



BRIEFING UPDATE

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PAKISTAN'S CYBER LAWS

A NEW FRONTIER IN
STATE-SPONSORED
PERSECUTION

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PAKISTAN'S CYBER LAWS - A NEW FRONTIER IN STATE SPONSORED PERSECUTION

On 30 November 2020, the Pakistan Government enacted a new regulation, the Removal and Blocking of Unlawful Online Content Rules 2020 (“**Unlawful Online Content Rules**”), which amends the Prevention of Electronic Crimes Act 2016 (“**PECA**”) (together, the “**Cyber Laws**”) to broaden the Pakistan Government’s authority to initiate new legal actions against organisations and individuals both inside and outside of Pakistan.

The newly formulated Cyber Laws:

- **give the Pakistan Telecommunications Authority (“PTA”) unbridled powers to block or remove online content** (Section 37 of PECA). They target service providers and social media companies like Facebook, Google, Twitter, YouTube, and give the PTA the authority to remove or block information “it considers [] necessary in the interest of the glory of Islam or the integrity, security or defence of Pakistan . . . public order, decency or morality[.]”; and
- **have extraterritorial reach** by applying to “any act committed outside Pakistan by any person if the act constitutes an offence under [these laws] and affects a person, property, information system or data located in Pakistan.” Section 1(4).

The Cyber Laws now allow the PTA to direct the blocking and removal of legitimate content where it is viewed by the Pakistani state to be contrary to their chosen interpretation of the Islamic faith and/or otherwise deemed to be blasphemous by them.

These powers are already being used to curtail religious freedoms. For example, the PTA has used these powers to target peaceful online content about the Ahmadiyya Muslim Community’s religious beliefs;

the content being originated by the Ahmadiyya Muslim Community and its members both within Pakistan and outside of it. These notifications issued by the PTA to international technology companies such as Google, Wikipedia and Twitter seek to stifle the digital existence of the Ahmadiyya Muslim Community and its members (in particular in Pakistan) and specifically seek:

- the removal of official websites of the Ahmadiyya Muslim Community;
- the removal of the Holy Quran app, Learn Salat (prayers) app and other educational apps (created by the Ahmadiyya Muslim Community) from the Google Play Store;
- changes to a Google search for “who is the present caliph of Islam” such that the search results do not return references to His Holiness Hazrat Mirza Masroor Ahmad (the Worldwide Head of the Ahmadiyya Muslim Community);
- changes to the Wikipedia entry relating to His Holiness Hazrat Mirza Masroor Ahmad to remove reference to him being a Muslim;

The PTA stated that should Wikipedia and Google remain non-compliant, they will take legal action under the Prevention of Electronic Crimes Act 2016 (PECA) and Rules 2020. The Holy Quran app was subsequently removed and access to certain Ahmadiyya Muslim websites has been blocked in Pakistan.

This is further evidence of the state-sponsored persecution of the Ahmadiyya Muslim Community and represents a deeply worrying precedent for denial of religious freedom in Pakistan.

‘Qadiani [derogatory term for an Ahmadi Muslim] Khalifa’s name on Google is deplorable. The government is asleep.’

Chief Justice of the Lahore High Court Qasim Khan

Ahmadiyya Muslim Mosque Damaged and 40 Graves Desecrated

On 28 December 2020, in Shah Maskeenwala, District Nankana Sahib, local clerics lodged a complaint with the police against Ahmadi Muslims in the area for writing Quranic verses and the Kalima (Islamic creed) on the gravestones of deceased Ahmadi Muslims. Three Ahmadi Muslims, Syed Anees Ahmad, Syed Saadat Ahmad, and Basharat Ahmad were named for arrest but following a lengthy discussion, it was decided that an FIR (First Information Report) would not be registered against them. However, after the Ahmadi Muslims had returned home, at about midnight, a police squad came to the village and removed the minaret from the Ahmadi Muslim mosque as well as forty gravestones.

Ahmadi Muslim’s House Demolished by Relatives

Mr Muhammad Arif became an Ahmadi Muslim three years ago and faced severe opposition in his village. Due to the danger he faced, Mr Arif had to leave Pakistan. His uncle, who had deemed Mr Arif an apostate for becoming an Ahmadi Muslim, later conveyed to Mr Arif’s sister that after three years as Mr Arif had still had not ‘become a Muslim’ (ie left the Ahmadi faith) his house had been demolished. A madrassa has been built in its place.

Bail Application Rejected for Ahmadi Muslim Teacher

In November 2020, an Ahmadi Muslim teacher, Mr Tariq A Tahir, was arrested after being falsely accused of burning the Holy Quran. On 23 December, a bail application was filed in the court of Additional Sessions Judge Naseer-ul-din Pathan which was rejected.

Bails Refused for Ahmadiyya Muslim Community Officials

In May 2020, Messrs Sharafat Ahmad, Akbar Ali and Tahir Naqqash, office-holders in the local Ahmadiyya Muslim Community in Nankana Sahib, were named in a police case under the anti-Ahmadiyya laws, sections 298-B and 298-C of the Pakistan Penal Code (PPC). Their pleas for bail were rejected and they were subsequently arrested and moved to Sheikhpura Jail. On 23 October 2020, their post-arrest bail was also rejected and the appeal against this decision was further rejected on 8 December. The three Ahmadi Muslims have now been in prison for three months while still not having been found guilty of any offence.

Ahmadi Muslim Forced Out of Work

In District Khanewal, in December 2020, Ahmadi Muslim Mr Zahid Ahmad returned after holidays to Millat Equipment Limited where he had worked for nine years. The following day, the local cleric and a group of staff approached Mr Ahmad and told him that they would not allow him to work at the company any more unless he distanced himself from the Ahmadiyya Muslim Community. Mr Ahmad’s flatmate was also told not to let him stay there any longer. As a result, he had to leave his job.

Ahmadi Muslim Denied Purchase of Goods

Mr Amir Shehzad, an Ahmadi Muslim camera technician from Rabwah, visited Lahore to buy camera equipment. Having visited CCTV World, he purchased some items and asked for delivery to his home in Rabwah. Despite being a regular customer, on learning that he was an Ahmadi Muslim, the staff refused to sell him the goods.

Ahmadi Muslims Fear for their Safety

Mr Sanaullah and his family live in Ismailkay village, District Sialkot. They joined the Ahmadiyya Muslim Community several years ago and his family is the only Ahmadi household there. Opposition towards his family has increased to the extent that the extremist Khatme Nabuwwat group held a rally in the village last year. Since then, attempts have been made to attack Mr Sanaullah's business and force the family to leave the village. His attackers remain free.

Ahmadis Forced to Vacate Home and Business

A business owner renting a house and warehouse in Rawalpindi was asked to vacate both buildings once the landlord found he was an Ahmadi Muslim.

Anti-Ahmadiyya Procession in Gujranwala

An anti-France rally took place in Bhiri Shah Rehman, Gujranwala in October 2020. In order to increase the participation, local students were compelled to join the rally, with Ahmadi Muslim students told non-attendance would mean they were enemies of Islam.

Alongside anti-France rhetoric, extremist cleric Maulvi Ehsanullah vilified Ahmadi Muslims and said 'Qadianis' were staunch enemies of Islam. He called on people to come out against Ahmadi Muslims as they were enemies of Pakistan.

Officials Deface Ahmadi Muslim Gravestones

In the village of Dherokay, District Toba Tek Singh, locals displayed anti-Ahmadi Muslim banners to inflame tensions around the use of Islamic terminology on Ahmadi Muslim gravestones. They also lodged an application with the police against Ahmadis for using Islamic rites. The police took action accordingly and covered up the Arabic phrases on Ahmadis' gravestones with cement.

“Qadiani, Israel, US, India, France collusion — Death on it. Fire all Qadianis from key posts. Deport the traitor, Juda the journalist, fifth columnist Mubashir Luqman who is a tout of Qadianis and Israel, so that no one dares to become a national enemy.”

Translated from a banner held by the Allama Lawyers Forum in protest against Israel; published by the daily Mashriq in Lahore

AHMADI MUSLIMS BEHIND BARS

1. On 13 May 2014 Messrs Khalil Ahmad, Ghulam Ahmad, Ihsan Ahmad, and Mubashir Ahmad of District Sheikhpura were charged under sections 295-A, 337-2, and 427 of the Pakistan Penal Code (PPC). On 16 May, Mr. Khalil Ahmad was murdered while in police custody. The remaining three were arrested in July 2014 and in 2015 they were also charged with blasphemy under section 295-C of the PPC - a crime that carries the death penalty. In October 2017, they were sentenced to death; the Lahore High Court has not yet found time, in three years, to hear their appeal.
2. Mr. Saeed Ahmad Waraich, from District Faisalabad, was falsely accused of blasphemy in January 2018. He was charged under section 295-C of the Pakistan Penal Code too. He has now been under trial for more than two years.
3. Messrs Waqar Ahmad, Syed Mubashir Ahmad Ayaz, and Muhammad Azhar Mangla, students and staff of the Ahmadiyya Muslim theology school in Lahore, were charged under the anti-Ahmadi section 298-C of the PPC and the cyber crime law for sharing material from the Holy Quran on social media. Mr. Waqar Ahmad has been arrested and remains in custody.
4. Ms. Ramzan Bibi, 55, of District Nankana, was falsely accused of blasphemy and charged under section 295-C of the PPC. She was sent to Central Jail Sheikhpura.
5. Six Ahmadi Muslims, including Messrs Rohan Ahmad, Malik Usman Ahmad, and Hafiz Tariq Shehzad Ahmad and three unknown Ahmadis, were charged under the blasphemy laws and cyber crime laws for sharing a WhatsApp message regarding a general knowledge quiz competition in May 2020. Mr. Rohan Ahmad was tortured, and arrested in his own home and is currently in Camp Jail, Lahore. In September, the other five Ahmadi Muslims were also arrested.
6. Mr. Abdul Majeed, 20, was falsely accused of committing blasphemy by Mr. Imran Ali - a 15 year old. Under pressure by local clerics, the police charged Mr. Majeed under section 295-C of the PPC which carries the death penalty. On 13 September 2020, the police traced Mr. Majeed to his father's house in District Peshawar and, upon raiding the property at 3:00 am, arrested him.
7. In May 2020, Messrs Sharafat Ahmad, Akbar Ali and Tahir Naqash, were charged under the anti-Ahmadi sections 298-B and 298-C of the PPC. On 2 October, their application for pre-arrest bail was rejected by the Lahore High Court and they were subsequently arrested in the courtroom and sent to Sheikhpura Jail.
8. An FIR was logged against Mr Tariq A Tahir and Mr Safwan Ahmad on spurious charges. The pair were arrested and charged under PPC 295B. Both remain behind bars awaiting trial.



For more information:
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