

**United States Commission on International Religious Freedom**

**“Navigating Challenges and Opportunities for Religious Freedom in Pakistan”  
Hearing – Washington, D.C.**

**August 29, 2024**

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

Chair Stephen Schneck, Vice Chair Eric Ueland, Commissioner Asif Mahmood, Commissioner Vicky Hartzler, Commissioner Meir Soloveichik, and All Members of the Commission:

Thank you for inviting me to testify today. On a number of prior occasions before this body and the U.S. House of Representatives, most recently [here](#), I have testified about the religious repression endured by members of the Ahmadiyya Muslim Community, who remain among the most persecuted Muslim communities in the world. The U.S. State Department, the U.S. Commission on International Religious Freedom and numerous human rights non-governmental organizations have documented the systematic persecution endured by the Ahmadiyya Muslim Community at the hands of religious extremists and state and quasi-state institutions in numerous countries around the world.

This morning, I focus my testimony on Pakistan, a country of particular concern for the Ahmadiyya Muslim Community and for the U.S. Government. Several recent developments in that country signal a deeply disturbing escalation in the ongoing persecution of Ahmadi Muslims. Earlier this year, a group of independent United Nation experts “expressed grave concern regarding a reported upsurge in discrimination and violence against Ahmadi Muslims in Pakistan, including extrajudicial killings, arbitrary arrests and detentions, attacks on places of worship and curtailment of free expression, peaceful assembly and association.”<sup>1</sup>

In prior testimony over the years, I have outlined the important historical and legal markers that inform why Ahmadi Muslims are the subject of abuse by state institutions and groups that the Government of Pakistan is unwilling or incapable of controlling. I have discussed how Pakistan’s Constitution strips the ability of Ahmadi Muslims to self-identify and profess to be Muslims and how Pakistan’s criminal anti-blasphemy provisions include anti-Ahmadi laws that criminalize any activities by an Ahmadi Muslim that may be perceived as “posing as a Muslim.” For over 50 years, Ahmadi Muslims have been subjected to state-sponsored religious repression that has led to the deaths of over 400 Ahmadi Muslims and the imprisonment of hundreds more.

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<sup>1</sup> *Pakistan: Experts Urge Immediate End to Discrimination and Violence Against Ahmadis*, Office of the High Commissioner for Human Rights (OHCHR), (July 2024), <https://www.ohchr.org/en/press-releases/2024/07/pakistan-experts-urge-immediate-end-discrimination-and-violence-against>.

Yet despite the very well-documented persecution of Ahmadi Muslims, the persecution of the Community – which was already grim and disturbing – has taken an even uglier turn for the worse over the past year. Pakistan has entered a brave new world in which it has digitized religious repression of Ahmadi Muslims through cyber laws, and as I will briefly explain in a moment, Pakistan seeks to enforce these laws even outside its borders against U.S. citizens.

## **I. INTRODUCTION TO AHMADIYYA MUSLIM COMMUNITY AND THE LEGAL STRUCTURES OF DISCRIMINATION AGAINST THEM IN PAKISTAN**

Founded in 1889, the Ahmadiyya Muslim Community is a revivalist movement within Islam. Ahmadi Muslims believe in the *Kalima* (the principal creed of a Muslim) and espouse the motto of “Love for all, hatred for none.” As a central tenet of its faith, the Community rejects terrorism for all reasons. When violent extremists label their acts of terrorism as ‘jihad,’ they do so wrongly, and it is the Ahmadiyya Muslim Community that is often first and most forceful in its denunciation, focusing on both conveying true Islamic teachings to Muslims around the world as well as removing misconceptions of ‘jihad’ and Islam generally in the West. Today, the Ahmadiyya Muslim Community is established in more than 200 countries and territories, and its millions of adherents all follow the only spiritual caliph in the Muslim world, Hadhrat Mirza Masroor Ahmad, who resides in the United Kingdom.

While precise counts are difficult to establish, hundreds of thousands of Ahmadi Muslims currently live in Pakistan, with many hundreds of thousands having fled over several decades. Ahmadi Muslims profess to be Muslims, but their belief is irrelevant under the law. This is because Pakistan is the only Islamic state in the world to define who is or is not a Muslim in its Constitution (Article 260). The Second Amendment to Pakistan’s Constitution, passed in 1974, amends Article 260 to explicitly deprive members of the Ahmadiyya Muslim Community of their right to self-identify as Muslims.

As has been well-chronicled by the International Community, since 1984, Pakistan has used its Criminal Code to prohibit and punish blasphemy. Blasphemy in Pakistan broadly refers to any spoken or written representation that “directly or indirectly” outrages the religious sentiments of Muslims. Five of Pakistan’s current penal code provisions punish blasphemy.

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.”*

Based on this remarkably broad language, virtually anyone can register a blasphemy case against anyone else in Pakistan, and the thousands to date who have been accused, which have included Muslims (Shia, Sunni and Ahmadi), Christians and Hindus, can face capital punishment. For Ahmadi Muslim, in particular, Pakistan’s anti-blasphemy laws have essentially criminalized their very existence.

Two of the five anti-blasphemy laws explicitly target by name the activities of Ahmadis. These two laws are part of what is known as Zia’s Martial Law “Ordinance XX,” which amended Pakistan’s Penal Code and Press Publication Ordinance Sections 298-B and 298-C, to charge Ahmadis for “indirectly or directly posing as a Muslim.” Here, the explicit impetus for Ordinance XX is the religious content of the speech or act.

Under Ordinance XX, Pakistani police have destroyed Ahmadi translations of the Qur’an and banned Ahmadi publications, the use of any Islamic terminology on Ahmadi wedding invitations, the offering of Ahmadi funeral prayers, and the displaying of the Kalima on Ahmadi gravestones. In addition, Ordinance XX prohibits Ahmadis from declaring their faith publicly, propagating their faith, building mosques, or making the call for Muslim prayers. In short, virtually any public act of worship, devotion or propagation by an Ahmadi can be treated as a criminal offense for “indirectly or indirectly posing as a Muslim,” punishable by fine, imprisonment or death.

## **II. 2023-2024 DATA ON PERSECUTION OF AHMADIYYA MUSLIM COMMUNITY IN PAKISTAN<sup>2</sup>**

- In 2023, there were 44 attacks on Ahmadi mosques – many conducted by or in the presence of government authorities. The National Commission for Human Rights Pakistan (NCHR) has observed that the Lahore High Court has issued an order explicitly stating that the minarets on Ahmadi worship places, constructed before the 1984 law, cannot be demolished or altered. Despite this clear and legally binding court order, several older worship places of the Ahmadi community have been subjected to attacks and acts of vandalism in recent times. For instance, in April 2023, a mob attacked the Ahmadi Mosque in Ghooghia, Punjab, where they demolished the dome and several of its century-old minarets in the presence of police. Similarly, in May 2023, a mob of around 150 people vandalized another Ahmadi Mosque in Mirpur Khas District, destroying four of its minarets. In June 2024, during the early hours of the Eid holiday, an Ahmadi Mosque in the Kotli district of Azad Jammu and Kashmir (AJK) was violently attacked. A mob of approximately 150 people stormed the mosque, armed with iron rods, hammers, and firearms. The attackers vandalized

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<sup>2</sup> The data included in this testimony are officially compiled from Human Rights Section, Ahmadiyya Muslim Community’s Foreign Missions Office, “Persecution of Ahmadis in Pakistan,” Annual Report, 2013. Available upon request at [humanrights@tabshir.org](mailto:humanrights@tabshir.org). See also International Human Rights Committee, Incident Reports, available at: <http://hrcommittee.org/>.

the mosque, tearing down its minarets and arch. Several members of the community were seriously injured, including the caretaker, Wajid Hussain, who was severely beaten and is now in critical condition in the hospital.

- On February 19, 2023, an Ahmadi homeopath, Dr. Muhammad Rasheed, who had Norwegian nationality as well, in his 70s, was shot dead by assassins in his clinic, which is adjacent to his residence in his ancestral village Goteri, District Gujrat, Punjab. Dr. Rasheed was in his clinic when two assailants, posing as patients, entered the building and opened fire on him. Succumbing to the injuries, he died on the spot.
- Faith-based Assaults
- On April 13, 2023, a religious fanatic attacked Adv. Munir, an Ahmadi lawyer in Lalian with a cleaver. This city is only 12 km away from Rabwah. Advocate Amir Munir pleads with Ahmadis' court cases. He received a head injury and was rushed to the hospital.
  - On April 27, 2023, an elderly Ahmadi lawyer, along with his assistant, was attacked and severely beaten by religious bigots in City Courts Karachi.
  - On June 3, 2023, armed miscreants detained Mr. Waqar Ahmad of Bhulair, District Kasur, and tortured him. He managed to escape. The police instead of helping him, registered a case against 12 Ahmadis. They detained 8 of them, but later released them except one—Mr. Ashfaq.
  - Two Ahmadi students, Mr. Hassan Nawaz Khan and his sister from Rambra, District Narowal used to go to Aspire College Shakar Garh for studies. When their Ahmadiyya religious identity was discovered, the students highlighted it and turned it into an issue. On September 21, 2023, the college students attacked and assaulted Mr. Hassan. The principal sent him back home before the college closed for the day and told them not to attend the college 'to avoid any harm.'
  - A mob stormed Ahmadiyya Hall in Karachi, for the second time this year on September 4, and demolished its minarets. The mob also vandalized this place of worship; apart from the destruction of the minarets, they beat up innocent Ahmadis inside the worship place.
  - In 2023 alone, 109 Ahmadi gravestones were desecrated, and 17 similar incidents have been documented so far in 2024. In June 2021, a violent mob obstructed the funeral procession of an Ahmadi woman in a local graveyard of Sheikhpura District, forcing the family to bury their deceased elsewhere. In July 2022, under police supervision, 53 Ahmadiyya graves were desecrated in Gujranwala District, Punjab Province.
  - In 2023 alone, 133 Ahmadi Muslims were booked by the police, and 27 of them were arrested.
  - At the end of 2023, 6 Ahmadi Muslims remain in prison for their faith. 5 Ahmadi Muslims have been in prison since 2020 and were denied bail, even by the Supreme Court.
  - In July 2023, there were 23 complaints filed against Ahmadis for carrying out the Eid sacrifice. A total of 89 Ahmadis were harassed by the police, with 13 formally

accused in six different cases. Additionally, 10 sacrificial animals were illegally seized, and five Ahmadi houses were unlawfully targeted by the police.

- In July 2024, 36 Ahmadis were arrested and detained for performing these sacrifices. Among them, 23 were preventatively detained under the Punjab Maintenance of Public Order Ordinance, 18 were criminally charged under Section 298-C of the Pakistan Penal Code, and 3 were prevented from attending Eid prayers. Several criminal complaints against Ahmadis were filed for simply purchasing a goat for sacrifice or merely keeping one in the house. These complaints often accuse them of “portraying” themselves as Muslims and hurting the religious sentiments of other Muslims
- On April 27, 2023, police in Karachi arrested Ali Ahmed Tariq, a 77-year-old Ahmadi Muslim lawyer, for charges under section 298-B for using the honorific title “Syed,” a designation traditionally reserved for descendants of the Prophet Muhammad. The government contended that the title “Syed” should be restricted to Muslims, thereby excluding Ahmadis. Although the Sindh High Court granted Tariq bail on May 23, he was promptly rearrested due to a 1992 complaint in Shahadpur, Sindh, accusing him of using the common Islamic greeting “Assalam-o-Alaikum.” Tariq was granted bail in the second case on November 11, and both cases remain pending as of now.
- In 2024, two Ahmadis were killed in Saad Ullah Pur on July 8, and the President of the Ahmadiyya community in Bahawalpur was killed on March 4.
- In February 2024, the Supreme Court of Pakistan granted bail to an Ahmadi Muslim imprisoned for distributing a proscribed commentary on the Holy Quran in violation of certain sections of the Punjab Holy Quran (Printing and Recording) Act, 2011. Encouragingly, the Court referenced the Quranic principle of non-compulsion in religion and Article 20 of Pakistan’s Constitution, which ensures the right to profess, practice, and propagate one’s religion. In a subsequent July revision, the Court noted that while Ahmadis are considered non-Muslim according to the constitution and law, they are permitted to practice and preach their faith, provided they do not use Muslim terms or present themselves as Muslims in public. Furthermore, the Court affirmed Ahmadis’ right to privacy within their homes and places of worship, within “reasonable limits” prescribed by law. However, this limited constitutional space was quickly retracted when, in August 2024 (just a few weeks ago), the Court omitted relevant paragraphs from its July decision due to pressure from religious organizations and political parties. Most alarmingly, specific clerics were brought in to advise the Court on needed changes to its judgment. Thus, the limited protection recently afforded to Ahmadi Muslims under Article 20 of Pakistan’s Constitution—to profess, practice, and preach their faith, and worship in private—has been abruptly rescinded. This constitutional void could potentially pave the way for extremist forces to target Ahmadis with even greater impunity, both publicly and within the privacy of their homes.
- Anti-blasphemy cases under Pakistan’s cyber laws have been used to target high level leadership of the Ahmadiyya Muslim Community. For example, in May of 2020, Rohan Ahmad, an Ahmadiyya Missionary, was arrested on the accusation that he

possessed Ahmadiyya literature. He was charged under 298-C and 295-B, PPC & 11 of Electronic Crimes Act.

### **III. CUMULATIVE DATA ON PERSECUTION OF AHMADIYYA MUSLIM COMMUNITY IN PAKISTAN**

- Over 400 Ahmadi Muslims have been murdered in Pakistan since it was founded. The past 10 years have been especially brutal with targeted killings of multiple family members at a time and Ahmadi Muslim professionals, including doctors, lawyers, religious leaders, businessmen and teachers. In 2010 alone, 99 Ahmadi Muslims were murdered in Pakistan – the deadliest year ever for the Community. This includes the murder of 86 Ahmadi Muslims (and hundreds more injured) on May 28, 2010, in a single attack in Lahore – one of Pakistan’s worst terrorist attacks ever. Since this attack, over 80 Ahmadi Muslims have been murdered. On average, 7 Ahmadi Muslims are killed annually.
- Since 1974, in contravention of their own beliefs, every single Ahmadi Muslim man, woman and child in Pakistan is declared to be “non-Muslim” by constitutional amendment. Now the state has also criminalized private acts of worship by Ahmadi Muslims in Pakistan. Authorities have not only criminalized blasphemy but have made the mere religious thoughts of Ahmadi Muslims to be a crime.
- Since 1985, Ahmadi Muslims cannot, by operation of law, fully and freely vote in national and provincial elections, and as of 2002 by an executive order and later Section 48A of the Elections Act of 2017, Ahmadi Muslims are the only religious group excluded from the nation’s joint electorate. Ahmadi Muslims can only vote in Pakistan if they (1) declare themselves to be a non-Muslim; (2) declare the founder of the Ahmadiyya Muslim Community to be an imposter; and (3) add their names to a separate supplementary list. Of course, no Ahmadi Muslim in good conscience would ever vote under these legally and morally reprehensible restrictions.
- To date, 4,458 cases have been registered against Ahmadi Muslims under Pakistan’s anti- blasphemy and anti-Ahmadi laws. Ahmadi Muslims now account for almost 40% of all arrests under Pakistan’s anti-blasphemy laws. In 2023 alone, 19 new cases against Ahmadi Muslims have been registered under Pakistan’s anti-blasphemy and anti-Ahmadi laws.
- To date, Pakistani authorities have demolished, set on fire, forcibly occupied, sealed or barred the construction of over 227 Ahmadi Muslim mosques. They have also denied the cemetery burial of at least 83 Ahmadi Muslims and have exhumed after burial the bodies of at least 40 Ahmadi Muslims.
- The Pakistan Telecommunication Authority (PTA) has blocked 20 non-Pakistan based foreign websites of the Ahmadiyya Muslim Community, including three U.S.-based websites, affiliated with the worldwide community and properly registered in their respective countries. PTA has also issued notices to their

operators with threats of criminal prosecution for violating Pakistan's blasphemy and anti- Ahmadiyya laws. This includes two U.S. citizens. According to PTA, any website that portrays Ahmadis as Muslims will be blocked in Pakistan.

- On December 24, 2020, the PTA sent a legal notice to two Ahmadi U.S. citizens. The Notice required the two Americans to remove all content from the www.trueislam.com website within a mere 24 hours of receipt of the Notice as it violated Pakistan's blasphemy laws. The PTA also threatened penalties under Pakistan's Prevention of Electronic Crimes Act 2016 and the Removal and Blocking of Unlawful Online Content Rule 2020, which include harsh criminal sanctions and fines of up to 500 million rupees (\$3.1M USD)
- Pakistan Electronic Media Regulatory Authority (PEMRA) has ordered that Ahmadi channels (MTA) should not be carried by any distribution service licensee.
- In 1996, the government of Punjab issued a notification to return all nationalized educational institutions, which affected the community's 8 schools and 2 colleges that had been nationalized in 1972. Despite fulfilling all terms and conditions, and regardless of repeated requests and numerous reminders, the community's institutions are not de-nationalized.
- The entire population of Rabwah, i.e. Ahmadiyya headquarters in Pakistan, was charged under section PPC 298-C on Dec. 15, 1989, and again on June 8, 2008. (Rabwah population is approximately 60,000.)
- The government has banned all outdoor rallies and conferences of Ahmadis in Rabwah.
- The government of Punjab has banned the printing, publication, and distribution of Ahmadi literature, including community press materials, books, periodicals, and the Holy Qur'an
- The government of Punjab has banned the entire written works of the Founder of Ahmadiyya Muslim Community.
- Ahmadiyya daily newspaper and periodicals for women, youth, children and elders were banned by a Punjab government notification.
- Authorities have prohibited sports events organized at a community level.

#### **IV. RECURRING TRENDS AND PATTERNS**

Mr. Chair, the data that I have just recited illuminate a few concerning patterns of persecution against Ahmadi Muslims in Pakistan:

- Police at the provincial and local levels routinely fail to provide adequate protection and safeguards for vulnerable Ahmadi Muslims, despite receiving adequate notifications and warning of imminent threats. In many cases, police are complicit in the persecution, torture and ultimate murder of Ahmadi Muslims.
- Ahmadi Muslim professionals, including physicians, lawyers and teachers, are particularly targeted by extreme terrorist groups.

- The perpetrators of deadly attacks on Ahmadi Muslims are rarely arrested and charged for their criminal acts, and in some cases, are permitted to act with impunity and even given legal sanctuary and safe havens.
- Frivolous blasphemy cases are routinely registered against Ahmadi Muslims to settle personal scores and business rivalries.
- Pakistan’s judicial bodies, including the Pakistan Supreme Court in a recent judgment in August 2024 and Lahore High Court in a prior judgment in May 2021, have permitted criminal prosecutions of Ahmadi Muslims for blasphemy because of “apparent belief” and not simply public acts of worship. This has widened the door for Pakistan to criminalize the private thoughts of Ahmadi Muslims and not merely their public acts.

## V. RECOMMENDATIONS

Mr. Chairman, I request this important body to urge the Pakistan Government to take the following immediate measures to stop the tide of religious repression of Ahmadi Muslims in Pakistan:

1. Repeal Section 48A of the Elections Act of 2017 and permit Ahmadi Muslims to vote alongside all other citizens of Pakistan as part of a joint electorate without any religious test.
2. Stop the extra-territorial prosecution of foreign citizens for alleged cyber and blasphemy crimes, including U.S. citizens who are members of the Ahmadiyya Muslim Community.
3. Cease and desist from directing technology companies to remove or alter Ahmadi Muslim digital content.
4. Repeal regulations that prohibit the creation, possession and distribution of peaceful Ahmadi Muslim print publications.
5. Protect the rights of accused Ahmadi Muslims in criminal proceedings and allow independent trial monitors, including foreign diplomats.
6. Stop local and provincial police from desecrating Ahmadi Muslim mosques and gravestones.
7. Remove Passport and National Identity Declarations pertaining to Ahmadi Muslims.
8. Restore religious freedom for Ahmadi Muslims through repeal of the Second Amendment to Pakistan’s Constitution and Ordinance XX.
9. Cease prosecuting Ahmadi Muslims as “terrorists” under Pakistan’s anti-terrorism laws.
10. Combat impunity for attacks on Ahmadi Muslims by effectively investigating allegations and by prosecuting those responsible.
11. Combat hateful rhetoric used by all political parties against Ahmadi Muslims.

Thank you.



## **Biography of Amjad Mahmood Khan**

For nearly two decades, Amjad has handled some of the most complex and high stakes litigation cases in the country, including disputes related to commercial contracts, corporate control, civil fraud, business torts, intellectual property, energy, insurance, unfair competition and the False Claims Act. Amjad's diverse clients include Fortune 500 companies, A-List artists in music and motion pictures, fashion retailers, mortgage lenders, energy companies, technology firms, major airlines, municipalities and religious institutions. Amjad has extensive stand-up trial experience, having won multiple significant jury verdicts, including a \$12.5 million award. Amjad has also briefed and argued numerous appeals in state and federal courts.

In 2023, Amjad was named to the *Los Angeles Business Journal's* list of "Leaders of Influence: Litigators & Trial Attorneys" as one of "the very best litigators and trial attorneys in the region," noting that Amjad "is frequently called on to take on difficult litigation cases of prominence because of his relentless advocacy, creative decision-making and cool demeanor under pressure." 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 six times before the U.S. House of Representatives on the human rights abuses of religious minorities in the Near East and South Asia. Amjad also served as a 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 has taught hundreds of students "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*.