

Pakistan (38)



94



Human Rights Watch

Human Rights Watch World Report 2002 - Pakistan - January 2002

* Copyright notice: The copyright for this document rests with the Human Rights Watch.

General Pervez Musharraf took steps that further consolidated the army's authority and all but ensured that any future government would operate under military tutelage. With media attention focused on internal unrest following Pakistan's break with the Taliban and its public support for the United States-led intervention there, Musharraf's movement toward establishing a controlled democracy faced little international opposition. Musharraf arguably emerged from the political realignment that occurred following the September 11 attacks on the U.S. in a stronger position. He reshuffled the military corps command so as to marginalize key Taliban backers; arrested leaders of religious parties who challenged his authority; and secured a critical rescheduling of Pakistan's debt, donor commitments of new loans, and the lifting of existing sanctions. Nevertheless, the potential domestic fallout from a prolonged U.S. presence in Afghanistan and the possibility of a Northern Alliance-dominated government emerging in Afghanistan left Musharraf clearly discomfited by November.

Mainstream political parties continued to operate under tight constraints. A ban on rallies remained in force, and the authorities detained thousands of political party members and activists to forestall planned demonstrations against government policies and continued military rule. The government used a draconian accountability law that it introduced shortly after the October 1999 coup as leverage in a largely unsuccessful attempt to fashion a pliant party leadership.

Human Rights Developments

The formation of the multiparty Alliance for the Restoration of Democracy (ARD) on December 3, 2000, posed the first major challenge to military rule and remained a principal target of the Musharraf administration during the first months of the year. The alliance brought together by the country's two largest political organizations – the Pakistan Muslim League (PML) of deposed Prime Minister Nawaz Sharif and the Pakistan People's Party (PPP), led by the self-exiled former prime minister Benazir Bhutto – with the avowed aim of restoring parliamentary government through immediate elections. In an apparent effort to forestall the alliance from pursuing its objectives and to control any restoration of parliamentary government, the Musharraf administration lent tacit support to a group of dissidents within the PML who had broken with Sharif after the coup and who opposed the formation of the alliance.

The National Accountability Ordinance was a key instrument in this effort. The ordinance, enacted in November 1999 ostensibly to facilitate prosecution of officials and other leaders for corruption and other illegal

acts, combined unchecked powers of arrest, investigation, and prosecution in a single institution, the National Accountability Bureau (NAB). The ordinance provided for detention of suspects for up to ninety days without charge, abolished bail, and established special accountability courts. Additional provisions required that trials be conducted within thirty days of charges being filed, effectively limiting defendants' ability to arrange an adequate defense, and automatically barred those convicted under the ordinance from holding public office for twenty-one years.

Although linkages could not conclusively be drawn, events suggested that the government withdrew accountability cases against PML leaders or improved conditions of detention in exchange for obtaining their support for the dissident faction or their resignation from party posts. Syed Ghous Ali Shah, who had been held by NAB since his April 2000 acquittal in a plane hijacking conspiracy case against Sharif and his senior aides, resigned as the PML president for Sindh province on March 2, 2001; the move was followed by Shah's transfer from NAB custody to a hospital. On March 8, before new elections for a party president were held, about two hundred pro-dissident activists of the Sindh PML youth wing forcibly occupied the PML office in Karachi. Police were subsequently deployed in the area, but did not interfere with the takeover. Within days of the occupation, an accountability case was withdrawn against the Sindh PML youth wing leader.

In April, the Pakistan Supreme Court ordered the government to modify the ordinance to restore the right to bail and reduce pretrial detention to fifteen days. However, the court order did little to limit the potential for selective application of the law; detention periods could be extended at the court's discretion, and the burden of proof remained on the accused.

The other major devices employed by the government to limit opposition political activity were the Maintenance of Public Order (MPO) ordinance, which broadly prohibited any speech deemed "likely to cause fear or alarm to the public" or "likely to further any activity prejudicial to public safety or the maintenance of public order," and a ban on "political meetings at public places, strikes and processions" that was imposed in March 2000. Officials announced in August that they would lift the ban ninety days before the general elections scheduled to take place in October 2002.

On two separate occasions, authorities arrested hundreds of ARD leaders and activists to forestall planned protests. On March 20, police in Punjab carried out mass arrests to prevent the ARD from holding a rally that had been planned for March 23; ARD leaders said that about two hundred party members were detained in Lahore alone and some 2,500 throughout Punjab. A second rally, planned for May 1 in Karachi, was similarly suppressed. According to the Sindh home secretary, Mukhtar Ahmed, about 850 ARD members had been taken into "protective custody" throughout the province as of April 30. On May 1, protesters clashed with police across Karachi, chanting, waving placards, and throwing stones. Police responded with baton charges and tear gas, arresting three hundred people.

Regional parties were also prevented from holding planned protests. On April 9, police in Karachi used batons, fired tear gas, and arrested about ninety people, many of them women, who were protesting against water shortages in Sindh province. Two days later, police arrested thirty activists of the Muttahida Qaumi Movement (MQM) and Jeay Sindh Qaumi Mahaz (JSQM) after they arrived outside the Karachi Press Club to

begin a fast to protest the shortages.

For much of the year, the authorities enforced the ban on political meetings selectively. They prevented mainstream political parties from holding meetings, but allowed religious parties to hold regular meetings and processions in most parts of the country. This changed after September 11, however, when Musharraf announced his administration's support for the U.S.-led anti-terrorism coalition. Religious parties that continued to mobilize protesters in support of the Taliban, or who explicitly challenged Musharraf's authority, faced arrest.

On October 7, North West Frontier Province (NWFP) authorities placed Maulana Fazlur Rehman, leader of the Jamiat Ulema-i Islam (JUI), and Maulana Samiul Haq, leader of a JUI splinter party, under house arrest. On October 22, more than one hundred members of the JUI and the Jamiat-e Islami (JI) were arrested in Sindh, reportedly to thwart plans by the parties to stage a sit-in at Jacobabad, site of a Pakistani air base used by U.S. military personnel. On November 3, authorities placed JI head Qazi Hussain Ahmed under house arrest to prevent him from participating in an anti-U.S. rally in the Bajaur tribal agency bordering Afghanistan. Two days later, the government filed sedition charges against Ahmed; although details of the charges were not specified, Ahmed had two weeks earlier accused the government of working against national interests in a speech in Rawalpindi, near the federal capital.

The withdrawal of government support from the Taliban starting in September and the government's decision to back U.S.-led military action in Afghanistan also triggered public protests in Quetta, the capital of Baluchistan province. On October 8, police clashed with protesters at rallies in Quetta involving some seven to eight thousand demonstrators, many of them Afghan refugees. On October 9, three Afghan refugees were shot dead by police in Kuchlak, a small town close to Quetta, with police reportedly failing to give warnings or use teargas or other means to control the mob before opening fire.

The militarization of civilian institutions, a trend already observable during Nawaz Sharif's second term in office, continued under Musharraf. According to official records cited by the respected Lahore-based weekly *Friday Times*, at the beginning of the year about 175 serving and retired military officers held high-level civilian posts. In addition, Musharraf had established a countrywide network of army monitoring teams to supervise and assist in the functioning of the civilian bureaucracy. The teams were constituted at the provincial, regional, and district levels and consisted of army personnel, Directorate of Military Intelligence personnel, and members of the Inter-Services Intelligence Agency's field units. In practice, local observers claimed, the teams interfered with the autonomy of the civilian bureaucracy and frequently disregarded civil procedure laws.

At the executive level, Musharraf initiated moves that institutionalized his personal authority and formalized the military's role in governance. On June 20, he amended his 1999 Proclamation of Emergency Order, formally dissolving the suspended national and provincial assemblies, and issued a President's Succession Order enabling him to assume the presidency the following day. How long his term of office would last was not clear. Musharraf justified his actions as being necessary to ensure political and economic stability. On July 4, Musharraf issued an order reconstituting the National Security Council (NSC) that he had established immediately after the coup. Under the new guidelines, it would aid and advise the president on "Islamic ideology, national



The government promptly condemned an October 28 attack on a Christian congregation in the southern Punjab town of Bahawalpur, and ordered an investigation into the incident. Eighteen people were killed when masked gunmen entered St. Dominic's Church, locked the doors, and fired at the assembled worshippers. Although Bahawalpur has been scarred by sectarian violence between Sunni and Shi'a Muslims in recent years, human rights investigators said it was the first attack directed at Christians in the area.

In September 2000, the government established the Commission on the Status of Women. Despite its directive to safeguard and promote women's rights, the commission had few powers to implement its mandate and in 2001 made little progress in the way of setting forth concrete recommendations. Human rights activists decried continued impunity and lenient sentences for so-called honor crimes against women, the practice of punishing women said to have brought dishonor to their families.

The government officially closed Pakistan's border with Afghanistan in November 2000, citing an inability to absorb additional refugees. The border remained formally closed throughout 2001, though refugees continued to make their way to Pakistan, with about 200,000 entering the country between September 2000 and September 2001, and a further 150,000 arriving after the start of U.S.-led bombing on October 7. The government attempted at the beginning of the year to prevent the registration of new arrivals, deported thousands of undocumented Afghans who were already living in the country, and sought to uproot a large, established refugee community at Nasir Bagh, near Peshawar. A screening agreement reached with the United Nations High Commissioner for Refugees (UNHCR) in August, after protracted negotiations with the government, was shelved after the September 11 attacks on the U.S. a temporary relocation of UNHCR's international staff. The government subsequently identified a number of sites near the border where it proposed relocating new arrivals from Afghanistan as well as residents from two camps near Peshawar and the transit camp at the Chaman border crossing.

In a welcomed move affecting labor rights, Pakistan, on August 15, ratified International Labor Organization (ILO) Convention No. 182, which called for immediate and effective measures to secure prohibition of the worst forms of child labor, as well as ILO Convention No. 100, concerning equal remuneration for men and women.

Defending Human Rights

Pakistani human rights groups played a vital role in challenging the government's policies toward refugees and, especially in the case of minority NGOs, its retention of the separate electorate.

The Role of the International Community

The international community almost unanimously eased diplomatic and economic sanctions when Pakistan backed the U.S.-led anti-terrorism coalition. Pressure for elections and a return to constitutional rule in 2002 was eased, while key donors made commitments of huge aid packages for Afghan refugee relief and basic economic assistance. Some donors resumed arms sales.

United States

On September 22, the Bush administration, with strong Congressional backing, waived economic sanctions imposed on Pakistan after its 1998 nuclear tests, allowing the U.S. to approve loans at the International Monetary Fund (IMF) and the World Bank. On October 30, President Bush signed legislation giving him authority to waive "democracy sanctions" on Pakistan, imposed following the October 1999 coup, opening the door for the sale and licensing of military equipment through September 30,

2003. However, the administration refused a request from Pakistan to transfer twenty-eight F-16 fighter planes that Pakistan had purchased in the 1980s.

On November 10, President Bush announced more than U.S. \$1 billion in U.S. support to Pakistan, including direct budgetary assistance, funds for control of its borders, anti-terrorism assistance, Afghan refugee relief, financial support through the IMF, debt relief, and trade assistance. In September, Washington agreed to reschedule U.S. \$379 million of Pakistan's \$3 billion debt obligation to the U.S.

President Bush met with President Musharraf at the United Nations in early November. Musharraf repeated his pledge to hold national elections by October 2002. A visit to Pakistan by Secretary of State Colin Powell in mid-October was largely overshadowed by renewed fighting in Kashmir, which ended a ten-month cease-fire.

European Union

On October 17, the U.K. announced a 15 million pound debt relief package to Pakistan to help cope with the Afghan refugee crisis and internal reforms. On November 24, Pakistan signed a new Co-operation Agreement with the European Community, replacing the 1986 agreement. The signing of the agreement had initially been postponed following the October 1999 coup. In a joint declaration, the European Union and Pakistan "reconfirmed their commitment to the respect, protection and promotion of human rights and democratic principles." Pakistan also reiterated "its firm commitment to return to democratic government in accordance with the roadmap announced by President Musharraf on August 14, 2001." Ongoing European Commission development cooperation projects in Pakistan totalled 195 million euros, and were primarily focused on social sector development.

Commonwealth of Nations

In its concluding statement of March 20, 2001, the Commonwealth Ministerial Action Group criticized the restrictions imposed by the Musharraf administration on political parties, including their formal exclusion from the local government elections, and pressed the regime to shorten its electoral timetable and to restore full democratic rule. The ministers agreed that Pakistan should remain suspended from the councils of the Commonwealth pending the restoration of democracy.

On August 21, Commonwealth Secretary General Don McKinnon met with President Musharraf in Islamabad to discuss plans to restore democracy by October 2002. He also met with politicians from the disbanded parliament.

Japan

On October 26, Japan joined the E.U., the U.S., and Canada, and lifted economic sanctions against Pakistan. Japan had frozen new grants and loans, except for humanitarian aid, to Pakistan since the country conducted nuclear tests in 1998.

In September, Tokyo announced it would consider rescheduling some of Pakistan's \$500 million debt and offered U.S. \$40 million in emergency aid for Pakistan including assistance for refugees. Prior to September 11, Japan had decided to give more than U.S. \$70 million in Official

Development Assistance (ODA) in the form of grants and soft loans for various health, education, and communication projects.

Foreign Minister Makiko Tanaka met President Musharraf in Islamabad in late November to express support for Pakistan's counter-terrorism efforts and invited him to Tokyo for the ministerial conference on Afghanistan's reconstruction scheduled for early 2002. Tanaka also pledged an additional U.S. \$300 million in grant aid to Pakistan over the next two years.

International Financial Institutions

The World Bank on October 24 approved a U.S. \$300 million loan to promote privatized banking, and planned to provide additional assistance bringing the total for fiscal year 2002 to about \$600 million. The Asian Development Bank announced plans to give Pakistan a total of U.S. \$950 million in 2001, increased from \$626 million planned prior to September 11. In late October, the U.S. was negotiating with the International Monetary Fund for a line of credit for Pakistan of up to U.S. \$1 billion. On October 24, the Islamic Development Bank approved U.S. \$25 million to help finance imports of energy products.

Relevant Human Rights Watch Reports:

The Crisis of Impunity: The Role of Pakistan, Russia, and Iran in Fueling the Civil War, 7/01

