

Pakistan & Blasphemy Threat - Rashid Rehman: chronicle of a death foretold

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Defenders of Pakistan's blasphemy laws say the rule of law prevents rule by mob. The May 7 murder of human rights lawyer Rashid Rehman - to prevent him from defending a young professor accused of blasphemy - shows the hypocrisy of such a defence, says Meredith Tax.

On April 9, Rashid Rehman, director of the Multan office of the independent Human Rights Commission of Pakistan (HRCP) [1], appeared in Multan Central Jail on behalf of Junaid Hafeez [2], an adjunct teacher at the local university who was falsely accused of blasphemy. The trial was held inside the jail because of the risk that Hafeez would be killed if it were held in a building open to the public [3].

Rehman moved that the case be dismissed as fabricated. As he stood before the judge, two prosecution lawyers and an unidentified third party approached and said that, if he did not drop the case, "You will not come to court next time because you will not exist any more." [4] Rehman called the judge's attention to the threat but the judge did nothing. The next day Rehman and the HRCP appealed for police protection but the police did nothing. In a BBC interview the next week, Rehman said that defending someone accused of blasphemy was like walking into the jaws of death [5].

"There is fanaticism and intolerance in society, and such people never consider whether their accusation is right or wrong," he said. "People kill for 50 rupees. So why should anyone hesitate to kill in a blasphemy case?"

On May 7, as Rehman was conferring in his office with a colleague and a client, two gunmen burst in. They shot all three. Rehman died instantly; the others are still hospitalized.

These crimes were committed to preserve rule by mob, for if people accused of blasphemy cannot get legal representation, a fair trial is impossible, and the only justice is vigilante justice. Thus Pakistan's extremist religious parties—including the ruling party, Nawaz Sharif's Muslim League—will do almost anything to preserve the blasphemy laws.

British colonial laws against "offense" are common throughout South Asia, and are often used to silence any criticism of religion, but in Pakistan blasphemy laws were expanded and codified during the military dictatorship of Zia-ul-Haq (1977-1988) [6], who used Saudi legal advisors for his "Islamization" campaign. Shemeem Abbas describes the process in Pakistan's Blasphemy Laws [7]: *From Islamic Empires to the Taliban* [8]:

"In Pakistan the sharia discourse started with Zia-ul-Haq. During the so-called Islamization of the laws, he appointed judges to the Shariat Court who would implement a very limited, orthodox version of the sharia, a construct foreign to the society at the time....To this Zia-ul-Haq added the deadly Hudood ordinances against women....Pakistan's sharia laws under Zia-ul-Haq were intended to legitimize military rule in Islam's name, silence opposition, and repress freedom of speech. General

Zia-ul-Haq became the Amir-ul Momineen (leader of the faithful) to lead the CIA-backed jihad against the Soviets in Afghanistan. And thus Pakistan, which had been a secular state, moved toward a theocracy...”

One of the problems with Pakistan’s blasphemy laws is there is no evidentiary standard and penalties are extremely harsh. Blasphemy is not defined and there is not even the need to prove intent in accusations of insulting the Prophet. An accuser can assert that someone has blasphemed without being required to produce any documentation; and if the accusation is false, the accuser is not penalized, no matter what has happened to his victim in the meantime. The laws can thus be used not only to stifle freedom of thought but to bring accusations that, according to the 2013 HRCP Annual Report, are “motivated by economic considerations and personal vendetta.” [9] The blasphemy laws are also used to persecute members of minority religions, particularly Ahmadi, Shi’ites, and Christians, as in the case of Asia Bibi, a Christian woman accused by a neighbor whose family was in a property dispute with hers [10].

In a country where religious extremism is so out of control, merely saying the blasphemy law should be reformed can be fatal. Charges can be laid even against someone as high placed as Pakistan’s Ambassador to the US, Sherry Rehman, who was charged with blasphemy in 2013. [11] Her offense? Daring to discuss reform of the law on TV. When Salmaan Taseer, then Governor of Punjab, advocated reform in 2011, he was assassinated by one of his bodyguards, Mumtaz Qadri. Taseer had previously warned about the Talibanization of Punjab by the political party led by Nawaz Sharif [12], who is now Prime Minister. When Taseer’s assassin appeared in court, lawyers threw rose petals on him and the judge that found him guilty had to flee the country. [13] A popular mosque in Islamabad was built three years ago to honor Qadri.

As lawyer Zahir Ali Akbar points out, “One of the arguments put forward by protagonists of blasphemy law is that the presence of law prevents individuals from taking up guns.” [14] The assassination of Rashid Rehman shows how far this argument is from the truth. In fact, accusations of blasphemy are usually accompanied by mob violence and intimidation. The case of Rashid Rehman’s client, Junaid Hafeez, has been shaped by such violence from the beginning.

A graduate student and adjunct teacher at Bahauddin Zakariya University in Multan, Hafeez was accused of blasphemy in March, 2013 as part of a campaign waged by Jamaat e Islami and its student organization to replace liberals with its own people. [15] Such blasphemy campaigns are a well-known practice of Jamaat e Islami, a political party of so-called “moderate Islamists” with a violent history and a vicious student wing. [16] They first targeted the head of the English department and, when she left the country, went after her teaching assistant, Junaid Hafeez, who particularly offended them because, according to a friend’s blog, he was “very keen about appreciating the concept and values of democracy, feminism, liberty, pluralism, humanism and freedom of expression.” [17] Hafeez was also interested in theatre and did his MPhil thesis on decoding Pakistani masculinities through the lens of popular films [18].

Needless to say, this sort of thing did not make him popular with conservatives on the faculty.

When vacancies for new teachers were announced, and he was the most qualified, they moved against him. On March 13, Rana Akbar Tabish, an active member of Islami jamea Talba (the student wing of Jamaat), circulated a leaflet saying Junaid Hafeez had made blasphemous remarks on a Facebook page and must be hanged immediately. Another Islamist organization, Tehreek Tahaffuz-e-Namoos-e-Risalat (TTNR) organized a protest and “demanded immediate arrest and execution of the culprit, hurling a warning to the government that they would be forced to take to roads [i.e. riot] if the action was not taken forthwith.” [19] Without investigating the charges against Hafeez, the Vice-Chancellor immediately terminated his teaching contract and housing allotment, and barred him

from campus.

Hafeez fled but was soon arrested and charged with blasphemy under penal code 295-C. Blasphemy carries the death penalty in Pakistan. He had great difficulty finding a lawyer because the Multan Bar Association said they would expel anyone who took the case. Only Rashid Rehman was brave enough to do so. Now he is dead and his client is at great risk of his life. According to a 2010 report in the Pakistani Express-Tribune, between 1990 and 2010, 34 people accused of blasphemy were either killed by mob violence or died in jail under suspicious circumstances. 31 of these deaths occurred in Punjab, the province where Hafeez is being held [20].

One of the charges against him is that he operated two blasphemous websites, “So-Called Liberals of Pakistan” and “Mullah Munafiq”. Although these charges were made over a year ago, the police have still not investigated the IP addresses to find out who actually owns the domains. Nor has the prosecution noted that, though Hafeez has been in jail for over a year without access to computers, both websites have gone on as usual. This failure to investigate supports the statement in the 2013 HRC Report that “There is considerable evidence that those involved in faith-based violence have penetrated law enforcement agencies.” [21]

The indomitable HRC has called for an investigation of police dereliction of duty and prosecution of the lawyers who threatened Rashid Rehman, and the judge who failed to protect him. But Pakistani activists say that international pressure is necessary to protect Junaid Hafeez and help him regain his freedom.

Free expression groups including IDARE, International PEN, the International Cities of Rescue Network (ICORN), and the Scholars at Risk Network have come together in answer to this call and are planning a campaign on behalf of Hafeez.

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P.S.

* <http://www.opendemocracy.net/5050/meredith-tax/rashid-rehman-chronicle-of-death-foretold>

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Footnotes

[1] <http://hrcp-web.org/hrcpweb/>

[2] <https://www.facebook.com/pages/Justice-for-Rashid-Rehman-Junaid-Hafeez/754170531289774>

[3] <http://hrcp-web.org/hrcpweb/hrcp-slams-threat-to-lawyer-representing-blasphemy-accused/>

[4] <http://hrcp-web.org/hrcpweb/hrcp-slams-threat-to-lawyer-representing-blasphemy-accused/>

- [5] <http://www.nytimes.com/2014/05/08/world/asia/pakistani-activist-shot-dead-aided-blasphemy-suspects.html?action=click&module=Search®ion=searchResults&mabReward=relbias%3Aw&url=http%3A%2F%2Fquery.nytimes.com%2Fsearch%2Fsite%2Fsearch%2F%3Faction%3Dclick%26re&r=0>
- [6] http://en.wikipedia.org/wiki/Zia-ul-Haq%27s_Islamization
- [7] <http://www.shemeem.com/interviews.html>
- [8] <http://utpress.utexas.edu/index.php/books/abbpak>
- [9] <http://www.hrcp-web.org/hrcpweb/report14/AR2013.pdf>
- [10] <http://www.humanrightsfirst.org/2013/08/28/blasphemy-in-pakistan-why-is-asia-bibi-still-in-jail>
- [11] <http://www.newstatesman.com/politics/2013/02/kafkaesque-reality-pakistans-blasphemy-laws>
- [12] <http://www.theguardian.com/world/2011/jan/05/pakistan-religious-organisations-salman-taseer>
- [13] <http://www.theguardian.com/world/2014/apr/30/pakistan-mosque-killer-mumtaz-qadri-salaman-taseer?INTCMP=ILCNETTXT3487>
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- [15] <http://lubpak.com/archives/250951>
- [16] <http://www.dhakatribune.com/op-ed/2013/dec/30/red-herring>
- [17] <http://fr.scribd.com/doc/223087968/Truth-of-Junaid-Hafeez-Rashid-Rehman>
- [18] <http://www.dawn.com/news/1106511/the-murder-of-reason-by-irfan-aslam>
- [19] <http://www.irtiqa-blog.com/2013/03/now-blasphemy-case-in-multan.html>
- [20] <http://southpunjabnews.blogspot.com/2013/03/blasphemer-university-teacher-sent-to.html>
- [21] <http://www.hrcp-web.org/hrcpweb/report14/AR2013.pdf>