

The 150-minute hearing

Some observations from inside the court room at the Lahore High Court

By Waqar Gillani

October 16, 10.30am. A court associate in a two-judge Lahore High Court appellate bench calls aloud, 'Asia Bibi versus State!' and almost everybody in the small courtroom — more than a dozen lawyers, a few rights activists, and a few clerics — rise from their seats.

The court guard quickly moves outside the courtroom and repeats loudly 'Asia Bibi versus State!'.

The two sides of the counsels, no less than five on each side, along with associates, take their positions in a group form on the two sides of the rostrum where the two judges — Justice Anwarul Haq and Justice Shahbaz Ali Rizvi — are seated.

Justice Haq, observing the situation, asks: how many are representing this case?

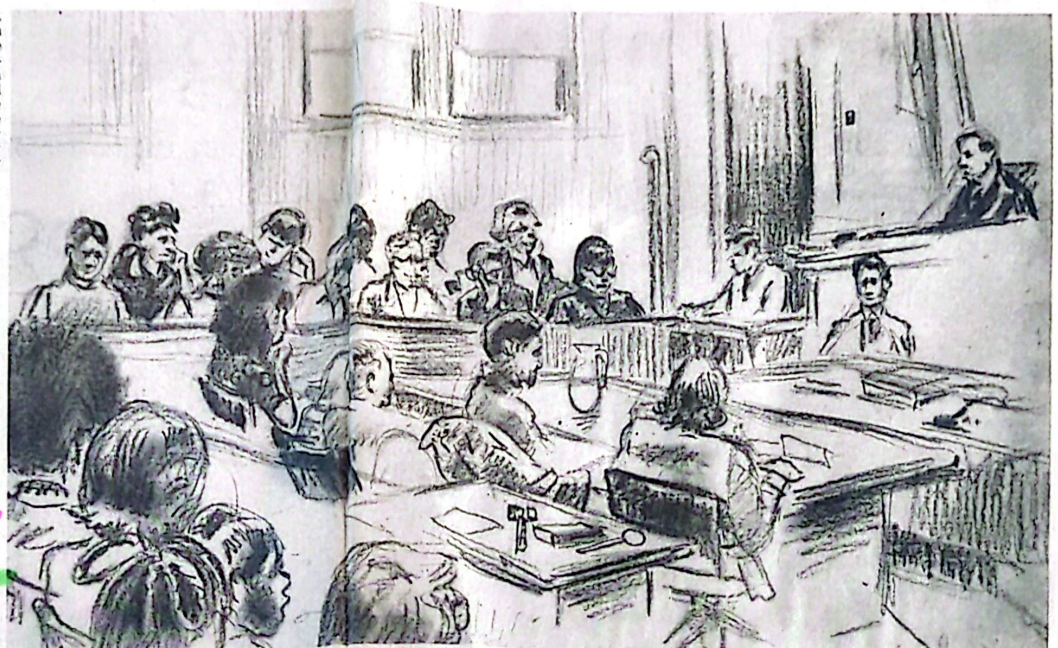
He gets the answer in murmurs.

Those defending Asia Bibi include senior attorney Chaudhry Naeem Shakir, S.K. Chaudhry, and Tahir Khalil Sindhu, who is also a minister in the Punjab cabinet, among others.

Ghulam Mustafa Chaudhry leads the complainant's side, among others.

In the first 30 minutes, the two judges ask the counsels to recall facts of the case against Asia Bibi. That is, how the incident occurred, whether the procedure of investigation was correct, and some key statements. They then announced tea-break, calling the court again at 11.30am to listen to arguments from both sides.

The LHC appellate bench resumes after 30 minutes. By that time, a few clerics had also entered the court, quietly sitting along the wall, close to the complainant's



— had equated the blasphemy death sentence with to Hadd which meant that a pious witness was required in such cases. He also raises the point that there is no independent corroboration of the two main witnesses — two sisters — by the prosecution, terming the allegation of blasphemy against Asia based on enmity and prejudice.

The defence lawyer points to the delay in lodging of police case after consultation with local cleric and contradictory statements of witnesses.

The judges repeatedly ask him as to why didn't the defence counsel cross-examine the two main witnesses at all in the trial court. 'There is not even a single question by the defence in trial court to these two sisters who are the key evidence and witnesses to this charge,' Justice Haq says. 'There is even no request from the defence side to call for psycho-analysis or psychological examination of the charged person.'

SK Chaudhry, the lawyer in the trial court representing Asia, has little to say in reply to the judge's questions.

Senior counsel, Shakir, starts his arguments, saying a Federal Shariat Court judgment — the court which maintained only death sentence under Section 295-C and abolished the previous notion of life imprisonment

upheld the decision of the trial court.

After a two-hour hearing, the senior judge on the bench, Justice Anwarul Haq, announced 'The appeal is dismissed,' and stands up from his chair.

The announcement is followed by celebrations from the complainant's side.

Justice Haq says the bench had adjourned all other cases that day due to the sensitive nature of Asia's case and urges on the defence counsel to argue more. 'We are ready to listen to the arguments till evening and we want to decide it today,' he says.

The complainant's counsel, Ghulam Mustafa Chaudhry, in the few minutes' argument tells the court that the case is based on facts and investigations were done properly and that derogatory words were uttered by Asia.

He urges the court to

'At one time, we were surprised, thinking the judges were taking a different line but the weak defence helped us.' Ghulam Mustafa Chaudhry, counsel of the complainant tells TNS.

He says he needed two hours to present his arguments but he could get only 10 minutes, while the judges appeared quite patient and calm during the defence counsel's argument.

Asia Bibi, 47, worked as a low-paid labourer in village Ittanwali, district Nankana. On June 14, 2009, some Muslim co-work-

Asia allegedly uttered derogatory remarks about Prophet Muhammad (PBUH).

The situation led to a meeting in the village headed by some elders and a local cleric, Qari Salim, who later became complainant of the case which was lodged five days after the incident occurred. Asia was arrested the same day the case was lodged — June 19, 2009. She was accused of blasphemy under Section 295-C of Pakistan Penal Code, and was sentenced to death by a local court on November 8, 2010.

Asia allegedly uttered derogatory remarks about Prophet Muhammad (PBUH).

The case of Asia Bibi gained more attention when Salman Taseer, the then Punjab governor, went to jail to meet her and assure her of all possible legal help. Taseer had maintained that the case against Asia was fabricated and based on false grounds.

ers refused to drink water which she had fetched for them. The co-workers refused to drink water believing that the utensil had become 'unclean' after it was touched by a Christian woman. The exchange of harsh words between the two sides developed into a religious brawl during which

This section contains mandatory death sentence for this particular crime under blasphemy laws. Under the blasphemy laws, a high court must confirm a death sentence from a lower court. Due to this, many of those who are convicted remain on death row for years with their appeals

pending before the overburdened high courts. Asia is the first Christian woman in Pakistan who is sentenced to death under this particular law.

Lack of coordination among her defence lawyers and show of unity on the complainant's side is quite visible in the court during the proceedings.

The case of Asia Bibi gained more attention when Salman Taseer, the then Punjab governor, went to jail to meet her and assure her of all possible legal help. Taseer had maintained that the case against Asia was fabricated and based on false grounds.

He had moved a request to the former president of Pakistan to pardon Asia's sentence. Taseer never knew his support to Asia would cost him his life, that his official guard, Muntaz Qadri, would shoot him dead in broad daylight in a busy market in the country's capital, Islamabad, on January 4, 2011.

An Anti-Terrorism Court (ATC) awarded Qadri death penalty in October 2011, against which he has filed an appeal. The judge who gave the death sentence quietly left the country, feeling his life under threat due to extremism and deep polarisation in the society on sensitive issues.

About two months after the assassination of Taseer, the then federal minister for minorities, Shahbaz Bhatti,

was also killed in the country's capital for talking about the need to revise the blasphemy laws, which are considered controversial by many rights groups. Pope Benedict XVI also issued a condemnation statement on the ordeal of Asia, urging Pakistan to do justice.

As under-trial inmate, Asia Bibi kept waiting for her appeal to be heard before LHC for almost four years and her ordeal is likely to continue for another few years till her appeal is heard before the Supreme Court of Pakistan — the last appellate forum — according to the schedule in view of a pile of pending work due to slow pace and limited number of judges.

The laws made in the name of religion — objected to by many groups and endorsed by the majority groups — and flawed criminal justice system, allow quick arrest of people under blasphemy charges due to pressures of certain extremists religious groups. The system puts the accused in jail where they suffer for years.

The principle of 'justice delayed is justice denied' needs independent and cautious application in such cases which are highly sensitive in nature.

The writer can be reached at vazargillani@gmail.com

courtscene

counsel. One of them, by looks in his 60s, with white beard and white shalwar kameez, sitting beside the complainant, started reciting darood sharif in a very low voice to 'get the blessings of God,' he says.

In the two-hour argument, the judges give ample time to the defence lawyers. They also set aside extrajudicial evidences in the case, carefully listening to the flaws pointed out in the investigations and contradictions in the statements of witnesses.

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"Money cannot fight passion"

Profile of a group of lawyers that goes by the name of Khatam-e-Nabuwat Lawyers Forum

Sitting in a small chamber in a basement on Mozang Road, Ghulam Mustafa Chaudhry seems well-prepared defending his role as the counsel from the complainant side in almost every blasphemy case these days. Chaudhry leads almost a decade-old Khatam-e-Nabuwat Lawyers Forum, a group of lawyers with around 500 members at the Punjab level, voluntarily presenting themselves in such cases and gaining prominence for the past few years.

"Our motto is to defend the dignity of Prophet Muhammad (PBUH), make sure that no innocent gets sentenced in such cases and no guilty gets free," Chaudhry, in his early fifties, tells JNS.

The forum never takes up cases in a hurry and without proper investigation. Sometimes, clients contact us and sometimes we approach them. Before taking the cases, we do our separate investigation. Our members go to the spot. We see the whole record and then decide to take the case," he maintains.

The forum showed disinterest in an internationally highlighted case of Sawan Masih, a young Christian who was charged of blasphemy by his allegedly drunken Muslim friend. The episode ended on a sad note with the burning of around 175 small houses of a whole Christian neighbourhood — Joseph Colony in Lahore — where the accused family lived in early 2013.

The forum found the character of the complainant doubtful and did not jump into the case. Sawan Masih was sentenced to death by the trial court and his appeal is pending before Lahore High Court.

Chaudhry's interest developed in this subject when he was a college student and the Ahmadiyya community was celebrating the 100th anniversary of its foundation. "They wanted to set up their headquarters in a Lahore neighbourhood, which was not far from my locality. There was a move to oppose

that and we as students became part of that movement, which led to the creation of a students group in the college."

Practising as a lawyer for about 17 years, he became interested in the subject when Yousaf, an alleged claimant of Prophethood, was sentenced to death by the court and later killed in jail in which there are no facts but exaggera-

tion that blasphemy cases are lodged to settle personal scores or enmities. "Whatever time and money we are pouring in these cases is from our earnings."

He thinks that media shares a major responsibility. "Take the case of Asia Bibi and see international reports in which there are no facts but exaggera-

tion that blasphemy cases are lodged to settle personal scores or enmities. "Whatever time and money we are pouring in these cases is from our earnings."

Chaudhry, accompanied by secretary of the forum, M Tahir Sultan Khokhar, and head of the women wing of the

While we are talking, Chaudhry receives a telephone call. He congratulates the other person on getting orders from a district court in Sheikhupura for lodging a blasphemy case against an Ahmadi woman in a village for what he says was intentionally tearing an Islamic poster, carrying the name of Prophet Muhammad (PBUH) in front of some Muslims.

The forum showed disinterest in an internationally highlighted case of Sawan Masih, a young Christian who was charged of blasphemy by his allegedly drunken Muslim friend. The episode ended on a sad note with the burning of around 175 small houses.

We believe that judiciary is free and independent and there is no pressure on it while deciding the cases," says Chaudhry. "As far as our group is concerned, nobody can claim that we have harassed anybody within or outside the court. There are lawyers defending blasphemy cases everywhere in Punjab."

Though Chaudhry has no clear answer to the question of extra-judicial killings and attacks in the name of blasphemy he warns people to be careful in such matters.

Talking about the killing of Salman Taseer by his own guard for supporting Asia Bibi, the president of Khatam-e-Nabuwat Forum says, "Taseer was the constitutional head of a province and he should not have dared to touch this sensitive law, seeking its revision. What kind of message was he giving to the people by going to jail and supporting Asia Bibi without knowing the facts from all sides at a moment when her appeal had also been moved to the high court?" he asks.

"We are not a group of extremists or terrorists. This is the image which has deliberately been created."

Chaudhry seems calm, determined, and careful in his legal battle against the accused blasphemers. His commitment has a message for the defence lawyers to be legally strong and well-prepared. Money cannot fight passion, he believes.



2001. He approached Ismael Qureshi, counsel from the complainant's side through some reference, and requested him to take him as his assistant.

"We do not take a single penny from any person for such cases," says Chaudhry, adding, he is not the only lawyer in his family and he owns a

forum. This reporting is one-sided and jumping to conclusions without knowing the facts and having proper information."

Chaudhry believes there is a growing trend of using these laws to take asylum abroad by certain communities. He denies the impression and alle-

gations. "We want to give the message to the people not to commit blasphemy. If you do not stop reaction to these incidents, the best way is to stop committing blasphemy," says Khokhar. He believes cases are not lodged on the

basis of personal enmity but facts and if a case is wrong or false that can be proven in the court through strong defence.

The forum regularly holds monthly meetings in the local bar room, discussing different cases and situations. "To decide who is guilty and who is not is up to the court. There have been

— Waqar Gillani

If as a writer you have reached a point where you know you will go mad if you don't put your thoughts on paper, here is a guide for how to publish what you wrote

By
Saeed ur Rehman

From manuscript to publishing

So you have written a book but it is in manuscript form and you don't know what to do with it. As long as it is unpublished, you are a writer, a penpusher to some and a dreamer to others, and not a published author. At this stage, you have two major decisions to make. You have to find out if your book is suitable for the local market or international market. This decision is economic as well as political. You have to look at the financial side of things. You get better rewards for your labour if you go for the international market. That's just a reality in a world divided into the first world and the third world.

The publishing process is totally different in both of these worlds. In the first world, you cannot approach a publisher directly if you have written a work of literary fiction, poetry, or a memoir. If your ambition is to get published in these areas, you are supposed to approach a publisher through a literary agent. There are many pitfalls to avoid at this stage.

A professional literary agent is not supposed to charge you a reading fee because he or she will be getting paid for the job of representing you through a share of your royalties. Therefore, you are supposed to avoid those literary agents who ask for a reading fee. A good source for finding a literary agent is the website of Poets and Writers, Inc. at www.pw.org.

idea

Similar to a literary agent who asks for a reading fee is a publisher who asks you to cover the cost of publishing. This is also a hazardous zone. This is vanity publishing — an industry term for self-publishing. There are many vanity presses in the first world and the third world. If you want to go down this road, it is better to be aware of the consequences. If you tell someone, you have paid a publisher to get your book published, it is not the same as a publishing house wanting to bet their own money on your ideas and take the risk of deciding to cover the cost of the adventure. But sometimes an idea is so risky or challenging for a publisher that writers have to support the cost of publishing it themselves. This is a different process from vanity publishing. A writer who pays a publisher for publishing



his/her work may have a self-aggrandised sense of self-worth and therefore wants to see his/her name on a book.

Self-publishing one's work because of its samizdat reasons does not constitute vanity publishing because many writers change or hide their identities when publishing this kind of stuff. Hakim Bey, for example, not only publishes his books online but also does not claim copyright for his writings. His main aim is disseminating his ideas as widely as possible.

In the digital age, the world of publishing has gone through many radical transformations. Almost all blogs are self-publishing projects but the disparaging term 'vanity publishing' is not used for writings found in the blogosphere.

Let's assume you want to go through the most traditional process and have a manuscript published by a mainstream literary publisher with an international distribution network. For this, you will need to have three things: (1) a presentable manuscript ready that can

You will need to have three things: (1) a presentable manuscript ready that can hook a literary agent in the first ten pages; (2) a pitch including a plot summary that makes the literary agent see the worth of your project; and (3) a platform through which you have built an audience and who are eagerly waiting for your book.

hook a literary agent in the first ten pages; (2) a pitch including a plot summary that makes the literary agent see the worth of your project; and (3) a platform through which you have built an audience and who are eagerly waiting for your book.

For the first item on this list, you need to have talent, stubbornness, perseverance, and some friends who can give you honest but competent feedback whether you should pursue this dream or

not. Some people have called this profession a blood sport. And Hemingway certainly thought so when he remarked: "There is nothing to writing. All you do is sit down at a typewriter and bleed."

If you are still not dissuaded and there is something in you that tells you that you will go mad if you don't put your thoughts on paper and "out there," then you should try to develop an obsessive compulsive disorder about how perfect your manuscript can get before you show it to a literary agent.

And you should not contact a literary agent till the time you have a manuscript that is as perfectly presentable as you can humanly manage to produce. If you need to hire an editor, do so. If a friend points out your typographical errors, sit with that friend and go through the entire manuscript. Read it aloud to yourself so that

you can hear which parts sound awkward when read aloud.

After you have a presentable manuscript, you should develop a pitch so that you can hook a literary agent with your idea/theme/story. A good pitch should be presentable during a lift ride with your imaginary literary agent. Imagine you are alone in a lift and a literary agent walks in and you recognise him because you have seen his/her picture because of a photo in a publishing industry magazine. You should be able to pitch your story during a single lift ride and hook the attention of this literary agent. This tip basically asks you to prepare a forceful and succinct summary of the idea and the plot in as few words as possible without making it boring.

The third item on the list is a lifestyle and lifelong thing. You have to use all the tools that are available to you to build your presence in the field without coming across as a cheap self-promoter. You can build a local reading club, an online community, a Face-

book page with the links to your shorter and already published works, your own personal website, a Twitter account, and Instagram list of your favourite books just to get as many people know about your work and forthcoming book as possible. N. Frank Daniels is an example of the power of the platform. He self-published his first novel titled *Futureproof* and then promoted it to such an extent that a traditional publisher (Harper Perennial) offered to publish the same book. The publishing history of *Futureproof* is about the power of building an audience so doggedly that the mainstream publishers have to pay attention. The main reason for this is that this makes the job of their market departments easier.

These are the facts that every published author has to deal with after they have taken care of the inspiring and poetic parts of their profession. Good luck.

Saeed Ur Rehman teaches at the Lahore School of Economics

Who murdered Benazir

By collecting all the available evidence, pruning the reports of the investigation and then pointing to the gaps, Suhail Warraich has made the process more transparent

By Sarwat Ali

Suhail Warraich is a leading journalist of the country. Since he was initially nurtured in the print media his timing with the electronic media has not made him forget the indispensable virtues of journalism. He is particularly careful in double or triple-checking, and more than that in crediting every story to the source. This responsible attitude is also demonstrated as he has written this book on one of the most troubling and heart-wrenching events in the political history of the country.

Benazir Bhutto's entire life was spent in struggling against the massive odds. The judicial murder of her father, the imprisonment, at times solitary, the launching of the political movement, coming to power twice with great fetters attached, and then her exile and final return to Pakistan when she was assassinated on second attempt. The first she survived miraculously on October 18, 2007 in Karachi but the December 27 attack the same year in Rawalpindi proved to be fatal. She also saw the murder of her two brothers and loss of the mother to Alzheimer's after she was probably unable to cope with the series of tragedies in her family.

And obviously many doubts were raised about the motive of her murder. It simply added fuel to the already flared up market of speculation and conspiracies. Many names were taken and many reasons were attributed for the heinous crime that deprived the country of one of the most outstanding politicians

it had produced.

It is rare in Pakistan that the mystery of murders is resolved and it is even rarer if the murder happens to be of a high profile politician. And there has been a long history of such assassinations and a longer list

The Bhutto Blood

(English translation of Qatil

Kaun published in 2010)

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of politicians who have been dismissed, sacked from high offices, unceremoniously removed and just told to go home. Some remonstrated but most did not and resumed their political activity once the conditions were again favourable.

In the process of repression, curbs on political activity and crackdowns the politicians have chosen the nature of their political activity according to their own will power, resources and style. There has not been a level playing field for politicians in the country and cannot be judged merely on their performances or programmes. The successful exploitation of the chances that they got or made available for themselves, and creating opportunities can be political initiative to some, to others mere compromise of basic principles of their politics.

But then politics is the art of the possible and being exposed

to criticism is better than sticking to one's guns irrespective of the objective situation. It only elicits charges of stubbornness and intransigence. Exercising flexibility is one of the givens of a practical politician and any criticism merely on this count

cannot be taken on face value.

But still it exposes the flanks and the criticism can stick in an environment that is hugely prone to lending its ears to conspiracies and half baked truths. So it was not only the murder that rankled but with others

like NRO bandied as some kind of a security guarantee against the charges of corruption. The desire for democratic resumption of political activity made Benazir expose herself to grave danger and, since her assassination, much has been said and

written more in the realm of speculation.

Despite all the various investigations that have been carried out by the agencies in the country, not much headway was made in coming to any conclusive evidence about the murder.

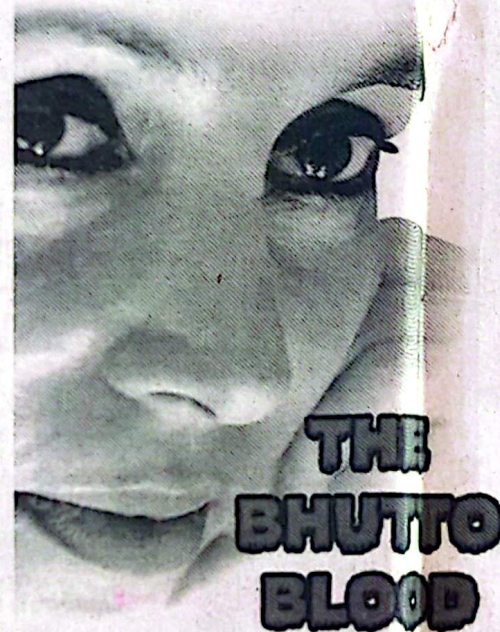
Even international agencies and reputed ones were engaged like the Scotland Yard and the United Nations but still the responsibility could not be fixed. The terms under which these investigations were carried out also did not help in reaching any conclusion beyond reasonable doubt.

In view of the lack of incontrovertible evidence, Suhail Warraich has done a good job by collection all the investigations that were carried out and has put them together in one place. This gives a clearer picture about what exactly happened and it points to the various major flaws that have been detected during the course of the investigations. There were massive security lapses and many other failures that made the task of the executors easier or perhaps had made the jobs of all executors in the country's history easy.

By collecting all the available evidence, pruning the reports of the investigation and then pointing to the gaps Suhail Warraich has made the process more transparent.

It also exposes the various faults, the way the system operates in the country, a combination of inefficiency and work which has not been thought through. The half-hearted attempts have not only made us lose leaders like Benazir Bhutto but have made the country suffer immensely on all fronts. With better system and the will to make those systems work can Pakistan be uplifted from the mess that it finds itself in.

SUHAIL WARRACH



AN INDEPENDENT PROBE INTO BENAZIR BHUTTO'S KILLING



Editorial

Every single incident that justifies the misuse of blasphemy laws in this country and dampens the spirits of those who have fought against its use and resolves a measure to do something about them.

The recent in the series of such incidents is the Lahore High Court verdict upholding the death sentence against Asia Bibi. The same of inhumanity at the collective failure of state and society

to save a hapless woman from a wrongful death sentence. A matter of five is a matter of life and death. A poor woman's life of horror was turned into one of the most high profile cases of blasphemy. A case that cost Governor Salman Taseer and Minister Shabbaz Bhatti their lives. Pakistan must be more difficult for Asia Bibi, these four must have changed the context for the worse.

from that of innocence to that of guilt. The latest gruesome case in blasphemy was the murder of a woman who was defending a man accused in Muhajir jail and was a victim of a mob attack. It is in the context of such cases that people are seeing the blasphemy law as a tool of oppression and a tool that divides and not one that will

misuse and abuse of this law. There is, indeed, a shared desire in this civil society to prevent a misuse of this law at least in future. As a first step, the police are trained to ascertain facts and the judiciary to register a case. In some cases, they have been successful in doing that. Once the case is registered, things take a different turn. In the case of Asia Bibi, a case that developed around keeping the case alive. Some people think this has

aggravated her case and a whole bunch of lawyers has been unable to plead her case the way it should have been. It also appears that there are economic interests at work on both sides, but the point of those who have been charged and are languishing in jail, and the potential of misuse of the law in future warrant that an early solution be sought. This cannot be done without the state taking charge and seeking a solution.

To start with, it involves building a consensus in society that there is a problem that needs solution. It seems to raise this question first that why are the blasphemy laws in this country a problem for the own people and a blemish for the country? Once the state takes ownership of this issue, the fear factor shall wane away and there is a chance the problem will be understood. Let Asia Bibi be a test case.

Our justice system needs to be overhauled for any major change to happen with regards to blasphemy cases

The decision of the two-member bench of the Lahore High Court on Oct 18, 2014, upholding the verdict of trial court that awarded death sentence to Asia Bibi in 2009, again puts the issue of blasphemy laws under the spotlight. According to experts, the case could have been quashed in the trial court on legal grounds as it was registered five days after the incident occurred. The complainant of the case was not present at the place where the incident happened and the testimony of interested witnesses was not corroborated by some independent evidence. The detailed judgment of the LHC's decision on the case has not been issued yet. The trial court in its judgment had drawn a strange inference from the statement of Asia Bibi. Asia admitted that she exchanged 'hot words' with those two Muslim sisters. When a Muslim and Christian exchange 'hot words' the blasphemy was a natural outcome. And, thus, she committed blasphemy, reads the decision of the trial court.

Asia's family says she was abused and tortured by a crowd in the village before she was arrested. Police told her that they had arrested her for her safety. Asia's husband, however, tells TNS, "Everybody knows she did not commit blasphemy but she is on death row. She has been behind bars since June 2009. I am pinning hope on the Supreme Court to get justice."

Nearly a quarter of the countries in the world — mostly Muslim — have blasphemy laws in place but it is only Pakistan's law which comes under spotlight again and again. Here a mere charge of blasphemy in Pakistan means the end of one's life.

Law

The police, in most instances, register a case against the accused under the pressure of a mob on the pretext of "safeguarding the life of the accused". The trial court, in most cases of 295-C, convict the accused under pressure from religious elements that make sure they are present in big numbers during the proceedings of such cases, not only in trial courts but also in higher courts.

It has been observed that blasphemy laws have been misused to settle sectarian and personal issues. The issue of amending blasphemy laws is too sensitive. A former judge of Lahore High



The test case of Asia

By Aoun Sahl

Court, Mian Nazir Akhtar, reportedly, told a religious gathering in December 2010 that parliament had no right to amend blasphemy laws and if it happened, it would be un-Islamic and Muslims would take the law in their own hands and kill people involved in such an act.

The supporters of blasphemy laws say other laws are also misused in Pakistan and even fake murder cases are registered in the country.

A Lahore-based senior police official, who has interrogated several cases of blasphemy, says there is difference in the two instances. "The conviction rate in terrorism cases is two per cent while of murder cases it is between 5-20 per cent while the conviction rate for blasphemy cases is almost 90 per cent. The blasphemy accused and his/her family has to pay a heavy social price for the allegations," he says.

The police case in under mob pressure in blasphemy cases. "It is true that police does not find the opportunity in most cases of blasphemy to investigate freely. Police also reflects the government which does not want to create 'panic' in society for the sake of one individual," he adds.

The official gives a suggestion, "I think a joint investigation team should

be set up to investigate blasphemy cases related to 295-C which would include a senior police official, a psychologist, religious scholars, and rights activists."

Critics of blasphemy laws say the law should not be liable to abuse. The first step towards a way out could be holding of a broad-based consultation between parliamentarians and

somehow but not significantly unless Pakistan amend or change its current criminal justice system," says Siddique.

The other side of this issue is related to our social situation. "Our education and economic systems have failed to deliver. Intolerance is on the rise but every case of blasphemy issue also has its own political economy as

well. This is the manifestation of a larger problem." The issue of blasphemy in Pakistan has become a political and social issue. "The human rights strategy may not be a good tool to fix it. There is no partial solution. There may not be the right time to talk about amendments in this law but we can talk about and promote tolerance in society without talking about this

law persecutes particular minorities and there is no requirement of intent and the offences are described in very vague terms. But the problem is more severe and chronic than making some procedural changes or empowering different institutions to deal with blasphemy related issues."

"Procedural amendments in handling blasphemy cases would improve things

jurisconsults from Muslim minorities to devise a blasphemy law that meets the definition of a just measure and offers due safeguards to innocent victims of human malice," writes I.A. Rehman, human rights activist in his column in Dawn on October 23, 2014.

Experts on Pakistan blasphemy laws say there are lacunae in our blasphemy laws. "The language of

the condition of anonymity. There is a competition amongst these organisations and individuals to highlight themselves internationally as the champion of human rights and Christians." He points out that cases of blasphemy that don't receive media attention suffer from a dearth of people who want to take up the case. He cites the example of the case of Agnes Bibi, who was indicted on blasphemy charges in February 2011, similar to that of Asia's, and died in March this year, while waiting for her case to be taken forward.

The large support and international pressure could have worked in Asia's favour had these organisations put together their resources and intellect to help the accused. In Asia's case, this clearly did not happen.

Peter Jacob, activist and freelance journalist says, "This forms only 5-10 per cent of the people." According to him, the lack of proper representation for blasphemy accused needs to be addressed systematically at the governmental level. "I think, the Ministry of National Harmony, which is merged with the Ministry of Religious Affairs at the federal level and ministries of minorities at the provincial levels should monitor, provide protection, and legal counsel to all blasphemy cases."

The issue of false blasphemy cases being registered against people or the way that such cases need to be handled is an issue larger than the few lawyers or organisations representing Asia. It is bigger than this one judgment but this one judgment does provide an interesting insight into the improvements that can be made on the part of the defence.

Lawyers galore

The judgment on Asia provides an interesting insight into the improvements that can be made on the part of the defense

By Anol Ghani

On October 16, 2014 the Lahore High Court rejected Asia Bibi's appeal to overturn her death sentence. The judgment, for most, was shocking because the case has received significant attention from the international media and human rights organisations based abroad. The assassination of Salman Taseer, former governor Punjab, and Shabbaz Bhatti, minister for minorities have also made this a high-profile case. Unlike most cases of blasphemy, which go unnoticed beyond media's glare, Asia had a panel full of lawyers and four years to prepare for this appeal. Despite this, during proceedings one of the judges pointed out that the panel should decide amongst themselves and appoint one person to speak on behalf of the defence. The names of various organisations and lawyers have been attached to the case. The organisation that initially took up the case was the Bishop John Joseph Trust and S. K. Chaudhry was the lawyer who took up the case then.

It was ultimately this attention perhaps and the number of lawyers that led to Asia's appeal being rejected. Sardar Mushtaq Gill, one of the lawyers on Asia's defence counsel, points out, "This has become an international case. There were a number of grounds for the High Court to accept the appeal but they did not do so," he tells TNS. He cites the example of other blasphemy cases that LEAD, the organisation he represents on the counsel, such as Younis Masih's case in April 2013 and Khuram

Shehzad's case in 2012, in which the High Court overturned the death sentence. Both cases were argued by Naorem Shafiq in court, a Supreme Court Advocate, who was also arguing Asia's case.

One problem is the sheer number of people and organisations that represent one person. The idea, on the surface, seems good but there is a coordination between these representatives as was evident from the number of people who eventually wanted to speak in Asia's defence during the appeal.

A human rights activist says on the condition of anonymity. There is a competition amongst these organisations and individuals to highlight themselves internationally as the champion of human rights and Christians." He points out that cases of blasphemy that don't receive media attention suffer from a dearth of people who want to take up the case. He cites the example of the case of Agnes Bibi, who was indicted on blasphemy charges in February 2011, similar to that of Asia's, and died in March this year, while waiting for her case to be taken forward.

The large support and international pressure could have worked in Asia's favour had these organisations put together their resources and intellect to help the accused. In Asia's case, this clearly did not happen.

Peter Jacob, activist and freelance journalist says, "This forms only 5-10 per cent of the people." According to him, the lack of proper representation for blasphemy accused needs to be addressed systematically at the governmental level. "I think, the Ministry of National Harmony, which is merged with the Ministry of Religious Affairs at the federal level and ministries of minorities at the provincial levels should monitor, provide protection, and legal counsel to all blasphemy cases."

The issue of false blasphemy cases being registered against people or the way that such cases need to be handled is an issue larger than the few lawyers or organisations representing Asia. It is bigger than this one judgment but this one judgment does provide an interesting insight into the improvements that can be made on the part of the defence.

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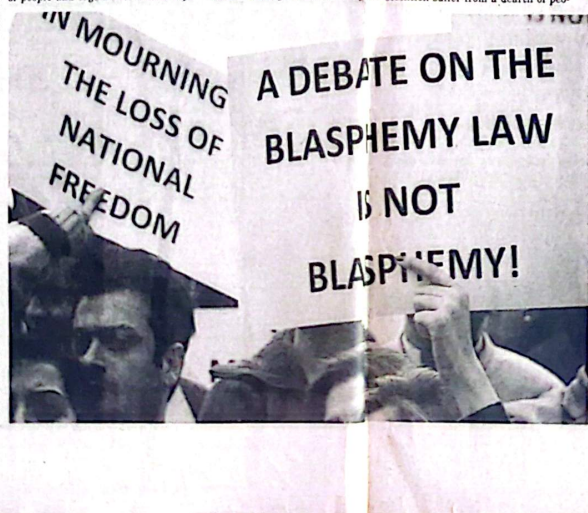
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