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PAKISTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

Throughout the year 2009, terrorist attacks took a heavy toll on the lives of civilians and law-enforcement personnel across Pakistan, and violent conflict continued between militant groups and Government security forces, especially in the Federally Administered Tribal Areas (FATA) and the provinces of Balochistan and the North West Frontier Province (NWFP)¹. Counter-terrorism operations in the NWFP and FATA caused extensive involuntary displacement of civilians². Furthermore, in April 2009, the murder of three Baloch nationalist leaders sparked a massive wave of protests across Balochistan, during which at least 16 people were killed and many others injured in incidents of shooting³. In this context, President Asif Ali Zardari issued on October 2, 2009 the Anti-Terrorism (Amendment) Ordinance 2009, modifying the provisions of the Anti-Terrorism Act 1997. Among other changes, the ordinance extended the period of administrative detention from 30 to 90 days without the possibility of challenging the detention order before an impartial court and without the right to bail.

The year 2009 also saw an increase in violent attacks against religious minorities, as the Government failed to either take effective measures to prevent such violence, particularly against Christians in Gojra, in the Punjab province, and against Shias in Karachi, in Sindh province, or to bring to justice the perpetrators of such crimes. In particular, as the militancy surged in the north-western parts of the country, involuntary displacement of thousands of people belonging to Christian, Sikh and Hindu communities from Swat, Kohat and FATA was reported following threats of violence by extremist militant or following demands for payment of huge sums as “jaziya”, a tax imposed on non-Muslims who live under Muslim rule.

1/ As many as 1,296 people were killed in 108 suicide attacks by militant groups across the country during the year. Major targets of the attacks included not only Government premises, but also civilian establishments, mosques, schools, courts, media offices and shrines. See Human Rights Commission of Pakistan (HRCP) Annual Report 2009, *State of Human Rights in 2009*, February 2010.

2/ Between May and July, after the launch of a military operation against Taliban militants in Swat, in the NWFP, 2.7 million Pakistanis were internally displaced, creating a massive humanitarian crisis. See UNICEF, *Humanitarian Action Report 2010 - Partnering for Children in Emergencies*, February 2010.

3/ See HRCP Annual Report 2009, *State of Human Rights in 2009*, February 2010.

Freedom of expression also remained under attack in 2009. Independent and free media faced threats from violent non-State actors, such as Taliban and their allied militant groups, on the one hand, and was subjected to intimidation and restrictions by the authorities on the other. In FATA and the NWFP, where Taliban and Pakistani security forces were engaged in an armed conflict, reporting facts accurately became increasingly dangerous for professional journalists. Similarly, in Balochistan, journalists faced restrictions on access to certain areas and on reporting independently because of unwritten restrictions and warnings issued by the security establishment and militants. A total of 163 direct attacks were reported against media during the year, including murders, kidnappings, threats, assaults and attacks on media establishments⁴. Moreover, on July 9, 2009, the President reissued the Prevention of Electronic Crimes, Ordinance (PECO) 2009, which covers 18 offences that carry severe punishment, including life imprisonment and the death penalty, and could be abused by the authorities to curb freedom of expression.

On March 15, 2009, the Government announced the reinstatement of deposed Chief Justice Iftikhar Muhammad Chaudhry along with other judges who had been sidelined under the November 3, 2007 proclamation of emergency, imposed by the then President General Pervez Musharraf, while judges who had taken oath under the Provisional Constitution Order (PCO), issued by President Musharraf in November 2007, were removed from their posts. The judges had been dismissed after they refused to take a fresh oath under the PCO. They had also played a key role in the movement for independence of judiciary, freedom of press, restoration of democracy and rule of law, particularly release of scores of victims of enforced disappearances. The judges were reinstated following a “Long March” on Islamabad by lawyers from across the country, who boycotted court proceedings, observed hunger strikes and held demonstrations for their reinstatement. Former Prime Minister Nawaz Sharif also announced that his party, the Pakistan Muslim League-Nawaz (PML-N), would fully participate in the protests if the deposed judges were not reinstated by March, and several other parties made similar announcements. During the “Long March”, a major crackdown was launched against lawyers, political workers and activists and hundreds were detained in a nationwide operation, before the lawyers’ argument finally prevailed and the judges were reinstated.

On July 31, 2009, the Supreme Court of Pakistan declared the November 3, 2007 proclamation of emergency and all actions taken under it unconstitutional. The Court also nullified as many as 37 ordinances issued by President Musharraf, asking the Parliament to reconsider them within 120 days and, if deemed appropriate, to enact them as acts of Parliament. These ordinances included the National Reconciliation Ordinance (NRO), which was issued in October 2007 and granted amnesty to politicians and public officials who were accused of corruption, embezzlement, money laundering, murder, and terrorism between January 1, 1986, and October 12, 1999, the time between the last two martial laws in Pakistan. On December 16, 2009, the Supreme Court unanimously struck down the NRO as unconstitutional, and observed that all orders made under the NRO were illegal. Moreover, on November 16, the Supreme Court decided to resume the hearings of cases of enforced disappearances, which had been suspended after the November 2007 proclamation of emergency. Nevertheless, as of the end of 2009, the whereabouts of hundreds of people believed to be secretly detained by the authorities remained unknown. Meanwhile, independent human rights organisations such as the Human Rights Commission of Pakistan (HRCP) continued to receive new reports of incidents of enforced disappearances⁵. The failure of the criminal justice administration was also reflected in increased incidents of crimes against women, including honour killings, rape, domestic violence and acid attacks, in 2009. A total of 1,404 women were murdered in 2009, 647 of them killed in the name of “honour”⁶.

Acts of harassment against defenders of minorities rights

In 2009, several human rights defenders of minorities rights, including human rights lawyers, faced various acts of harassment, amid an almost persistent unwillingness by the police to guarantee the rights of religious minorities, as radical groups intimidated and attacked minority groups with impunity. For instance, Advocate **Anis AA Saadi**, Co-Chairperson of the Free Legal Aid and Settlement, disappeared on March 6, 2009 after he attended, as a pro bono lawyer, a hearing at the Lahore High Court for a rape case involving a member of a religious minority. His family feared that he may have been kidnapped due to his work on blasphemy cases. One week later, he was found by the roadside with marks of torture on his body. In March, he received a letter from a group of Taliban insurgents which contained death threats against him and his family. The threats were repeated on April 1 in an anonymous phone call. Mr. Saadi finally

5/ In 2009, HRCP managed to verify more than three dozens complaints of enforced disappearances. See HRCP.

6/ See HRCP Annual Report 2009, *State of Human Rights in 2009*, February 2010.

decided to leave Pakistan in June, but remained worried about the situation of his spouse and their two young children who remained in Pakistan and continued to receive death threats and were exposed to intimidation⁷. In September 2009, Mr. **Rao Zafar Iqbal**, Executive Director of the National Council for Human Rights, in Faisalabad, was the subject of a campaign by Muslim radical groups, which called for Mr. Iqbal's murder for regularly defending members of religious minorities charged under the blasphemy law. In particular, *fatwas* (religious edicts) were published in the *Daily Express* on July 3 and the *Daily Paveel* on August 4, calling for the lawyer's murder as a "service to Islam". On August 10, Mr. Iqbal had already escaped an attempt on his life. However, officials continued to refuse Mr. Rao Zafar Iqbal and his family police protection⁸.

Reprisals against human rights defenders combating feudal lords and land grabbing

Even though district courts provided relief to thousands of bonded labourers at farms and brick kilns in Sindh, Punjab and the NWFP by recovering and releasing them in 2009⁹, defending the rights of bonded workers remained extremely risky in Pakistan in 2009. For instance, Mr. **Din Mohammad Kumbhar**, a peasant activist living in the Sindh province, was abducted in June 2009 by men working for landlords – reportedly henchmen of landowners – and forced on gunpoint to give up the rights to his property. Mr. Kumbhar has strived for many years for realisation of basic human rights of bonded labourers despite constant intimidation from powerful landlords. He has been instrumental in the "Hari" movement that has sought to break the eternal servitude of the peasant to the feudal lords. He repeatedly went to Khipro police station, but was told that nothing could be done to assist him¹⁰. Furthermore, in November 2009, Mr. **Nisar Baloch**, an activist and leader of the Save Gutter Baghicha Movement and a member of the NGO "Shehri", who had started a movement against land grabbing in the Gutter Baghicha locality of Karachi, was murdered in the port city. According to media reports, the land mafia believed to be responsible for the target killing enjoyed the support of a powerful ethnic party. As of the end of 2009, the perpetrators of Mr. Baloch's assassination had not been brought to justice¹¹.

7/ See Front Line and International Observatory for Lawyers Statements, March 13 and June 30, 2009.

8/ See HRCP.

9/ See HRCP Annual Report 2009, *State of Human Rights in 2009*, February 2010.

10/ See HRCP.

304 11/ See HRCP Annual Report 2009, *State of Human Rights in 2009*, February 2010.

Acts of harassment against trade union activists

In 2009, the right to form trade unions remained absent in practice in many industries and workers depended on factory owners' whims to exercise this right. Trade unions activists often faced acts of reprisals because of their activities. For example, on May 16, 2009, police in Faisalabad registered cases of robbery against more than 1,300 labourers on the complaint of a factory owner ostensibly over the workers' efforts to set up a trade union. The factory management also sacked 15 members of the union. Furthermore, on October 29, 2009, Messrs. **Imran Usman** and **S. M. Umer**, trade unions activists of the Muslim Commercial Bank Staff Union, were arrested by officers of the Mitha Dar police station in Karachi, after cases were filed by the bank management against them the previous day. They were accused of disturbing the bank's operation by instigating a union protest and encouraging bank employees to participate. They were both released on bail on October 30. As Mr. Usman was returning home, at least six armed men in a blue van, the kind used by security staff at the bank, dragged him into it and took him away. The next day, an official of the Karachi police confirmed that Mr. Usman was not with the police and an abduction case was registered at Mitha Dar police station on October 31, naming unidentified security staff as suspects. Subsequently, the suspects were not seen at work. This increased suspicions about the implication of security staff in the case, which include retired army officers Colonel (r) Akbar Khan, Major (r) Gul Nawaz Cheema and Captain (r) Mohammad Haneef¹².

ASIA

Ongoing threats and attacks against human rights defenders in areas outside effective Government control, in particular parts of Balochistan and NWFP

In areas where the writ of the State had receded amid actions of armed militants, civil society organisations continued to face threats from the Taliban militant groups, most notably in NWFP, and separatist militant organisations in Balochistan. Terrorist activities by Taliban militants posed a massive threat to the operations of non-governmental organisations in the Swat region during the first quarter of 2009. For instance, a Tehreek-e-Taliban Pakistan (TTP) Spokesman frowned upon the NGOs deciding how mosques, houses and lavatories were to be built in the area, which the Taliban obviously did not approve of. The Spokesman also equated the word NGOs with "vulgarity" and "obscenity" as they hired women to work alongside men. The Taliban intimidated and threatened NGO staff, especially women. Soon after the NWFP Government struck a "peace

12/ See HRCP.

accord” with the Taliban in Swat valley on February 16, the latter ordered all NGOs working in the Swat valley to cease operations in the area. A Taliban Spokesman warned all NGOs to leave Swat because in his view they were “creating problems for peace”. However, military operations against Taliban in Swat in April and May 2009 led to some improvement in the security situation in the area. By the end of 2009, civil society organisations begun to operate there again, though they had to operate under strict security measures¹³.

Moreover, NGOs throughout Pakistan faced severe threats during 2009 in the wake of increasing terrorism and violence. On October 5, 2009, five UN officials were killed and another eight injured when a suicide bomber dressed as a paramilitary soldier blew himself up after slipping through high security checkpoints at the main office of the World Food Programme in Islamabad. The United Nations temporarily closed all its offices in the country after the first terrorist attack against an office of the world body in the federal capital in several years. According to Government officials, the attack took place a day after the new leader of the banned TTP, Hakimullah Mehsud, had threatened fresh attacks amid reports that a military operation was to be launched in the Waziristan tribal region of FATA. In November, the Director of the NGO “Young Generation”, Mr. **Ibrahim Shah**, was shot and killed by two unidentified gunmen in a targeted killing at his office in Landhi area of Karachi, creating panic among the NGO community of the city. As of the end of 2009, his murderers had not been identified yet¹⁴.

13/ See HRCP Annual Report 2009, *State of Human Rights in 2009*, February 2010.

306 14/ *Idem*.