authorities and Supreme Court judges is continuously growing. New Orleans, Houston, and Rochester have taken the lead in the fortnight under review. Letters inviting interest of several Talk Shows were also mailed in California.
5. *Voice of Asia*, Houston, Texas, in its October 11th issue, published an article under the title, Ahmadiyyas' Plea to Pak Minister.
6. Senator George J. Mitchell, the House Majority leader, Congressman Bill Paxson, Jay Kim, and Senator Barbara Mikulski, have positively responded to the letters.

GUYANA-SOUTH AMERICA

1. A meeting with Mr. Peter Britton, President of the Guyana Bar Association took place and relevant material was provided to him so that it could be presented to the Bar Association of Guyana in its next meeting.
2. A newspaper article appeared in a local newspaper in relation to the Supreme Court case.
3. Professor Pat Dial of the University of Guyana has promised to follow up the issue in local newspapers through the letter columns and other articles.

CANADA

1. Complete text of the Supreme Court decision and copies of the newsletter specially produced for this purpose were sent to all the Presidents of the Jamaats across Canada for the mobilization of

public opinion in their areas.

2. Lawyers involved with immigration cases have been supplied with information packages. One of them, Mr. Sergio Karas, has agreed to write a review on the decision.
3. The editor of *The India Abroad* sent his representative, Ajeet Jain, to interview the Amir and Missionary in Charge in Canada.
4. The mainstream media and the members of the House of Commons have been extremely occupied with Federal elections due on October 25, 1993. Canada Jamaat will get in touch with them vigorously after the elections.
5. A letter was written to Professor John Humphrey, the author of *The International Law of Human Rights*, informing him about the human rights abuses in Pakistan, persecution of Ahmadis, and aggravated situation caused by Pakistan Supreme Court decision. The President of Montreal Jamaat will follow up with Professor John Humphrey to obtain his critique of the Supreme Court decision.
6. Jamaat's organ, *New Canda*, published news about "Fraudulent Tactics in Pakistan Elections" affecting several million Ahmadi Muslims' votes in the election process.

U.K.

1. Mrs. Christine Oddy, a British MEP, tabled a question regarding Ahmadiyya persecution in European Parliament for consideration of EC Foreign Ministers in their upcoming meeting.
2. The Amir UK wrote a letter to Mr. Ken Coates, chairman of the European Parliament Subcommittee on Human Rights, addressing his attention to the serious situation created by the Pakistan Supreme Court decision.
3. The UK Amir received a positive response from the Rt. Hon. Alastair Goodland, Minister of State, British Foreign and Commonwealth Office.
4. Lord Avebury, Chairman of the Human Rights Group of British Parliament, gave his consent to use his letter in our communication with human rights agencies.

AUSTRALIA

1. Pakistan's human rights abuses were discussed in

Australian Senate on October 7, 1993 and Senator Bourne addressed the question to the Minister for Foreign Affairs, asking: "What is the nature of Australian government representations concerning these human rights violations? Has Australia urged Pakistan to conform with and respect all international human rights declarations? Finally, what hope is there that Pakistan's newly elected government will adopt a more positive and humane approach to human rights?" [See page X]

2. Senator Gareth Evans provided a detailed response to Senator Bourne's questions and informed the Australian Senate that the caretaker Prime Minister of Pakistan has established a national commission on September 7, 1993, on minorities to review legislation and practices which might discriminate against minorities, and to recommend to the government of Pakistan ways to better integrate minorities into Pakistan's society.

He further said that the Australian High Commission in Islamabad has been specifically directed to maintain a close interest in the work of that commission on minorities and to ensure that the Pakistan government is fully seized of Australia's concerns and those of international community generally about continuing violations of human rights of minority religious groups in particular.

GERMANY

1. Professor Hamid Ahmad had already prepared a Summary of the Judgment. Herr Hubsh was asked to translate it.
2. Copies of the judgment were sent to two German universities with Oriental Studies Departments. Mr. Backhausen, an Orientalist, has promised to write comments on the judgment.
3. The Amir, Herr Wagishauser, has written a personal letter to the President and Prime Minister

of Pakistan, as well as to the judges and Ministers in Pakistan.

4. Profesor Hamid Ahmad has written his personal comments on the judgment and sent them to the judges and political leaders in Pakistan including the President and Ministers.
5. Maulana Ata Ullah Kaleem has written a detailed reply to the allegations raised by Justice Abdul Qadeer Chaudhry in his decision.
6. So far, six local newspapers have made detailed comments on this judgment and explained the persecution of the Pakistani Ahmadi.
7. Human Rights Organizations are being approached to take up this matter with the government of Pakistan.
8. Mr. M.M. Clarke's Note on the Judgment has been translated into German and sent to Lawyers and Courts dealing with Ahmadi cases.

SWITZERLAND

1. Letters were drafted to be addressed to the President, Prime Minister, Law Minister, and Army Chief of Staff of Pakistan, to be written by some Human Rights Organizations.
2. Dr. Karen Parker has started to work on the judgment and she will send her legal opinion.
3. Basharat Ahmad Mahmood Sahib, S.Nasir Ahmad Sahib, and the Amir of Switzerland Jamaat went to Bern and met with two officials of the Foreign Office and briefed them about the recent developments in Pakistan.

(Based upon the report submitted by Sahibzada M.M. Ahmed sent to Hazur for the period Oct.1-Oct.15)

HOUSE CONGRESSIONAL RESOLUTION

(Continued from page 16)

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Government of Pakistan should--

- (1) repeal Ordinance XX;
- (2) cease persecution of, and discrimination against, Ahmadi;

- (3) Provide that any trial of civilians by military courts be reviewed by civilian courts; and
- (4) restore all internationally recognized human rights to all of the people of Pakistan.

SEC.2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President with the request that such copy be transmitted to the Government of Pakistan.

Elections in Pakistan

Elections are coming up in Pakistan. And once again the members of the Ahmadiyya Muslim Community are unable to take part in these elections. The reason is very interesting: The Government of Pakistan wants to force the Ahmadi-Muslims (as members of the Ahmadiyya Muslim Community are called) to stand for elections for seats reserved for the non-Muslim minorities in Pakistan. The Ahmadi Muslims, however, believing in the tenets of Islam, want to vote for the Majority Muslim Seats.

This argument has been going on in Pakistan since 1974 when the late President Zulfikar Ali Bhutto started misusing religious sentiments for political means.

Subsequent presidents were either unable or unwilling to change this, preferring to misuse religion for politics themselves.

The worldwide Ahmadiyya Movement Communities, including its branch in Thailand, are now appealing to the Interim Administration in Pakistan, who is overseeing the elections, to get rid of this law dating back to 1974 as well as a further Martial Law Ordinance of 1984 and restore religious freedom in Pakistan to all its citizens.

(from the PostBag column of the Bangkok Post, Saturday, September 18, 1993)

TURN U.S. ATTENTION TO PERSECUTED GROUP

Editor, *The Journal*:

On September 24, Nelson Mandela asked all the nations of the world to end the economic sanctions imposed on South Africa in his United Nations address. Undoubtedly, economic sanctions played a very powerful role in bringing the racial apartheid to an end. By next year, South Africa will be a multiracial country with equal rights for all citizens irrespective of their color or belief. The world community is watching for an end to racial apartheid.

Yet our eyes are blinded to the religious apartheid that has been taking place since 1974 in Pakistan. The Ahmadiyya Movement in Islam, which represents the essence of Islam, does not depart from Islam in the very least, nor does it add one iota to the doctrine and teachings of Islam. They were declared non-Muslim by the national Assembly of Pakistan against their will. Since then, Ahmadi persecution was institutionalized under the sponsorship of the government of Pakistan. In 1984, the then Dictator of Pakistan, Mr. Zia-ul-Haq, started a systematic campaign to persecute and exterminate Ahmadis.

Under an ordinance, Ahmadis are not allowed to

manifest their religious beliefs in public. They have been denied the right to worship, etc. Sometimes, Ahmadis are condemned as criminals deserving the death penalty, while their beliefs are described as disrespectful to the Prophet Mohammad.

There are approximately 4 million Ahmadis in Pakistan. If the cycle of persecution continues, that would lead to mass migration of Ahmadis in search of asylum. This would be a tremendous social and financial burden on Europe and the United States.

This institutionalized persecution cannot be reversed without severe measures against Pakistan that include imposing economic sanctions, banning U.S. aid to Pakistan, and utilizing the aid funds to settle the refugees. Let us utilize all our resources as we did to end racial apartheid in South Africa in ending the religious apartheid of Ahmadis in Pakistan.

ABDUL SHUKOOR AHMED

(reprinted from The Prince George's Journal, Wednesday, October 6, 1993)

Reprinted below is the introduction and Conclusions & Recommendations of the memorandum from ASIA WATCH. The full text is available from the ASIA WATCH or the Ahmadiyya U.S. Headquarters, Washington, DC.



September 19, 1993

Vol.5 Number 13

Persecuted Minorities and Writers in Pakistan

Introduction

Government efforts to Islamicize Pakistan's civil and criminal law, which began in earnest in the early 1980s, have dangerously undermined fundamental rights of freedom of religion and expression, and have led to serious abuses against the country's religious minorities. The broad and vague provisions of a series of laws known collectively as the "blasphemy" laws,¹ which strengthen criminal penalties for offenses against Islam, have been used to bring politically-motivated charges of blasphemy or other religious offenses against members of religious minorities as well as some Muslims. Several hundred people have been arrested under these laws since 1984; at this writing, two men, a Christian and a Muslim, have been sentenced to death for blasphemy. Those cases remain on appeal. The blasphemy laws have also contributed to a climate of religious bigotry which has led to discrimination, harassment and violent attacks on minorities -- abuses which are apparently tolerated, if not condoned, by some political leaders and government officials.

Conclusion and Recommendations

Pakistan's blasphemy laws impose dangerous restrictions on internationally recognized rights of freedom of expression and freedom of religion, and have led to serious abuses particularly against the country's minorities. The sweeping provisions of these laws have increased the likelihood they may be used to bring politically-motivated charges against members of these minority groups as well as some Muslims. By sanctioning discrimination against targeted minorities, the laws have also helped to create a climate of intolerance which has led to violent attacks on members of such communities. The government's failure thus far to take any steps to stem these attacks or punish those responsible, appears to indicate that the abuses are tolerated, if not condoned.

In order to signal that such abuses are not sanctioned, the government of Pakistan should institute a judicial inquiry into the murder of Tahir Iqbal. The findings of the post

mortem should be made public, and those responsible, including prison officials, prosecuted and punished. The government should also ensure that the murder of Naimat Ahmar is vigorously prosecuted. Reports that police officers have deliberately neglected to pursue the case should be investigated and those responsible punished. The charges against Akhtar Hameed Khan, Nasir Ahmad and Gul Masih and all others charged under these laws should be dropped, and compensation paid for any legal expense and other reparations. be permitted to freely express their views and practice their religion.

ASIA WATCH

485 Fifth Avenue New York, N.Y. 10017-6104
(212) 972-8400 Fax: (212) 972-0905

1522 K St. N.W. Suite 910 Washington, D.C. 20005-1202
(202) 371-6592 Fax: (202) 371-0124

AHMADIYYA'S LEAP IN FAITH

Promising a "project of beauty and excellence that will evermore be a source of pride," leaders of the Ahmadiyya Movement in Islam officially launched construction of their \$3 million Washington National Mosque on Saturday with a celebration featuring local elected officials and hundreds of guests.

The center, located on the corner of Briggs Chaney and Good Hope Roads, near Cloverly, will serve as a local mosque as well as a regional facility for the Muslim sect, which boasts a membership of 10 million in 139 countries. Ahmadiyya has branches in more than 40 U.S. cities.

The mosque will be 22,000 square feet in size, and will feature a courtyard, large dome and minaret fronting Briggs Chaney Road. The building is expected to be completed by the fall of next year.

M.M. Ahmad, the amir, or president, of the faith's congregation in the United States, greeted local officials, including County Council member Isiah Legget, Planning Board Chairman Gus Bauman, and Prince George's County Council member Richard Castaldi.

"Of all buildings, the most beautiful and effective in the sight of Allah is a mosque,"

declared Ahmad. "It is in that spirit and noble purpose that we undertake the mosque."

Ahmad took care to reach out to the faith's new neighbors, and pledged to residents in adjacent Briggs Chaney and Good Hope communities that the mosque would be respectful and mindful of their rights.

"To our new neighbors, let me assure you that Ahmadiyya is a peace-loving and caring neighbor," he said. "Yes, there will be times when there will be large gatherings here, but they will be orderly and well behaved. A true Muslim cannot help but be mindful of a neighbor's rights."

After the ceremony, Ahmad said he was mindful that some local residents are wary of religious sects moving into the neighborhood.

"There is so much misunderstanding about Islam," he said. "People associate us with violence and terrorism, yet those things are absolutely prohibited in our beliefs."

"We know there is a certain amount of nervousness, (but) we do not believe in violence for any cause, and we are under great obligation to not cause any problem."

(reprinted from the Leader /Free Press)

NATIONAL MOSQUE PROJECT WASHINGTON

The construction work has started in earnest and the General Contractor has promised to complete construction in 10 months.

The following matters need consideration and decision well in advance of the completion date, and need serious thought by National Amla:

1. We have to collect close to \$2,000,000.00 (Two million dollars) within this period of 10 months. We should consider whatever additional measures and special drives would need to be organized to reach this target as otherwise it can lead to delay in completion and penalty for non-payment and ultimately additional cost apart from a bad name to the Ahmadiyya Jama'at in USA which needs to be avoided at all costs.
2. What use need be made of the present Missionhouse (2141 Leroy Place) when we shift to the new site. In this connection, my detailed note should be considered.
3. A brochure is to be prepared for wide distribution to invitees as well as for permanent record.
4. We should attempt that the Inauguration Ceremony, for which Hazur will be requested to bless us with his gracious presence, be attended by elected representatives from every

State of USA (Senators, Congressmen, Members of State Assemblies or Senates, Mayors, County Officials, etc.)

5. Proper publicity at the time of Inauguration in television/radio and newspapers.
6. The Inauguration Ceremony needs to be broadcast worldwide over satellite arrangements on the lines of Hazur's Friday sermons.
7. A special issue of the *Gazette* and *Muslim Sunrise* and possibly some material for the *Review of Religions*.
8. Apart from the Jama'at members in USA, who else should be invited to inauguration from other dignitaries, non-Muslims, non-Ahmadi Muslims, and representatives of other faiths?
9. Who needs to be invited from other Ahmadiyya communities worldwide?
10. Reception arrangements for the Inauguration Ceremony in full detail.
11. A history of the Project for record and future guidance with possibly list of contributors.

M.M Ahmad
Amir Jama'at, USA

Brother Bashir Afzal, Former President of New York Jamaat has Passed Away

Inna Lillahi wa Inna Ilaihi Raji'oon

He was born in 1904 in the Pittsburgh area and served as Baptist missionary before he embraced Islam and that was back in 1934. Brother Afzal came to New York in 1957 and was appointed as president of the New York Jamaat and served the community from 1962 to around 1980 as president and vice president of the Jamaat. It was during his presidency that the New York Jamaat bought their first property on Union Street in Brooklyn as the mission house.

When Hazrat Khalifatul Masih III paid his first visit to this country, he was received by Brother Afzal.

His Namaz Janaza was held in Montclair, New Jersey, where he lived until his demise. May Allah award him elevated positions in the heavens and accept his noble deeds.

GROUND BREAKING CEREMONY OF THE WASHINGTON NATIONAL MOSQUE PROJECT

By the grace of God Almighty, the groundbreaking ceremony of the Washington Area Ahmadiyya Mosque/Missionhouse took place on September 11, 1993 on a beautiful Saturday afternoon at 5:00 PM. The National Amir, Revered Sahibzada Mirza Muzzafar Ahmad Sahib, chaired the occasion. Over 500 members of the Jamaat, including the members of the National Amla, presidents of local chapters, missionaries of all the U.S. regions, local government officials, some of the elected public officials, dignitaries, and the non-Ahmadi neighbors participated in the ceremony.

The land for the proposed site was acquired in 1987 and the foundation laying ceremony was performed in October of 1987, which was blessed by the gracious presence of Hazrat Ameerul Momeneer Khalifatul Masih IV (ABA).

The function began with the recitation from the Holy Quran and a poem of the Promised Messiah. Sahibzada M.M. Ahmad gave a welcome address to all the guests.

The Amir Sahib then gave a brief account of the Ahmadiyya Community, its establishment under divine command by its founder, Hazrat Mirza Ghulam Ahmad (POH) in 1889. He told non-Ahmadi guests that, "Today, Ahmadis are estimated to be 10 million and are established in 135 countries in all parts of the world. Despite strong and bitter opposition, the community is growing fast."

He said that, "A Mosque enjoys a pivotal position in Islamic society. The believers gather here five times a day to offer prayers in congregation. It is used to impart knowledge to children and becomes a focal point for many religious and social events."

Amir Sahib assured the neighbors that, "Ahmadis are a peace loving and law abiding community."

A number of government and elected officials

also addressed the gathering. Senator Barbara Mikulski addressed the crowd, saying, "The mosque is a symbol of community and togetherness." She also gave her pledge to "continue to work with the Ahmadiyya community."

Following the addresses, the members and the guests followed Amir Sahib to break the ground. The members and guests were then served the refreshments. The ceremony was concluded with a silent prayer.

The first phase of construction has begun. It involves a three-story building with a minaret, dome, and a nehrab. The façade of the building is made of white precast concrete and green tile insets at the upper level.

Of the three floors, the upper level contains the ladies' prayer hall, along with necessary facilities such as a child care room and a kitchenette. The men's prayer hall is on the ground floor, along with an entrance lobby and security office. A full basement will serve flexibly for the National offices and the Washington Metro offices.

Exhibition display cases will be installed on all three levels at suitable locations and a video system will be installed to serve the Jama'at's ever growing needs, *inshallah*.

The first phase construction is scheduled to be completed by next August/September, *inshallah*.

Hazoor Ayedullaho Taala has expressed his pleasure on the starting of this project and has prayed that Allah may bless this noble project and enable the U.S. Jama'at to complete it as soon as possible, and may He make it a great seat of worship and learning and a source of blessings. *Ameen*.

Please pray to Allah for the timely completion of this mosque and fulfill your financial commitments to enable us to meet the financial obligations. *Inshallah*.

Manzoor Rehman

MAKE PROMISES FOR TAHRIK-E-JADID YEAR 1993-1994

1. The minimum standard promise for Tahrik-e-Jadeed fixed by Hazrat Musleh Maood is one fifth of one month's income (approx. one week's income) payable over one year.
 2. The Tahrik-e-Jadeed financial year starts from 1st November and ends on 31st October.
 3. As Huzoor has urged is to increase the number of participants, members are, therefore, requested to include other members of their family (wife and children) in this blessed scheme and make promises on their behalf.
 4. Huzoor has also wished that we should try to continue the sacrifices of our deceased elders and relatives by making promises on their behalf.
 - 5: A Momin is expected to improve all the time in good deeds. Members' promises this year should, therefore, be with an increase on their last year's promise to attract more blessings of Allah on them.
- Tahrik-e-Jadeed is not only financial sacrifice but also is meant to be a way of life. A Momin should remember the following points in his everyday life:

DEMANDS OF TAHRIK JADID SCHEME

1. Lead a simple life.
2. Participate in spreading the Message of Islam worldwide.
3. Dedicate leave periods for the service of Jama'at.
4. Members to dedicate their lives to serve Islam.
5. Dedicate seasonal vacation periods to the service of Jama'at.
6. Offer your children for life-time Waqf.
7. Pensioners to offer themselves for service to Jama'at.
8. Dedicate part of your income and property.
9. Influential and learned Ahmadis should give lectures.
10. Prepare rebuttal of adverse propaganda.
11. Deposit your surplus money in Tahrik Jadid Amanat Fund.
12. Tahrik Jadid to establish a permanent Reserve Fund.
13. Send your children to the Markaz for education and tarbiyyat.
14. Seek advice from the Jama'at when deciding about higher education and future of your children.
15. Develop the habit of working with your own hands (instead of depending upon others).
16. The unemployed, if possible, may proceed abroad. There they can make a living and also spread the Message of Islam and Ahmadiyyat.
17. Jobless persons should not hesitate to take up even petty jobs.
18. Promote Islamic culture.
19. Promote honesty in society.
20. Keep the paths clean.
21. Protect women's rights.
22. Make associations like *Hilful Fudul*.
23. Establish Ahmadiyya Darul Qada and obey its decisions.
24. Offer special prayers in order to succeed in these undertakings.
25. If possible, members may build houses in the Markaz.