

**United States Commission on International Religious Freedom**  
**“Blasphemy Laws and the Violation of International Religious Freedom”**  
**Hearing -- Washington, D.C.**  
**December 9, 2020**

**Testimony of Amjad Mahmood Khan, Esq.**

Chair Gayle Manchin, Senator James Lankford and Members of the Commission:

Thank you for inviting me to testify today. I teach and practice law in Los Angeles and have represented prisoners of conscience in blasphemy trials. The Commission has asked me to focus on the violent impact blasphemy laws have on religious communities, and the relationship between blasphemy laws and the proliferation of terrorism. I have been privileged to testify before the U.S. House of Representatives on five prior occasions on the subject of blasphemy and religious freedom, and I am honored to do so before this Commission as well.

The tragic events of years past, including the Taliban’s murder of 132 schoolchildren in Pakistan and Boko Haram’s mass slaughter of civilians in Nigeria, have led to robust discussions about the root causes of terrorism and its prevention. The debate centers largely on efforts by foreign governments in the Islamic world to effectively execute counter-terrorism measures against known terrorist organizations, including defeating their weaponry and propaganda.

But little has been written on what is, arguably, the most potent instrument fueling the perpetrators’ terrorism: anti-blasphemy laws. In several countries with large Muslim populations – most notably, Pakistan, Indonesia and Nigeria – criminal codes have provided legal cover for terrorists to commit atrocities in the name of protecting Islam’s integrity based on their warped (and perverse) view of the faith. Protecting these codes, and the larger cause of preventing blasphemy, drives some of the world’s most dangerous terrorists to commit mass atrocities. Preventing these atrocities requires countries with large Muslim populations to repeal or reform their anti-blasphemy codes – not simply as a matter of protecting human rights but also of strengthening the collective security of nations.

A 2014 Pew Research Center analysis found about a quarter of the world’s countries and territories (26%) had anti-blasphemy laws or policies, and that more than one-in-ten (13%) nations had laws or policies penalizing apostasy.<sup>1</sup> The legal punishments for such transgressions vary from fines to death. Pew found that laws

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<sup>1</sup> Pew Research Center, “Which Countries Still Outlaw Apostasy and Blasphemy,” July 29, 2016, available at: <https://www.pewresearch.org/fact-tank/2016/07/29/which-countries-still-outlaw-apostasy-and-blasphemy/>

restricting apostasy and blasphemy are most common in the Middle East and North Africa, where 18 of the region's 20 countries (90%) criminalize blasphemy and 14 (70%) criminalize apostasy. As of today, USCIRF reports that 84 countries across the globe have criminal anti-blasphemy laws.

Despite ample data on the global proliferation of anti-blasphemy laws, few studies have yet evaluated the interconnectedness of the laws with acts of terrorism.

In 2015, I penned an [article](#) for the *Harvard International Law Journal* entitled, "How Anti-Blasphemy Laws Engender Terrorism," in which I examined the anti-blasphemy laws of Pakistan, Indonesia, and Nigeria to help illustrate a significant correlation: nations that criminalize blasphemy tend to foster an environment where terrorism is more prevalent, legitimized and insidious.

There has been some recent empirical research supporting this correlation. For example, Dr. Nilay Saiya, a legal scholar, conducted a detailed analysis of every terrorist attack in the world from 1990-2014 and made several key findings. Most notably, Dr. Siaya found that nation states that enforce blasphemy laws are indeed statistically more likely to experience terrorist attacks than countries where such laws do not exist, and nation states that enforce blasphemy laws experience almost six times as many terrorist attacks as states that such laws do not exist.

I describe three case studies below to illustrate the correlation for the Commission.

### *Pakistan's Anti-Blasphemy Laws and Tehrik-e-Taliban (TTP)*

Since 1984, Pakistan has used its Criminal Code to prohibit and punish blasphemy, which broadly refers to any spoken or written representation that "directly or indirectly" outrages the religious sentiments of Muslims.<sup>2</sup> Five of Pakistan's current penal code provisions punish blasphemy, and several thousand individuals have been arrested and prosecuted for blasphemy-related crimes.<sup>3</sup>

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<sup>2</sup> Amjad Mahmood Khan, "Persecution of the Ahmadiyya Community in Pakistan: An Analysis Under International Law and International Relations," *Harvard Human Rights Journal*, Vol. 16, Spring 2003, at p. 227, available at

<http://www.law.harvard.edu/students/orgs/hrj/iss16/khan.shtml#fnB40>.

<sup>3</sup> See Dexter Filkins, "Pakistan's Blasphemy Law Under Heightened Scrutiny," *Los Angeles Times*, May 9, 1998, at A1; Editorial, "Pakistan's Cruel Blasphemy Law," *New York Times*, August 30, 2001, at A20. The accused were Muslims (Sunnis, Shias, and Ahmadis), Christians, and Hindus. Their "crimes" include actions such as: wearing an Islamic slogan on a t-shirt; planning to distribute Islamic literature in a public square; offering prayers in a mosque; printing a wedding invitation card with Qur'anic verses; sending a text message perceived as critical of Islam; and committing spelling errors on an exam. Their punishments ranged from fines to indefinite detention to life

The most notorious of Pakistan's anti-blasphemy laws is a 50-word Penal Code Ordinance (called Section 295-C):

*Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.*<sup>4</sup>

Based on this remarkably broad language, virtually anyone can register a blasphemy case against anyone else in Pakistan, and the accused can face capital punishment.

The anti-blasphemy laws suppress freedom of expression for Muslims and non-Muslims alike, but they also perversely criminalize the very existence of Ahmadi Muslims. Two of the five anti-blasphemy codes, referred to as Martial Law Ordinance XX, explicitly target by name the activities of Ahmadi Muslims.<sup>5</sup> For fear of being charged with "indirectly or directly posing as a Muslim," Ahmadi Muslims cannot profess their faith, either verbally or in writing.<sup>6</sup> In addition, Ordinance XX prohibited Ahmadi Muslims from declaring their faith publicly, propagating their faith, building mosques, or making the call for Muslim prayers.<sup>7</sup> Elderly Ahmadi Muslim women, mothers, and infants have fallen victim to the anti-blasphemy laws.<sup>8</sup> In short, virtually any public act of worship, devotion, or propagation by an Ahmadi Muslim can be treated as a criminal offense punishable by fine, imprisonment, or death.

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imprisonment to the death sentence. Although no one to date in Pakistan has been executed for blasphemy, hundreds have been killed by mobs after having been arrested for blasphemy.

<sup>4</sup> See Pak. Penal Code § 295C (part of the Criminal Law Amendment Act of 1986, which amended the punishments enumerated in §§ 298B and 298C to include death).

<sup>5</sup> These two laws are part of what is known as Martial Law Ordinance XX, which amended Pakistan's Penal Code and Press Publication Ordinance Sections 298-B and 298- C (PPC §§ 298B 298C 1984).

<sup>6</sup> M. Nadeem Ahmad Siddiq, "Enforced Apostasy: *Zaheerudin v. State* and the Official Persecution of the Ahmadiyya Community in Pakistan," *Journal of Law and Inequality*, Vol. 14, 1995, at pp. 275, 279. Pakistani police have destroyed Ahmadi translations of the Qur'an and banned Ahmadi publications, the use of any Islamic terminology on Ahmadi Muslim wedding invitations, the offering of Ahmadi Muslim funeral prayers, and the displaying of the *kalima* (*i.e.*, the basic creed of a Muslim, "There is no god but Allah, and Muhammad is his messenger") on Ahmadi Muslim gravestones.

<sup>7</sup> *Id.*

<sup>8</sup> Ahmadiyya Muslim Community, Press Release, "Four Ahmadi school children and an adult frivolously booked and arrested by the police on false accusation of Blasphemy by extremist elements," February 2, 2009, quoting BBC report, available at <http://www.thepersecution.org/case/case009.html> ; Amnesty International, Report on Pakistan, September 1996, available at <http://www.thepersecution.org/ai/amnst196.html>.

For decades, Pakistan's anti-blasphemy laws drew the ire of international human rights activists and lawyers who scrutinized the law's constitutionality and their deadly reach on Pakistan's religious minorities. But in 2010, the laws garnered wider global attention when Asia Bibi, a Christian, was sentenced to death for a trivial offense, and two senior government officials within Pakistan, Salman Taseer, the governor of Punjab, and Shahbaz Bhatti, the minister of minorities affairs, were subsequently assassinated for voicing their condemnation of the laws and support for Bibi. In Taseer's case, the assassin, Mumtaz Qadri, maintained the support of over 500 Muslim clerics in Pakistan and was serenaded with rose petals and praised for his "defense" of Islam as he entered the court during his trial.<sup>9</sup>

Since 2010, extremists in Pakistan emboldened by Qadri have continued their fight to safeguard Pakistan's anti-blasphemy laws. Indeed, Tehrik-e-Taliban (TTP), one of Pakistan's most dangerous terrorist organizations and U.S.-designated terrorist group, and its affiliates, have made attacking blasphemy their *raison d'être*.<sup>10</sup> In 2010, TTP claimed responsibility for the massacre of 86 Ahmadi Muslims in Lahore.<sup>11</sup> In 2013, TTP and its affiliates were linked to the massacre of 127 Christians in Peshawar.<sup>12</sup> When TTP and its affiliates massacred Ahmadi Muslims and Christians, they claimed they were doing so because Ahmadi Muslims and Christians are "infidels who insult Islam." In 2012, one TTP spokesperson rallied all Muslim youth of Pakistan to fight blasphemy, saying: "Zionist and crusader enemies of Islam are insulting the signs of Islam everywhere."<sup>13</sup> In 2014, TTP sympathizers in Gujranwala burned down many homes in an Ahmadi-inhabited village over an allegedly blasphemous Facebook posting, killing four, including an elderly woman and her two young granddaughters.<sup>14</sup> Even when TTP massacred 132 schoolchildren at an army base in Peshawar last December, it claimed that it was to signal its opposition to the parents' implicit support for U.S.-backed drone

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<sup>9</sup> Associated Press, "Lawyers shower roses for Governor's killer," *Dawn*, January 5, 2011.

<sup>10</sup> Amjad Mahmood Khan, "Pakistan's Dark Days: Terrorism and Blasphemy Laws," *Foreign Affairs*, December 17, 2014, available at: <http://www.foreignaffairs.com/articles/142711/amjad-mahmood-khan/pakistans-dark-days>.

<sup>11</sup> Jane Perlez, "Pakistani Taliban Carried Out Attack on Lahore Mosques, Police Say," *New York Times*, May 29, 2010, available at: [http://www.nytimes.com/2010/05/30/world/asia/30pstan.html?\\_r=0](http://www.nytimes.com/2010/05/30/world/asia/30pstan.html?_r=0).

<sup>12</sup> Saima Mohsin and Emily Lacey-Bordeaux, "Suicide bombers kill 81 at church in Peshawar, Pakistan," CNN, available at: <http://www.cnn.com/2013/09/22/world/asia/pakistan-attack/>.

<sup>13</sup> Business Recorder, "Blasphemous Film: TTP Urges Muslim Youth to Rise Up," available at: <http://www.brecorder.com/top-stories/0:/1237279:blasphemous-film-ttp-urges-muslim-youths-to-rise-up/?date=2012-09-16>.

<sup>14</sup> Waqar Gillani, "3 Killed in a Facebook Blasphemy Rampage in Pakistan," *New York Times*, July 28, 2014, available at: <http://www.nytimes.com/2014/07/29/world/asia/3-pakistanis-die-as-facebook-photo-sets-off-muslim-rampage.html>.

attacks.<sup>15</sup> Here, too, TTP's justification was apparent: silence those who threaten, however indirectly, Pakistan's status as an Islamic state.

More recently, the very same extreme groups with longstanding ties to known terrorist groups and affiliates have used Pakistan's cyber crime statutes to initiate cases of anti-blasphemy. For example, within the past year alone, at least six First Information Reports (FIRs) have been launched against 13 Ahmadi Muslim students, teachers, scholars and leaders on the basis of the dissemination of religious literature shared over WhatsApp (the legal theory being that possession of any Islamic literature of an Ahmadi is "insulting"). And the cause of protecting Pakistan's anti-blasphemy laws fuels a "mob for hire" criminal syndicate mentality, which exploits mob rule to implement legal and political change. One organizer of a rally to protect Pakistan's anti-blasphemy laws summed up the mentality of the "mob for hire" syndicate best:

*"One phone call and a hundred will come . . . If they are from a religious minority, you just say they committed blasphemy or burned the Qur'an, and everyone will follow; no one will verify the truth of it."*

Pakistan's peculiar treatment of religious freedom as a constitutional and legal matter has been well-documented. Article 20 of Pakistan's Constitution states: *"Subject to law, public order and morality, every citizen shall have the right to profess, practice and propagate his religion."* For over forty years with little exception, Pakistan courts have seized on the limiting language in this provision to uphold restrictions to particular religious beliefs and practices. This is perhaps best illustrated in the sordid history surrounding Article 260 of Pakistan's Constitution, which uniquely defines who is or is not a "Muslim," and which has been constitutionally amended to exclude an entire religious community of Ahmadis as non-Muslim.

Strict interpretations of Article 20 have gained further legitimacy and expression through Pakistan's criminal code. The anti-blasphemy criminal provisions are a legal tool to restrict the religious beliefs and practices of marginalized religious communities, especially groups like Ahmadi Muslims who profess and self-identify as Muslims but who are legally declared to be non-Muslims. Though intended to protect and preserve "public order and morality," Pakistan's anti-blasphemy laws correlate to an uptick in terrorism and sectarian violence. Put differently, Pakistan's constitutional and legal apparatus concerning religious freedom is wrapped up in a perverse notion that restricting religious

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<sup>15</sup> Sophia Saifi and Greg Botelho, "In Pakistan school attack, Taliban terrorists kill 145, mostly children," CNN, December 17, 2014, available at <http://www.cnn.com/2014/12/16/world/asia/pakistan-peshawar-school-attack/>.

freedom can maintain “public order and morality” within Pakistan borders. In reality, such restrictions only perpetuate extreme acts of violence against religious communities who do not subscribe to a monolithic view of “Islam.”

*Indonesia’s Anti-Blasphemy Law and Front Pembela Islam (FPI)*

Like Pakistan, Indonesia criminalizes and punishes blasphemy in a manner that has emboldened terrorism.

On January 27, 1965, President Sukarno enacted Presidential Decree No. 1/PNPS/1965 on the Prevention of Blasphemy and Abuse of Religions (the “Blasphemy Law”). The Blasphemy Law, which took effect in 1969, makes it unlawful “to, intentionally, in public, communicate, counsel, or solicit public support for an interpretation of a religion or a form of religious activity that is similar to the interpretations or activities of an Indonesian religion but deviates from the tenets of that religion.”<sup>16</sup> The Blasphemy Law “channel[s] . . . religiosity” towards six (6) approved religions: “Islam, [Protestant] Christianity, Catholicism, Hinduism, Buddhism and Confucianism.”<sup>17</sup> The Blasphemy Law establishes that the government will protect its official religions by punishing those who insult approved religions and those who attempt to persuade others to adhere to unofficial religions.<sup>18</sup> Finally, the Blasphemy Law places restrictions on those within each approved religion, making it illegal to advocate “deviations from teachings of religion considered fundamental by scholars of the relevant religion.”<sup>19</sup>

Article 156(a) of the Criminal Code – a complement to the 1965 Blasphemy Law – attaches a maximum penalty of five years’ imprisonment for intentionally criticizing or otherwise attempting to undermine the government’s officially recognized religions.<sup>20</sup> The article prohibits “deviant interpretation” of religious doctrine.

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<sup>16</sup> Law No. 1/PNPS/1965 was formalized as Law No. 5/1969.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> The Blasphemy Law establishes civil and criminal penalties for violations. On the first offense, the offender “shall be instructed and be warned severely to cease his/her actions” by a minister of the federal government. On the second offense, if the infraction is committed by an organization or an “aliran kepercayaan” (traditional religious practices of indigenous Indonesians), the President of Indonesia may dissolve the organization and declare it to be banned. Banned organizations have no legal personality, and therefore, may not own property or legally practice their beliefs or exercise their convictions in public.

<sup>20</sup> Article 156(A), Penal Code of Indonesia, available at <http://www.unhcr.org/refworld/docid/3ffc09ae2.html>.

For decades, the 1965 Blasphemy Law held mere symbolic importance and was rarely enforced. But as religious extremism gained ascendancy in Indonesia, the Law became a prominent tool to squelch minority religious practices.

In 1980, the top Muslim clerical body in Indonesia – the Indonesian Council of Ulema (MUI) – issued a fatwa (a legal opinion or decree announced by an Islamic religious leader) declaring that Ahmadiyyat was not a legitimate form of Islam.<sup>21</sup> Edicts issued by the MUI, while not legally binding, carry persuasive weight and are followed by a majority of Muslim followers.<sup>22</sup> Significantly, the Indonesian government funds the MUI and appoints its members.<sup>23</sup> In 2005, the MUI renewed its fatwa and also called for the outright ban of mixed-faith marriages and interfaith prayers.<sup>24</sup>

On June 9, 2008, Indonesia’s Minister of Religious Affairs, Attorney General and Minister of the Interior issued a Joint Decree entitled, “A Warning and Order to the followers, members, and/or leading members of the Indonesia Ahmadiyya Jama’at (JAI) and to the General Public.” The Joint Decree orders Ahmadi Muslims to “discontinue the promulgation of interpretations and activities that are deviant from the principal teachings of Islam, that is to say the promulgation of beliefs that recognize a prophet with all his teachings who comes after Prophet Muhammad (saw).”<sup>25</sup> Violations of the Joint Decree can result in prison sentences of up to five years.<sup>26</sup> The Government of Indonesia defended the Joint Decree as preserving law and order. But the Joint Decree increased, rather than deterred, violence against Ahmadi Muslims. According to the Setara Institute, an NGO that monitors religious freedom, violence against Ahmadi Muslims dramatically increased from 3 incidents in 2006 to 50 in 2010.<sup>27</sup> Moreover, the Decree has prompted numerous provincial bans of Ahmadi activities, now numbering over 40 in all.<sup>28</sup>

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<sup>21</sup> Secretary for Democracy and Global Affairs, Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2005 for Indonesia*, at p.2.

<sup>22</sup> Eric Unmacht, “A Muslim Schism: Conservative Islamic Leaders Are Flexing Their Muscles,” *Newsweek*, Aug. 15, 2005, at 1-2.

<sup>23</sup> Nancy-Amelia Collins, “Strict Islamic Edicts Cause Concern in Indonesia”, *U.S. Federal News*, Aug. 22, 2005, at p.1.

<sup>24</sup> Human Rights Watch, Country Summary for Indonesia, at p. 3 (Jan. 2006).

<sup>25</sup> “A Warning and Order to the followers, members, and/or leading members of the Indonesia Ahmadiyya Jama’at (JAI) and to the General Public,” June 9, 2008 available at: <http://www.thepersecution.org/world/indonesia/docs/skb.html>.

<sup>26</sup> *Id.*

<sup>27</sup> Aubrey Belford, “Indonesian Authorities Vow Inquiry After Attack,” *New York Times*, available at: <http://www.nytimes.com/2011/02/08/world/asia/08iht-indo08.html>.

<sup>28</sup> Melissa Crouch, “Religious Deviancy and Law,” *Inside Indonesia*, available at: <http://www.insideindonesia.org/weekly-articles/religious-deviancy-and-law>.

The spike in violence against Ahmadi Muslims is directly linked to the rise of one of Indonesia's most violent extremist organizations, Front Pembela Islam (FPI) or "Islamic Defenders Front." Originally founded in 1998, FPI began as a socially conservative religious movement that has since maintained close support and links to key members of the Indonesia armed forces and law enforcement.<sup>29</sup> But buoyed by the MUI's fatwas, FPI has made the cause of protecting the Blasphemy Law – and, in turn, violently suppressing the activities of religious minorities – its primary objective. It has been called a domestic terrorist organization.<sup>30</sup>

FPI actively supports the Blasphemy Law and the 2008 Ministerial Decree and acts as vigilantes to enforce the Law and Decree against Ahmadi Muslims and other "deviant" religious communities in Indonesia. In 2010, this support dramatically manifested itself during the course of a much publicized legal proceeding in the Constitutional Court of Indonesia concerning the constitutionality of the Blasphemy Law. Members of the FPI attended weekly court hearings, met with Indonesia's President to voice their support for the Blasphemy Law, and even violently attacked the lawyers for the petitioners in the case.<sup>31</sup> When the Court upheld the constitutionality of the law in a much maligned 8-1 ruling, FPI viewed the decision as vindication of its violent aims and activities.<sup>32</sup> Indeed, in 2011, members of the FPI brutally bludgeoned to death three Ahmadi Muslims in Cikeusik, Banten, after leading a 1,500-strong mob to stop allegedly blasphemous religious activities in private home.<sup>33</sup> The FPI perpetrators claimed responsibility for the crime (which was caught on video and shared globally by Human Rights

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<sup>29</sup> "Indonesian Police Used FPI as 'Attack Dog', Leaked US Cable Alleges," *Jakarta Globe*, September 3, 2011, available at: <http://thejakartaglobe.beritasatu.com/archive/indonesian-police-used-fpi-as-attack-dog-leaked-us-cable-alleges/>.

<sup>30</sup> Arizona State University Center for Strategic Communication, "Hate Speech and Indonesia Islamic Defenders Front," September 6, 2012, available at: <http://csc.asu.edu/2012/09/06/hate-speech-and-the-indonesian-islamic-defenders-front/>.

<sup>31</sup> Human Rights Watch, "Indonesia: Ruling a Setback for Religious Freedom," April 19, 2010, available at: <http://www.hrw.org/news/2010/04/19/indonesia-court-ruling-setback-religious-freedom>; Peter Gelling, "Law Banning Blasphemy Upheld in Indonesia," *New York Times*, April 19, 2010, available at: [http://www.nytimes.com/2010/04/20/world/asia/20indo.html?\\_r=0](http://www.nytimes.com/2010/04/20/world/asia/20indo.html?_r=0).

<sup>32</sup> Sarah Page, "Indonesia Blasphemy Law a Weapon for Radical Islam," *World Watch Monitor*, May 12, 2011, available at: [https://www.worldwatchmonitor.org/2011/05-May/article\\_112397.html/](https://www.worldwatchmonitor.org/2011/05-May/article_112397.html/).

<sup>33</sup> Associated Press, "Indonesian President Condemns Mob Killing of Ahmadiyah Muslims," *The Guardian*, February 7, 2011, available at: <http://www.theguardian.com/world/2011/feb/07/indonesia-inquiry-ahmadiyah-muslims-killed>.



Watch), though they received light sentences.<sup>34</sup> FPI continues to perpetrate terrorist attacks in the name of preventing alleged blasphemy against Islam.<sup>35</sup>  
*Nigeria's Anti-Blasphemy Law and Boko Haram*

Unlike Pakistan and Indonesia, Nigeria has received less international scrutiny for its blasphemy law. But the law, too, has emboldened terrorists (Boko Haram, in particular) to commit crimes against humanity with impunity.

Nigeria has a national law against blasphemy adjudicated by Customary Courts and Islamic laws against blasphemy adjudicated by Sharia Courts in twelve northern states.<sup>36</sup> Section 204 of Nigeria's Criminal Code prohibits "an act which any class of persons consider as a public insult on their religion," and stipulates a prison sentence of up to two years.<sup>37</sup>

Sharia Courts review matters concerning acts deemed as "insults" to Muslims and may impose capital punishment.<sup>38</sup> Most blasphemy accusations are made by Muslims against Christians and frequently trigger mob violence before any official actions like police arrests and judicial trials can be taken. Thus, blasphemy is primarily a driver of sectarian violence rather than legal proceedings in the Nigerian context.<sup>39</sup> In recent years, blasphemy-related events include several deadly Muslim riots over alleged insults to Prophet Muhammad or the Qur'an.<sup>40</sup>

But the most explosive outgrowth of Nigeria's blasphemy law is the meteoric rise of Boko Haram. Boko Haram – literally "Western education is forbidden or blasphemous" – began a militant Islamist campaign in July 2009 (having run largely as a political movement since 2002).<sup>41</sup> In a five-year span of its initial insurgency,

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<sup>34</sup> Human Rights Watch, *supra* note 34.

<sup>35</sup> Maulana Bachtiar, "The Growing Influence of FPI and its Impact on Indonesia," *Jakarta Globe*, October 30, 2013, available at: <http://thejakartaglobe.beritasatu.com/blogs/the-growing-influence-of-fpi-and-its-impact-on-indonesia/>.

<sup>36</sup> Berkeley Center for Religion, Peace and World Affairs, "National Laws on Blasphemy: Nigeria," available at <http://berkeleycenter.georgetown.edu/essays/national-laws-on-blasphemy-nigeria>.

<sup>37</sup> *Id.*

<sup>38</sup> Canada: Immigration and Refugee Board of Canada, "Nigeria: Whether Muslim clerics, groups or governmental authorities issue death sentences for blasphemy; if so, who has the right to issue and enforce such sentences; whether such sentences would extend to family members; in particular, whether there are death sentences issued by individuals who are not part of Sharia courts within states that are not officially applying Sharia law," September 21, 2010, NGA103574.E, available at: <http://www.refworld.org/docid/4e4a20652.html>.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Paul Marshall and Nina Shea, *Silenced: How Apostasy and Blasphemy Codes are Choking Freedom Worldwide* (New York: Oxford University Press, 2011), at pp. 137-138.

Boko has killed some 16,000 people and displaced a million more.<sup>42</sup> It thrives on defending Islam from alleged blasphemy. It has employed censorious tactics and violence to entrench an Islamic government and purge Nigeria of infidels.<sup>43</sup> It labels education and democracy as threats to Islam. Not surprisingly, its fiercest grip is in those regions in Nigeria where shariah can punish blasphemy by death.

Nigeria's blasphemy law and related self-censorship tactics have created an environment of fear. For example, the Government has punished speech that comments on the sufficiency of its own response to Boko.<sup>44</sup> The country's blasphemy criminal apparatus has therefore had the perverse effect of not only emboldening terrorists like Boko but also stifling any meaningful counter-narrative or credible opposition. Put differently, Boko enjoys the legal cover of the blasphemy law to commit mass crimes against humanity with impunity.

### Policy Recommendations

Religious freedom should be reimagined and reformulated as a United States national security imperative. Legal and policy analysts must account for religious pluralism not simply as an intrinsic democratic value or aspiration but as a crucial element of U.S. national security strategy objectives. In cases such as Pakistan, where religious freedom is perversely and ironically suppressed in the name of preserving "public order and morality," the U.S. risks endangering itself by failing to view the protection of religious freedom abroad as a counter security measure.

In Pakistan, Indonesia and Nigeria – as is true of other countries with anti-blasphemy laws -- terrorism and blasphemy are inextricably intertwined. Global counter-terrorism must not neglect the vital significance of anti-blasphemy laws in the Islamic world, which give oxygen to terrorist groups such as TTP. The blasphemy criminal apparatus emboldens terrorists to commit crimes against humanity with impunity. Any multi-party international strategy to curb extremism must evaluate how terrorists use the cause and cover of anti-blasphemy laws to legitimize their ambitions and objectives. Efforts to repeal or reform such laws can be a critical step in delegitimizing the most dangerous organizations in the world.

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<sup>42</sup> "Freedom of Speech: The Sound of Silence," *The Economist*, January 24, 2015, available at: <http://www.economist.com/news/international/21640324-reactions-paris-attacks-highlight-threats-free-expression-around-world>.

<sup>43</sup> Marshall and Shea, *supra* note 44.

<sup>44</sup> *The Economist*, *supra* note 45.

## **Biography**

For over 15 years, Amjad Mahmood Khan has represented both plaintiffs and defendants in a wide range of complex, high-stakes business litigation, including disputes related to commercial contracts, civil fraud, business torts, intellectual property, energy, insurance, antitrust and unfair competition and the False Claims Act. Amjad's diverse clients include Fortune 500 companies, prominent artists in music and motion pictures, fashion retailers, mortgage lenders, energy companies, technology firms, major airlines, municipalities and religious establishments. For eight consecutive years (2012-2019), Amjad was named a "Rising Star" by *Super Lawyers Magazine*.

Prior to joining Brown, Neri, Smith & Khan LLP, Amjad was litigation counsel at Akin Gump Strauss Hauer & Feld LLP, associate at Latham & Watkins LLP and judicial clerk to the Honorable Warren J. Ferguson at the Ninth Circuit U.S. Court of Appeals.

Amjad received his J.D. in 2004 from Harvard Law School. While in law school, Amjad served as editor-in-chief of the *Harvard Human Rights Law Journal* and as a teaching assistant to Professor Scott Brewer (Contracts, Jurisprudence). Amjad graduated *summa cum laude* from Claremont McKenna College in 2001, with a B.A. in Government and English (Literature).

In addition to his litigation practice, Amjad devotes a considerable portion of his time to pro bono matters. Amjad has special expertise in asylum and refugee law, deportation defense and providing legal aid to disaster victims. Amjad was co-chair of Latham & Watkins' global human rights and refugee practice group. Amjad has first chaired over two dozen successful immigration and asylum matters. Amjad has received numerous awards and accolades for his pro bono work, which includes sharing the 2012 Muslim Advocates Thurgood Marshall Award. Amjad has also served as an expert witness in asylum cases and has testified five times before the U.S. House of Representatives on the human rights abuses of religious minorities in the Near East and South Asia. Amjad is also an elected member of the Council on Foreign Relations and Pacific Council on International Policy.

Since 2014, Amjad also serves as an Adjunct Professor at UCLA Law School, where he teaches "Fundamentals of U.S. Contract Law." Amjad's academic work focuses on transnational legal studies, comparative constitutional law and national security. He is a recognized expert on religious freedom in the Islamic world, and his scholarship has appeared in *Harvard International Law Journal*, *Harvard National Security Law Journal*, *Harvard Human Rights Journal* and *Richmond Journal of Global Law and Business*.