

## How Anti-Blasphemy Laws Engender Terrorism

---

Amjad Mahmood Khan\*

### I. INTRODUCTION

The tragic events of the past months, including the Taliban's murder of 132 schoolchildren in Peshawar, Boko Haram's mass slaughter of civilians in Nigeria, and Al Qaeda's massacre of the staff of *Charlie Hebdo* in Paris, have re-ignited a debate 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 view of the faith. Protecting these codes, and the larger cause of preventing blasphemy, can drive 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

---

\* Adjunct Professor, UCLA Law School; Partner, Brown, Neri & Smith LLP; B.A., Claremont McKenna College (2001); J.D., Harvard Law School (2004). The author has represented refugees escaping religious persecution and has testified five times before the United States House of Representatives about anti-blasphemy laws in the Islamic world and resulting human rights abuses of religious minorities. He can be reached at [amjad@post.harvard.edu](mailto:amjad@post.harvard.edu).

anti-blasphemy codes, not simply as a matter of protecting human rights but also of strengthening the collective security of nations.

Despite ample data on the global proliferation of anti-blasphemy laws, no study has yet evaluated the interconnectedness of the laws with acts of terrorism. A 2011 Pew study found nearly half of the countries and territories in the world have laws or policies that penalize blasphemy, apostasy or defamation.<sup>1</sup> “Of the 198 countries studied, a total of 32 countries (16%) have laws penalizing blasphemy, 20 (10%) have laws penalizing apostasy and 87 (44%) have laws against the defamation of religion, including hate speech against members of religious groups.”<sup>2</sup> Anti-blasphemy laws are particularly common in the Middle East and North Africa; 13 of the 20 countries in that region (65%) make blasphemy a crime.<sup>3</sup> “In the Asia-Pacific region [which includes South and Central Asia], nine of the fifty countries (18%) had anti-blasphemy laws in 2011, while in Europe such laws were found in eight out of 45 countries (18%).<sup>4</sup> Just two of the 48 countries in sub-Saharan Africa – Nigeria and Somalia – had such laws as of 2011.”<sup>5</sup> A closer look at the anti-blasphemy laws of Pakistan, Indonesia, and Nigeria helps illustrate a potentially significant correlation: nations that criminalize blasphemy tend to foster an environment where terrorism is more prevalent, legitimized and insidious.

## II. PAKISTAN’S ANTI-BLASPHEMY LAWS AND TEHRIK-E-TALIBAN (TTP)

Since 1984, Pakistan has used its Criminal Code to prohibit and punish blasphemy,<sup>6</sup> which broadly refers to any spoken or

---

<sup>1</sup> Brian J. Grim, *Laws Penalizing Blasphemy, Apostasy and Defamation of Religion are Widespread*, Pew Research Center (Nov. 21, 2012), available at <http://www.pewforum.org/2012/11/21/laws-penalizing-blasphemy-apostasy-and-defamation-of-religion-are-widespread/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Amjad Mahmood Khan, *Persecution of the Ahmadiyya Community in Pakistan: An Analysis Under International Law and International Relations*, 16

written representation that has the effect of outraging the religious sentiments of Muslims, even if it does so indirectly. Five of Pakistan's current penal code provisions punish blasphemy, and since 1990, over 1,335 cases have been officially registered and filed for blasphemy-related crimes.<sup>7</sup> The most notorious of Pakistan's anti-blasphemy laws is a fifty-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>8</sup>

---

HARV. HUM. RTS. J. 217, 227 (Spring 2003), available at [http://muslimwriters.org/wp-content/uploads/2012/06/ahmadiyya\\_persecution.pdf](http://muslimwriters.org/wp-content/uploads/2012/06/ahmadiyya_persecution.pdf).

<sup>7</sup> See Dexter Filkins, *Pakistan's Blasphemy Law Under Heightened Scrutiny*, L.A. TIMES, May 9, 1998, at A1, available at <http://articles.latimes.com/1998/may/09/news/mn-47881>; Editorial, *Pakistan's Cruel Blasphemy Law*, N.Y. TIMES, August 30, 2001, at A20, available at <http://www.nytimes.com/2001/08/30/opinion/pakistan-s-cruel-blasphemy-law.html>; Arafat Mazhar, *Why Blasphemy Remains Unpardonable in Pakistan*, DAWN, Feb. 19, 2015, available at <http://www.dawn.com/news/1163596> (citing infographics). The accused were Muslims (Sunnis, Shias, and Ahmadis), Christians, and Hindus. *Id.* 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. See, e.g., *Badmouthing: Pakistan's Blasphemy Laws Legitimise Intolerance*, THE ECONOMIST, Nov. 29, 2014, available at: <http://www.economist.com/news/asia/21635070-pakistans-blasphemy-laws-legitimise-intolerance-badmouthing?fsrc=scn/tw/te/pe/ed/badmouthing>. Their punishments ranged from fines to indefinite detention to life imprisonment to the death sentence. Although no one to date in Pakistan has been executed for blasphemy, scores have been killed by mobs after having been arrested for blasphemy. See *NJCP's Signature Drive Against Blasphemy Laws*, DAWN, Aug. 28, 2009, available at <http://www.dawn.com/news/487120/njcpeas-signature-drive-against-blasphemy-laws>.

<sup>8</sup> 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).

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>9</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>10</sup> In addition, Ordinance XX prohibits Ahmadi Muslims from declaring their faith publicly, propagating their faith, building mosques, or making the call for Muslim prayers.<sup>11</sup> Elderly Ahmadi Muslim women, mothers, and infants have fallen victim to the anti-blasphemy laws.<sup>12</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 or a three-year jail term (in the case of Ordinance XX) or death (in the case of Section 295-C).

---

<sup>9</sup> See Martial Law Ordinance XX, which amended Pakistan’s Penal Code and Press Publication Ordinance Sections 298-B and 298-C (Pak. Penal Code §§ 298B and 298C 1984), available at <http://www.thepersecution.org/50years/paklaw.html>.

<sup>10</sup> M. Nadeem Ahmad Siddiq, *Enforced Apostasy: Zaheerudin v. State and the Official Persecution of the Ahmadiyya Community in Pakistan*, 14 J.L. & INEQ. 275, 288 (1995). 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>11</sup> *Id.* at 288-299.

<sup>12</sup> Press Release, Ahmadiyya Muslim Cmty. *Four Ahmadi School Children And An Adult Frivolously Booked and Arrested by the Police on False Accusation of Blasphemy by Extremist Elements* (Feb. 2, 2009), quoting BBC report, <http://www.thepersecution.org/case/case009.html>; Amnesty Int’l, *Report on Pakistan* (Sept. 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>13</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), Pakistan's most dangerous terrorist organization, has made attacking blasphemy its *raison d'être*.<sup>14</sup> In 2010, TTP claimed responsibility for the massacre of 86 Ahmadi Muslims in Lahore.<sup>15</sup> In 2013, TTP and its affiliates were linked to the massacre of 127 Christians in Peshawar.<sup>16</sup> TTP routinely groups Ahmadi Muslims and Christians as "infidels" who insult Islam. For example, in 2011, after claiming responsibility for Minister Bhatti's murder, TTP Punjab issued the following pam-

---

<sup>13</sup> Associated Press, *Lawyers shower roses for Governor's killer*, DAWN, Jan. 5, 2011, available at <http://www.dawn.com/news/596300/lawyers-shower-roses-for-governors-killer>.

<sup>14</sup> Amjad Mahmood Khan, *Pakistan's Dark Days: Terrorism and Blasphemy Laws*, FOREIGN AFFAIRS, Dec. 17, 2014, available at <http://www.foreignaffairs.com/articles/142711/amjad-mahmood-khan/pakistans-dark-days>.

<sup>15</sup> Jane Perlez, *Pakistani Taliban Carried Out Attack on Lahore Mosques*, *Police Say*, N.Y. 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>16</sup> Saima Mohsin and Emily Lacey-Bordeaux, *Suicide bombers kill 81 at church in Peshawar, Pakistan*, CNN, Sept. 23, 2013, <http://www.cnn.com/2013/09/22/world/asia/pakistan-attack/>.

phlet addressed to “all the world’s infidels, crusaders, Jews and their operatives within the Muslim brotherhood.”<sup>17</sup>

In your fight against Allah, you have become so bold that you act in favour of and support those who insult the Prophet. And you put a cursed Christian infidel Shahbaz Bhatti in charge of [the blasphemy laws review] committee. This is the fate of that cursed man. And now, with the grace of Allah, the warriors of Islam will pick you out one by one and send you to hell, God willing.<sup>18</sup>

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>19</sup> In 2014, TTP sympathizers in Gujranwala burned down many homes in an Ahmadi-inhabited village over an allegedly blasphemous Facebook posting, killing three, including an elderly woman and her two young granddaughters.<sup>20</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 attacks.<sup>21</sup> Here, too, TTP’s justification was apparent: silence those who threaten, however indirectly, Pakistan’s status as an Islamic state.<sup>22</sup>

---

<sup>17</sup> Shehribano Taseer, *Pakistan Has Abdicated Its Responsibilities*, THE GUARDIAN, Mar. 2, 2011, available at <http://www.theguardian.com/commentisfree/2011/mar/02/salmaan-bhatti-blasphemy-assassination> (quoting pamphlets signed by Tehrik-e-Taliban Punjab).

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

<sup>19</sup> *Blasphemous Film: TTP Urges Muslim Youth to Rise Up*, BUS. RECORDER, Sept. 16, 2012, <http://www.brecorder.com/top-stories/0/1237279:blasphemous-film-ttp-urges-muslim-youths-to-rise-up/?date=2012-09-16> (quoting statements from Taliban spokesman).

<sup>20</sup> Waqar Gillani, *3 Killed in a Facebook Blasphemy Rampage in Pakistan*, N.Y. 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>.

<sup>21</sup> Sophia Saifi and Greg Botelho, *In Pakistan school attack, Taliban terrorists kill 145, mostly children*, CNN, Dec. 17, 2014, <http://www.cnn.com/2014/12/16/world/asia/pakistan-peshawar-school-attack/>.

<sup>22</sup> On May 13, 2015, armed gunmen intercepted a bus carrying Ismaili Muslims in the Safoora Goth area in Karachi, Pakistan and massacred 43 of them, includ-

### III. 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>23</sup> The Blasphemy Law “channel[s] . . . religiosity” towards six (6) approved religions: “Islam, [Protestant] Christianity, Catholicism, Hinduism, Buddhism and Confucianism.”<sup>24</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>25</sup> Finally, the Blasphemy Law places restrictions on those within each approved religion, making it illegal to advocate “deviations from teachings of religion consid-

---

ing women. The Islamic State or “ISIS” in Pakistan claimed responsibility for the attack, and in pamphlets found near the site, they invoke the specter of attacking blasphemy and apostasy: “With Allah’s grace, 43 *apostates* have been killed and nearly 30 have been injured in an attack [carried out by] the soldiers of the Islamic State [who targeted] a bus carrying Ismaili Shi’ite polytheists, *maligners of the wife of Prophet Muhammad*, in the city of Karachi in Khurasan province.” Tufali Ahmad, *Massacre of Ismaili Muslims in Karachi Indicates Islamic State’s Rise in Pakistan*, RIGHT SIDE NEWS, May 15, 2015, available at <http://www.rightsidenews.com/2015051535844/world/terrorism/massacre-of-ismaili-muslims-in-karachi-indicates-islamic-state-s-isis-s-rise-in-pakistan.html> (emphasis added). The ISIS militants appear to have links with the TTP. *Id.*

<sup>23</sup> Harris Zafar, *Indonesia – Land of Tolerance or Terror?* THE WORLD POST, May 25, 2011, [http://www.huffingtonpost.com/harris-zafar/indonesia-land-of-toleran\\_b\\_821180.html](http://www.huffingtonpost.com/harris-zafar/indonesia-land-of-toleran_b_821180.html); Law No. 1/PNPS/1965 was formalized as Law No. 5/1969 (hereinafter “The Blasphemy Law”), art 1.

<sup>24</sup> The Blasphemy Law, *supra* note 22, Section II, art 1.

<sup>25</sup> *Id.* at Section I(4).

ered fundamental by scholars of the relevant religion.”<sup>26</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>27</sup> The article prohibits interpretations of religious doctrine that are “at enmity . . . with a religion[] adhered to in Indonesia.”<sup>28</sup>

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>29</sup> Edicts issued by the MUI, while not legally binding, carry persuasive weight and are followed by a majority of Muslim followers.<sup>30</sup> Significantly, the Indonesian government

---

<sup>26</sup> *Id.* In addition, 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. See Becket Fund for Religious Liberty, *Indonesia: A Resource Guide from the Legal Training Institute*, Spring 2010, available at <http://www.becketfund.org/wp-content/uploads/2012/02/Indonesia-Resource-Book-Final-5-2011.pdf>, at 6.

<sup>27</sup> The Indonesian Penal Code, Article 156(a), 1987, available at <http://www.unhcr.org/refworld/docid/3ffc09ae2.html>.

<sup>28</sup> *Id.*

<sup>29</sup> U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2005 for Indonesia* (2005), <http://www.state.gov/j/drl/rls/irf/2005/51512.htm>.

<sup>30</sup> Eric Unmacht, *A Muslim Schism: Conservative Islamic Leaders Are Flexing Their Muscles*, NEWSWEEK, August 15, 2005, at pp. 1-2.

funds the MUI and appoints its members.<sup>31</sup> In 2005, the MUI renewed its fatwa and also called for the outright ban of mixed-faith marriages and interfaith prayers.<sup>32</sup>

The Indonesian Government's continuing efforts to enforce anti-blasphemy measures correspond with a rise in violence against Ahmadi Muslims who are the direct target of those measures. 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>33</sup> Violations of the Joint Decree can result in prison sentences of up to five years.<sup>34</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 fifteen incidents in 2008 to fifty in 2010.<sup>35</sup> Moreover, the Decree has prompt-

---

<sup>31</sup> Nancy-Amelia Collins, *Strict Islamic Edicts Cause Concern in Indonesia*, VOICE OF AMERICA, Oct. 27, 2009, available at <http://www.voanews.com/content/a-13-2005-08-22-voa33-66393402/548532.html>.

<sup>32</sup> Human Rights Watch, *Human Rights Watch World Report 2006 - Indonesia*, Jan. 18, 2006, available at <http://www.refworld.org/docid/43cfaea111.html>.

<sup>33</sup> Joint Decree of the Minister of Religious Affairs, the Attorney General and the Minister of the Interior of the Republic of Indonesia, *A Warning and Order to the followers, members, and/or leading members of the Indonesian Ahmadiyya Jama'at (JAI) and to the General Public*, June 9, 2008, available at <http://www.thepersecution.org/world/indonesia/docs/skb.html>.

<sup>34</sup> *Id.*

<sup>35</sup> Aubrey Belford, *Indonesian Authorities Vow Inquiry After Attack*, N.Y. TIMES, Feb. 7, 2011, available at <http://www.nytimes.com/2011/02/08/world/asia/08iht-indo08.html>.

ed numerous provincial bans of Ahmadi activities, now numbering over 40 in all.<sup>36</sup>

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 Indonesian armed forces and law enforcement.<sup>37</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.<sup>38</sup> It has been called a domestic terrorist organization.<sup>39</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>40</sup> When the Court upheld

---

<sup>36</sup> Melissa Crouch, *Religious Deviancy and Law*, INSIDE INDONESIA, Jul. 2011, <http://www.insideindonesia.org/weekly-articles/religious-deviancy-and-law>.

<sup>37</sup> *Indonesian Police Used FPI as 'Attack Dog', Leaked US Cable Alleges*, JAKARTA GLOBE, Sept. 3, 2011, available at <http://thejakartaglobe.beritasatu.com/archive/indonesian-police-used-fpi-as-attack-dog-leaked-us-cable-alleges/>.

<sup>38</sup> *Hate Speech and the Indonesia Islamic Defenders Front*, Arizona State University Center for Strategic Communication (Sep. 6, 2012), available at <http://csc.asu.edu/2012/09/06/hate-speech-and-the-indonesian-islamic-defenders-front/>.

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

<sup>40</sup> Human Rights Watch, *Indonesia: Ruling a Setback for Religious Freedom* (Apr. 19, 2010), available at <http://www.hrw.org/news/2010/04/19/indonesia-court-ruling-setback-religious-freedom>; Peter Gelling, *Law Banning Blasphemy Is Upheld in Indonesia*, N.Y. TIMES, Apr. 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).

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>41</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 a private home.<sup>42</sup> The FPI perpetrators claimed responsibility for the crime (which was caught on video and shared globally by Human Rights Watch), though they received light sentences.<sup>43</sup> The FPI continues to perpetrate terrorist attacks in the name of preventing alleged blasphemy against Islam.<sup>44</sup>

#### IV. 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 12 northern states.<sup>45</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>46</sup> Sharia Courts review matters concerning acts deemed as "insults"

---

<sup>41</sup> Sarah Page, *Indonesia Blasphemy Law a Weapon for Radical Islam*, WORLD WATCH MONITOR, May 12, 2011, [https://www.worldwatchmonitor.org/2011/05-May/article\\_112397.html/](https://www.worldwatchmonitor.org/2011/05-May/article_112397.html/).

<sup>42</sup> Associated Press, *Indonesian President Condemns Mob Killing of Ahmadiyah Muslims*, THE GUARDIAN, Feb. 7, 2011, available at <http://www.theguardian.com/world/2011/feb/07/indonesia-inquiry-ahmadiyah-muslims-killed>.

<sup>43</sup> Human Rights Watch, *supra* note 40.

<sup>44</sup> Maulana Bachtiar, *The Growing Influence of FPI and its Impact on Indonesia*, JAKARTA GLOBE, Oct. 30, 2013, available at <http://thejakartaglobe.beritasatu.com/blogs/the-growing-influence-of-fpi-and-its-impact-on-indonesia/>.

<sup>45</sup> *National Laws on Blasphemy: Nigeria*, Berkeley Center for Religion, Peace and World Affairs, <http://berkeleycenter.georgetown.edu/essays/national-laws-on-blasphemy-nigeria>.

<sup>46</sup> *Id.*

to Muslims and may impose capital punishment.<sup>47</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>48</sup> In recent years, blasphemy-related events include several deadly Muslim riots over alleged insults to Prophet Muhammad or the Qur'an.<sup>49</sup>

But perhaps the most explosive outgrowth of Nigeria's blasphemy law appears to be 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>50</sup> In its five-year insurgency, Boko has killed some 16,000 people and displaced a million more.<sup>51</sup> It thrives on defending Islam from “false Muslims” who corrupt or blaspheme Islam.<sup>52</sup> It has employed censorious tactics and violence to entrench an Islamic government and purge Nigeria of infidels.<sup>53</sup> It labels education and democracy as

---

<sup>47</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*, Sept. 21, 2010, NGA103574.E, available at <http://www.refworld.org/docid/4e4a20652.html>.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> PAUL MARSHALL & NINA SHEA, SILENCED: HOW APOSTASY & BLASPHEMY CODES ARE CHOKING FREEDOM WORLDWIDE 137–38 (2011).

<sup>51</sup> *Freedom of Speech: The Sound of Silence*, ECONOMIST, Jan. 24, 2015, available at <http://www.economist.com/news/international/21640324-reactions-paris-attacks-highlight-threats-free-expression-around-world>.

<sup>52</sup> *Curbing Violence in Nigeria (II): The Boko Haram Insurgency*, International Crisis Group, Apr. 3, 2014, available at <http://www.crisisgroup.org/en/regions/africa/west-africa/nigeria/216-curbing-violence-in-nigeria-ii-the-boko-haram-insurgency.aspx>.

<sup>53</sup> MARSHALL & SHEA, *supra* note 50.

threats to Islam. Not surprisingly, its fiercest grip is in those regions in Nigeria where shariah can punish blasphemy by death.<sup>54</sup>

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>55</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.

## V. CONCLUSION

In Pakistan, Indonesia, and Nigeria – as may be 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 groups like TTP, FPI and Boko Haram. The blasphemy criminal apparatus can embolden 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.

---

<sup>54</sup> Drew Hinshaw, *Boko Haram Tightens Grip on Northern Nigeria Region*, WALL STREET JOURNAL, June 4, 2014, available at <http://www.wsj.com/articles/boko-haram-tightens-grip-on-northern-nigeria-region-1401993891>.

<sup>55</sup> THE ECONOMIST, *supra* note 51.