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Amnesty International

Pakistan

Covering events from January - December 2004

Arbitrary arrests and detentions in the context of the "war on terror" continued. Several people reportedly "disappeared". In the tribal areas, arbitrary arrests and possible extrajudicial executions were reported during security operations. The government failed to control sectarian violence which cost hundreds of lives. The blasphemy laws continued to be used to prosecute members of minorities. Government initiatives to improve protection of rights of women and juveniles provided only limited relief. Some children continued to be prosecuted as adults. At least 394 people were sentenced to death and 15 were executed.

Background

The political role of the military was consolidated when in April the National Security Council was set up by an act of parliament. Chaired by the President, and with eight government representatives and five representatives of the army, it was given a consultative role in security matters. In November a law was passed allowing General Musharraf to remain president and chief of the army, contrary to his earlier promise that the two roles would be separated.

Relations between Pakistan and India improved during 2004. In June, a moratorium on nuclear tests was agreed and, in September, talks began on several issues including that of Jammu and Kashmir.

Security operations in the tribal areas

Security operations continued throughout 2004 in the tribal areas close to the border with Afghanistan, which are not accessible to journalists and other observers. The operations aimed to remove people suspected of "terrorist" activities seeking shelter with the tribal population.

In March, arbitrary arrests and detentions and possible extrajudicial executions were reported in South Waziristan. Tribal fighters who might have been associated with the Taliban or al-Qa'ida reportedly took hostages and committed unlawful killings.

- On 26 March the bodies of eight members of the paramilitary Frontier Corps were found with their hands bound behind their backs, apparently shot at point blank range. Opposition fighters had detained the men four days earlier during an attack on a convoy.

Arbitrary arrests and 'disappearances'

The Anti Terrorism Act (ATA) was amended in October to provide life imprisonment for supporters of "terrorists" and to allow police to seize the passports of "terrorist" suspects. In April, the Supreme Court ruled that those convicted of "terrorism" could not benefit from provisions under the law relating to murder, which allow the heirs of the victims to forgive the offender at any stage, thereby ending criminal proceedings.

Scores of people were arrested during demonstrations or for allegedly belonging to banned organizations. Most were released after several hours but some were held for prolonged periods in arbitrary and incommunicado detention. Some remained "disappeared" for longer periods despite families' efforts to trace them through the courts.



Islamic Republic of Pakistan

Head of state: Pervez Musharraf

Head of government: Shaukat Aziz (replaced Chaudhry Shujaat Hussain in August, who replaced Mir Zafarullah Khan Jamali in June)

Death penalty: retentionist

International Criminal Court: not signed

UN Women's Convention:

ratified, with reservations

Optional Protocol to UN

Women Convention: not signed

Further information

[Pakistan: Human rights abuses in the search for al-Qa'ida and the Taliban in the tribal areas](#)
(AI Index: ASA 33/011/2004)

[Pakistan: Open letter to President Pervez Musharraf](#)
(AI Index: ASA 33/003/2004)

[All AI documents on Pakistan](#)

- Students Akdas Iqbal and Sujeel Shahid, British and Dutch nationals respectively, were detained by an unknown agency on 14 June in Lahore in a wave of arrests of people suspected of links to “terrorist” organizations. During hearings of habeas corpus petitions filed by their relatives, the authorities denied holding them. Both were released without charge after a month.

Several journalists were held incommunicado for exercising their right to freedom of expression.

- Khawar Medhi Rizvi was arrested on 16 December 2003 in Karachi along with two French journalists on their return from Balochistan. In January the French journalists received suspended sentences under the Foreigners Act for travelling to the area without official clearance. However, government authorities repeatedly denied holding Khawar Medhi Rizvi. He was brought before a court in Quetta on 26 January and charged with sedition and criminal conspiracy for allegedly assisting in the preparation of a documentary falsifying events in the region. The trial had not concluded by the end of 2004.

Several people suspected of links to “terrorist” organizations who “disappeared” were non-Pakistanis.

- Tanzanian national Ahmed Khalfan Ghailani “disappeared” after being arrested on 25 July in Gujarat, Punjab province, along with several other non-Pakistani nationals, including several women and children. He was alleged to have links to al-Qa’ida. He was not charged or tried and his whereabouts remained unknown at the end of the year.

At least some of those in arbitrary detention were tortured.

- Afghan Islamic cleric Mohammad Noor who was arrested in Faisalabad in August for alleged links with “terrorists” died in police custody four days later. An autopsy reportedly found several wounds on his body.

Lack of protection of minorities

At least 25 people were criminally charged with blasphemy and at least six of them remained in detention at the end of 2004. Hostility to anyone charged with blasphemy endangered their lives.

- Samuel Masih, a 27-year-old Christian, was arrested in August 2003 and charged with having thrown litter on the ground near a mosque in Lahore. This was deemed an offence under section 295 of the Pakistan Penal Code, which provides up to two years’ imprisonment for defiling a place of worship. Samuel Masih was held in a Lahore prison but transferred to hospital in May, suffering from tuberculosis. He died after his police guard attacked him in the hospital. The police officer stated that he had done his “religious duty”; he was charged with murder.

The government did not take adequate measures to prevent attacks on religious congregations. In the month of October alone, some 80 people died in sectarian violence. There were frequent reprisal attacks. Following a bomb attack on a Shi’a gathering in Sialkot on 1 October which killed some 30 people, a bomb was thrown at a Sunni mosque in Multan which killed some 41 people. Scores of people were arrested after sectarian attacks but most were released due to lack of evidence.

Violence against women

Violence against women in the community, including crimes of “honour”, continued to be reported. The Human Rights Commission of Pakistan reported that in 2003 more than 600 women had been killed for alleged breaches of “honour”. Many cases went unreported and victims included very young girls.

- In June a tribal council directed that seven-year-old Mouti be killed for an alleged illicit relation with an eight-year old boy. Her father refused to accept the verdict and approached the local district administrator who provided protection.

Legal provisions allowing those who commit “honour” killings to seek forgiveness from heirs of the victim continued to prevent criminal prosecution.

- In June, Shamim Badshah forgave her husband for murdering their daughter Fozia, whom he had killed on suspicion of maintaining an illicit relationship. A court in Lahore where the murder case was

being heard ordered his release.

Although women's groups demanded that the waiving of criminal prosecution for crimes of "honour" by the victims' heirs be banned in order to deter potential perpetrators, this provision remained unchanged. In October the National Assembly passed draft legislation making the handing over of a woman as compensation for murder a criminal offence punishable by up to three years' imprisonment. Under another amendment, criminal charges under the laws on blasphemy and *Zina* (unlawful sex) are to be investigated only by higher ranking police officers. However, the amendments had not been signed into law by the end of the year.

Despite the Sindh High Court's ruling in April that trials by *jirgas* (tribal councils) were unlawful, the provincial government was reported to be preparing legislation to legalize this private justice system. Trials by *jirga* continued to be reported and no steps were known to have been taken against those participating in them.

Violence against children

Implementation of the Juvenile Justice System Ordinance (JJSO) of 2000 was inadequate, so that juveniles continued to be held and tried along with adults. In April, the relevant minister said that plans had been made to ensure implementation.

The ban on imposing the death penalty on juveniles contained in the JJSO was sometimes ignored. Problems in determining the age of some juveniles also meant that some juveniles under sentence of death did not benefit from a commutation order issued in 2001.

- In February, 17-year-old Shahzad Hameed was sentenced to death for murder in Sheikhpura, Punjab province.
- Saifullah Khan was 16 when he allegedly murdered another boy in April 2001 in Chardassa. He was sentenced to death in 2002. On appeal, the Peshawar High Court in October 2004 set aside the conviction and directed that he should be tried under the JJSO.

In October, the JJSO was extended to the Provincially Administered Tribal Areas. It still did not apply in the Federally Administered Tribal Areas (FATA) which are governed by the Frontier Crimes Regulation (FCR) of 1901. Under the FCR, family members of a person suspected of a crime can be punished instead of or along with that person. At least 70 children, including some 16 under the age of 10, were believed to be held under the FCR.

In December, the JJSO was revoked by the Lahore High Court which considered the law "unconstitutional" and "impractical". Juvenile courts set up under the JJSO were to be abolished and cases pending before it transferred to the regular courts. As a result juveniles could once again be sentenced to death.

Death penalty

At least 394 people were sentenced to death. At least 15 executions were reported. In November Asif Mahmood, who had spent 15 years on death row for a murder committed in 1989, was found innocent and released. His appeal had been pending for 13 years.

In June, the death sentence of Rehmat Shah Afridi, chief editor of the *Frontier Post*, who was sentenced to death in July 2001 for alleged trafficking in hashish, was commuted to life imprisonment. The High Court said that the death penalty was a disproportionate punishment for trafficking in hashish. AI considered Rehmat Shah Afridi to be a prisoner of conscience who was tried and convicted solely for his journalistic work.

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