

# **Asia Bibi: Pakistan court overturns blasphemy death sentence - In protest, thousands of club-wielding supporters of TLP took to the streets**

Wednesday 31 October 2018, by [BARKER Memphis](#), [BHATTI Haseeb](#), [PTI](#) (Date first published: 31 October 2018).

**Christian woman to be freed after being sentenced in 2010, accused of insulting prophet Muhammad.**

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Pakistan's supreme court has struck down the death sentence for blasphemy handed down to Christian woman Asia Bibi, in a long-delayed, landmark decision that will free her after nine years on death row and has ignited countrywide protests from the country's Islamist groups.

The court, in a three-member bench led by the chief justice, Saqib Nisar, ordered Bibi's release on Wednesday morning in Islamabad. By the afternoon, thousands of club-wielding demonstrators had blocked highways, burned tyres and pelted police with stones in major cities including Islamabad and Karachi.

Publication of the 56-page ruling was delayed for three weeks after blasphemy campaigners promised to "paralyse" the country and kill the judges if they did not uphold Bibi's death sentence.

In a televised address after the verdict's release, the prime minister, Imran Khan, issued a strong defence of the decision, terming it "according to the constitution and Pakistan's constitution is according to the teachings of Islam".

The leader of the Pakistan Tehreek-e-Insaf (PTI), who was criticised during his election campaign for aligning with far-right Islamists, threatened firm government action if protesters did not disperse and warned the population not to listen to agitators seeking to make political gain.

"Only enemies of the state call for the execution of judges," he said.

Christian farm labourer Bibi, a 47-year-old mother of five, was sentenced to hang for blasphemy in 2010. She had angered fellow Muslim farm workers by taking a sip of water from a cup she had fetched for them on a hot day. When they demanded she convert to Islam, she refused, prompting a mob to later allege that she had insulted the prophet Mohammed.

Justice Asif Khosa, in a verdict widely praised for its courage and rigour, noted that the two sisters who accused Bibi "had no regard for the truth" and that the claim she smeared the prophet in public

was “concoction incarnate”.

“It is ironical that in the Arabic language the appellant’s name Asia means ‘sinful’,” Khosa went on, “but in the circumstances of the present case she appears to be a person, in the words of Shakespeare’s King Lear, ‘more sinned against than sinning’.”

Authorities have removed Bibi from Adiala jail, in Rawalpindi, as they seek to get her out of the country as quickly as possible. In a phone call with AFP before her release, she said: “I can’t believe what I am hearing. Will I go out now? Will they let me out, really? I just don’t know what to say, I am very happy, I can’t believe it.”

The media has been prevented from discussing the case since the verdict was reserved on 8 October and footage of the spreading protests on Wednesday was avoided by increasingly censored TV stations.

In the past 24 hours, paramilitary security forces have deployed across the capital, protecting the judges’ enclave and the diplomatic zone. About 300 police were stationed to guard the supreme court. The southern province of Sindh has imposed a 10-day ban on rallies of any kind.

Thousands of club-wielding supporters of Tehreek-e-Labbaik (TLP), a fast-growing political party dedicated solely to the punishment of blasphemy, took to the streets.

Khadim Rizvi, the TLP leader, announced he would “paralyse the country within hours” if Bibi was freed and acolytes returned to the Faizabad interchange in Islamabad, the site of a three-week-long protest camp held by the party last year that crippled the capital.

One TLP chief, Afzal Qadri, said all three judges were now liable for death and called for the army to mutiny against its leaders if they supported the decision.

Blasphemy carries an automatic death penalty in Pakistan’s legal system, and although the state has never executed anyone for the offence, vigilante mobs have killed at least 65 people since 1990, according to the centre for research and security studies. Ahead of the verdict, the third witness in the trial, a cleric, told the BBC that “reversing the two previous decisions in the case [is] encouraging people to take the law into their own hands”.

The case against Bibi highlighted two issues with blasphemy laws in Pakistan: how allegations can be used to settle personal scores, and lower-court judges feel unable to acquit defendants for fear of their lives. The supreme court was due to hear Bibi’s appeal in 2016, but delayed the trial after one of the judges recused himself. In 2011, the governor of Punjab province, Salmaan Taseer, and the minorities minister, Shahbaz Bhatti, were murdered after they spoke in defence of Bibi and called for reform of blasphemy laws.

Bibi, who is the first woman to be sentenced to death for blasphemy in Pakistan, has remained in solitary confinement for the past eight years. On 7 October, Ashiq Masih, Bibi’s husband, rejected reports that his wife was suffering from dementia and said she was “spiritually strong” and “ready and willing to die for Christ”. In February, Pope Francis met Ashiq at the Vatican, and Pakistan’s small Christian minority held fasts and prayer sessions before the verdict.

Shahbaz Taseer, the son of the murdered governor Salmaan Taseer, told the *Guardian*: “This is a huge victory for my father, for Pakistan, for the poor, for the judicial system, for every marginalised person in this country.

“I have seen so much in my very short life. I have never seen anything like this. I was released [from

five years in Taliban captivity], the same day that Mumtaz Qadri [the killer of his father] was hung. But this is even better than that, this is justice at last.”

**Memphis Barker** in Islamabad

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## **SC acquits Asia Bibi, orders immediate release**

The Supreme Court on Wednesday acquitted Asia Bibi, a Christian woman condemned to death on blasphemy charges after accepting her 2015 appeal against her sentence.

A three-judge bench headed by Chief Justice of Pakistan (CJP) Mian Saqib Nisar, Justice Asif Saeed Khosa and Justice Mazhar Alam Khan Miankhel had reserved its ruling on Asia Bibi's final legal appeal against execution (Asia Bibi v. The State, etc) on October 8.

The appeal challenged the Lahore High Court's October 2014 verdict upholding a trial court's November 2010 decision sentencing Bibi to death for committing blasphemy in 2009.

“The appeal is allowed. She has been acquitted. The judgement of high court as well as trial court is reversed. Her conviction is set aside,” said Justice Nisar in the ruling.

“Her conviction is set aside and she is to be relieved forthwith if not required in other charges,” he added.

The 56-page detailed judgement has been authored by CJP Nisar, with a separate concurrent opinion note from Justice Khosa.

“Tolerance is the basic principle of Islam,” the top judge read out, noting that the religion condemns injustice and oppression.

“It is a well settled principle of law that one who makes an assertion has to prove it. Thus, the onus rests on the prosecution to prove guilt of the accused beyond reasonable doubt throughout the trial,” noted the top judge in the order. “Presumption of innocence remains throughout the case until such time the prosecution on the evidence satisfies the court beyond reasonable doubt that the accused is guilty of the offence alleged against him.”[...] The expression ‘proof beyond reasonable doubt’ is of fundamental importance to the criminal justice: it is one of the principles which seeks to ensure that no innocent person is convicted.

“Keeping in mind the evidence produced by the prosecution against the alleged blasphemy committed by the appellant, the prosecution has categorically failed to prove its case beyond reasonable doubt,” concluded the chief justice.

The court also noted that “it is not for the individuals, or a gathering (mob), to decide as to whether any act falling within the purview of Section 295-C has been committed or not, because as stated earlier, it is the mandate of the court to make such decision after conducting a fully qualified trial

and on the basis of credible evidence brought before it”.

The CJP ended the judgement with a hadith of the Holy Prophet (Peace Be Upon Him) on the rights of minorities.

Justice Khosa, in his note, said: “Blasphemy is a serious offence but the insult of the appellant’s religion and religious sensibilities by the complainant party and then mixing truth with falsehood in the name of the Holy Prophet Muhammad (Peace Be Upon Him) was also not short of being blasphemous.”

Chaudhry Ghulam Mustafa, a lawyer for one of the plaintiffs, rejected the verdict, saying Bibi had confessed to making derogatory remarks against the prophet to seek pardon.

Bibi’s lawyer Saiful Mulook told AFP: “The verdict has shown that the poor, the minorities and the lowest segments of society can get justice in this country despite its shortcomings. This is the biggest and happiest day of my life.

Bibi appeared to be in state of disbelief after hearing the decision from her lawyer.

“I can’t believe what I am hearing, will I go out now? Will they let me out, really?” Bibi told AFP by phone from prison after the ruling. “I just don’t know what to say, I am very happy, I can’t believe it.”

Bibi’s husband also hailed the verdict. “I am very happy. My children are very happy. We are grateful to God. We are grateful to the judges for giving us justice. We knew that she is innocent,” said Ashiq Masih.

“My wife spent so many years in jail and we hope that we will soon be together in a peaceful place,” he added.

Shortly after the ruling, hundreds blocked a key road linking Rawalpindi with Islamabad. People are also gathering for protests in Karachi and Peshawar. Similar rallies are being held elsewhere as police urge demonstrators to disperse peacefully.

Amnesty International’s Deputy South Asia Director Omar Waraich described the SC decision as a “landmark verdict”.

“For the past eight years, Asia Bibi’s life languished in limbo. The message must go out that the blasphemy laws will no longer be used to persecute the country’s most vulnerable minorities.”

## **High security**

The decision to take stringent security measures in the capital was made after a number of meetings held to thrash out a strategy to deal with any unforeseen situation after the verdict.

On Oct 13 this year, the Tehreek-i-Labbaik Pakistan, a religio-political party headed by Khadim Hussain Rizvi, threatened to “paralyse the country within hours if the Supreme Court sets Asia Bibi free”.

Islamabad was put on high alert on Tuesday night. Extra contingents of police and law enforcement agencies have been deployed in the capital.

Paramilitary troops have been deployed in the capital to prevent protesters from reaching the

Supreme Court, where security for the judges was beefed up.

About 300 police personnel, along with paramilitary units, are guarding the SC building, adjacent to Parliament House on Constitution Avenue.

Sources in the administration told Dawn that Rangers and Frontier Constabulary had been called as part of measures to step up security in Islamabad. Security of the Judges Enclave and the Diplomatic Enclave has been handed over to Rangers.

The sources said security personnel had been asked to guard the Red Zone as it houses sensitive installations, including the Supreme Court.

According to the sources, when some senior police officers met officials of the apex court, the law enforcers were asked to adopt security measures for the Supreme Court and other key points.

### **Allegations against Asia Bibi**

Asia Bibi was convicted for blasphemy under Section 295-C of the Pakistan Penal Code for allegedly defaming Prophet Muhammad (Peace Be Upon Him). The offence carries the mandatory death penalty under Pakistani law.

The allegations against Bibi were that she made three “defamatory and sarcastic” statements about the Holy Prophet on June 14, 2009 during an argument with three Muslim women while the four of them were picking fruit in a field in Sheikhpura.

She was asked to fetch water, but the Muslim women objected, saying that as a non-Muslim she was unfit to touch the water bowl.

The women later went to a local cleric and accused Bibi of blasphemy against the Holy Prophet, a charge punishable by death under legislation that rights groups say is routinely abused to settle personal vendettas.

### **Arguments on appeal**

During the hearing of Bibi’s appeal on Oct 8, the prosecution side, represented by Additional Prosecutor for Punjab Chaudhry Zubair, and Ghulam Mustafa Chaudhry from the complainant side had supported each other by arguing that the accused had not denied committing blasphemy or presence of the accused as well as the witnesses at the place of occurrence. Besides, they said, the allegation of a quarrel before the incident in which Bibi was first insulted for being a Christian had also not been proved.

Advocate Saiful Malook, appearing on behalf of Bibi, had argued that the prosecution’s case was replete with infirmities and subsequent improvements and, therefore, the benefit of the doubt should be given to the accused and the entire investigation be declared illegal and unwarranted.

Meanwhile, CJP Nisar had observed that committing blasphemy was the most appalling and spiteful offence, and not only “our laws but the fundamentals of our religion also place strict standards of proof to prove the crime”.

### **Case history**

The prosecution had claimed that Bibi “admitted” making the blasphemous statements at a “public gathering” on June 19, 2009 “while asking for forgiveness”.

A trial court convicted Bibi for blasphemy in November 2010 and sentenced her to death. The Lahore High Court (LHC) had upheld her conviction and confirmed her death sentence in October 2014.

She had then challenged the LHC verdict in the Supreme Court, which stayed her execution in July 2015 and admitted her appeal for hearing.

The top court had first taken up the appeal in October 2016, but had to adjourn the matter without hearing after one of the judges recused himself from the SC bench. Two years later, the appeal was heard earlier this month and the CJP Nisar-led bench reserved its verdict.

Bibi's supporters maintain her innocence and insist it was a personal dispute, and the Vatican has called for her release.

In 2011, former Punjab governor Salman Taseer, who spoke out in support of Bibi, was gunned down in broad daylight in Islamabad. His assassin Mumtaz Qadri was executed in 2016 after the court found him guilty of murder.

Detailed judgement on Asia Bibi's appeal

**AFP | Haseeb Bhatti**

*Additional reporting by Nasir Iqbal.*

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<https://www.dawn.com/news/1442396>

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## **Pakistan court acquits Christian woman on death row for blasphemy**

In a landmark verdict, Pakistan's Supreme Court Wednesday overturned the conviction of a Christian woman facing execution for blasphemy.

Asia Bibi was convicted in 2010 after being accused of insulting Islam in a row with her neighbours. She always maintained her innocence, but has spent most of the past eight years in solitary confinement.

Her case has been deeply divisive in Pakistan where there is strong support for the blasphemy laws.

The apex court, in a three-members bench led by chief justice Saqib Nisar, issued the verdict on Wednesday morning, three weeks after they had reached a decision. The delay followed threats by blasphemy campaigners to hold protests.

"Her conviction is set aside and she is to be relieved forthwith if not required in other charges," said Nisar, reading out the judgment.

There was tight security in the capital, Islamabad, amid fears of violence.

Bibi was accused of committing blasphemy in 2009. She was convicted in 2010 by the trial court and her death sentence was maintained by the Lahore High Court in 2014.

She appealed against the conviction to the Supreme Court, which for the first time heard the case in July 2015.

Bibi's case gained prominence when when former governor of Pakistan's Punjab province Salman Taseer was killed in 2011 for supporting her and criticising the blasphemy laws.

The blasphemy laws were promulgated by former military dictator Ziaul Haq in 1980s. A person convicted under these laws is given death sentence.

Critics say strict blasphemy laws have often been used to get revenge after personal disputes, and that convictions are based on thin evidence.

Dozens of people have been charged under the laws.

Though, Bibi is being released but there are fears that she might be at risk of being attacked by militants.

## **PTI**

- Oct 31, 2018, 11.32 AM IST:

<https://economictimes.indiatimes.com/news/international/world-news/pakistan-court-acquits-christian-woman-on-death-row-for-blasphemy/articleshow/66441638.cms>

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