

Pakistan: The Death of Free Speech

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Salmaan Taseer's assassination is the result of years of political uses of Pakistan's blasphemy laws, says Salil Tripathi.

Salmaan Taseer was a critic of Pakistan's blasphemy law, which imposes the death penalty on those found guilty of denigrating the Prophet Mohammed. The law goes back to colonial times, but it was General Ziaul Haq, an unelected dictator, who introduced the death penalty. Successive governments have since tried to weaken the law, but given up in the face of opposition from conservative religious leaders.

On 4 January, bodyguard Mustafa Qadri turned on the politician he was supposed to protect and shot him more than 20 times. Other guards at the scene appear to have waited for the assassin to finish, after which they arrested him. In court appearances since, Qadri has been showered with rose petals. Pakistani religious scholars, described as moderates, have warned people not to mourn Taseer, because doing so would be considered blasphemous. TV commentators are only willing to say that this is a sensitive matter, and that Taseer should have watched his words and not spoken carelessly.

Taseer did not in fact say anything critical of Islam's prophet. He criticised the blasphemy law and called for its reform, requesting the pardon of Aasia Bibi, a poor Christian woman in rural Pakistan, who currently faces the death penalty. Serious questions have been raised about the fairness of the trial, the credibility of the allegation itself, and the proportionality of the punishment. Most cases prosecuted under this law target religious minorities or the poor, and it is often invoked to settle personal scores. Last year, former minister Sherry Rehman submitted a private member's bill to the National Assembly Secretariat, seeking to reform the law.

While Pakistan was founded in 1947 to provide a home for the subcontinent's Muslims, it was not meant to be an Islamic state based on sharia law. The vision of Mohammed Ali Jinnah, Pakistan's founding father, was to create a Muslim-majority state that was inclusive and would not discriminate against minorities. Indeed, the Objectives Resolution of 1949 clearly stated Pakistan would make adequate provision "for the minorities freely to profess and practise their religions and develop their cultures". The Objectives Resolution was made the preamble in the 1973 constitution, but the word "freely" was removed.

Successive governments have since undermined that protection. The first culprit was Zulfikar Ali Bhutto, the civilian who took power from the military after the war of 1971 which saw Bangladesh separated from Pakistan. Bhutto was never popular with the army, and lacking a mandate from the electorate, he decided to boost his credentials by playing the Islamic card. The outwardly leftist Bhutto declared Pakistan an Islamic state by amending the constitution, changed the weekly holiday from Sunday to Friday, and took measures that undermined the rights of the minority Muslim Ahmadi community.

General Zia overthrew Bhutto (and subsequently had him executed) and passed a series of laws,

which undermined minority rights further and strengthened the blasphemy laws. Amnesty International has called these laws “vaguely formulated and arbitrarily enforced” and “typically employed to harass and persecute religious minorities”. Christians, who number two per cent of Pakistan’s population, account for more than half the cases filed under blasphemy laws.

Until 1982, only nine blasphemy prosecutions were launched. Since then, more than a thousand individuals are reported to have been persecuted, prosecuted, harassed and murdered. In 1980, the Martial Law Ordinance made it an offence to criticise early Islamic leaders. Further laws have outlawed disrespecting the Quran. A constitutional amendment passed in 1980 created the sharia court. A decade later, the sharia court recommended the death penalty for blasphemy. Often higher courts have overturned punishments, but in several instances mobs or individual assassins have killed defendants following their release.

Over the years, there have been many instances of the law’s misuse, according to human rights activists monitoring the situation in Pakistan. Accusations are sometimes flimsy, emanating over disputes of property and debt. Aasia Bibi was accused of blasphemy following an argument with a Muslim woman in her village. Amnesty International has said in a report published in 1997: “Most of these cases are motivated not by the blasphemous actions of the accused, but by hostility toward members of minority communities, compounded by personal enmity, professional jealousy or economic rivalry.”

Akbar Ahmed, who teaches at the American University in Washington, wrote about many of these cases in the Washington Post in 2002, where he candidly said: “Several Pakistani friends have warned me to say nothing about this out of concern for my safety. Anyone who questions the blasphemy law’s power may be seen as challenging Islam — and therefore suspect under the very law he or she questions.... Over the years I began to see the blasphemy law used more and more for cases of political vendetta, land disputes or political rivalry. The law became a way to challenge someone’s identity, a powerful tool to intimidate anyone, Muslim or non-Muslim. The targets of this law have largely been minorities, such as members of the Ahmadi sect (who consider themselves Muslims) and Christians, though the latest anecdotal evidence suggests that the pendulum is now swinging toward Muslims.”

Pakistan is part of a global move, spearheaded by the Organisation of the Islamic Conference, to outlaw religious defamation internationally. Islamic countries have tabled resolutions at the UN General Assembly in New York and the Human Rights Council in Geneva, in an attempt to capitalise on concerns over Islamophobia after the attacks in the United States in 2001 on one hand, and the uproar over the cartoons in the Danish newspaper Jyllands-Posten. While the resolutions have been passed, they are not binding, and support for the resolutions has diminished over the past year. But that hasn’t stopped Pakistan and others from trying. As Taseer’s assassination shows, bringing Pakistan back from the brink will be a dangerous task.

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P.S.

* Source: Index on Censorship, 07 Jan 2011.

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