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1 Scope of Document

1.1 This Pakistan country report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, for use by Home Office officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It is not a detailed or comprehensive survey.

1.2 The Report is compiled from a wide range of recognised sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to original source material, which has been made available to those working in the asylum/human rights determination process. The Report aims to provide only a brief summary of the source material quoted. For a more detailed account, the relevant source documents should be examined directly.

1.3 The information contained in this Country Report is, by its nature, limited to information that we have been able to identify from various well-recognised sources. The contents of this Report are not exhaustive and the absence of information under any particular heading does not imply that any analysis or judgement has been exercised to exclude that information, but simply that relevant information on the subject has not been identified from the sources that have been consulted. Equally, the information included in the Reports should not be taken to imply anything beyond what is actually stated.

1.4 The great majority of the source material is readily available in the public domain. Copies of other source documents, such as those provided by government offices, may be provided upon request.

1.5 All sources have been checked for currency, and as far as can be ascertained, contain information, which remained relevant at the time this report was issued. Some source documents have been included because they contain relevant information not available in more recent documents.

1.6 This country Report and the accompanying source material are publicly disclosable. Where sources identified in this Report are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the report is also included. Paper copies of the source documents have been distributed to nominated officers within IND.

1.7 It is intended to revise the Report on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom. Information contained in Country Reports is inevitably overtaken by events that occur between the 6 monthly publications. Caseworkers are informed of such changes in country Information Bulletins.

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2 Geography

General

2.1 The Islamic Republic of Pakistan lies in southern Asia, bordered by India to the east and Afghanistan and Iran to the west. It has a short frontier with the People's Republic of China in the far north-east. The capital is Islamabad. The country covers an area of about 307,374 square miles. According to official estimates the population in mid 2001 was 140,470,000.^[1a] The Pakistani administered part of Kashmir (known as "Azad" Kashmir) is broadly responsible for its own internal administration and covers an additional 4,494 square miles.^[1a]

2.2 Pakistan is divided into four provinces: Baluchistan; North-West Frontier Province; Punjab and Sindh. There are also tribal areas under federal administration. According to the March 1998 census the populations in the provinces were as follows: 72.5 million in Punjab; 29.9 million in Sindh; 17.5 million in the North-West Frontier Province; and 6.5 million in Baluchistan.^[1a]

2.3 The main ethnic group is Punjabi, comprising about two-thirds of the population. Other major groups are Sindhis (24-32%), Pathans (aka Pashtuns, Pushtoons or Pukhtoons) (13%), Baluchis (4%) and Mohajirs (8-18%).^[20c]

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Languages

2.4 The principal languages are Punjabi (48%), Sindhi (12%), Siraiki - a Punjabi variant (10%), Pashtu (8%) and Urdu - the official language (8%). Other minor languages are Balochi (3%), Hindko (2%) and Brahui (1%). English is also used as the official and lingua franca of the Pakistani elite and in most government ministries.^[34] Each ethnic group has its own language and numerous dialects are spoken.^[3]

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3. Economy

3.1 According to the US Department of State report 2003, Pakistan is a poor country with great extremes in the distribution of wealth. The Constitution provides for the right of private businesses to operate freely in most sectors of the economy and there continues to be a strong private sector. ^{[2d](p1-2)} In a report released in August 2002 the Asian Development Bank estimated the poverty level in Pakistan in 1999 as 36.3% in rural areas, and 22.6% in urban areas. Other economists estimate a higher poverty level of 40% of the total population. The major causes of poverty in Pakistan include lack of employment opportunities, a slowdown in the pace of economic growth in the 1990's and a decline in public sector development programmes.^[41b]

3.2 According to XE.com Universal currency converter the approximate rate of exchange on 24 February 2004 was £1 = 107 Pakistani rupees.^[65]

4 History

For detailed history prior to August 1990 see Europa World Year book.[1a]

Pre 1993

4.1 Pakistan was created in August 1947 following the partition of the Indian Empire into the independent states of India and Pakistan. This was in response to demands by elements of the sub-continent's Muslim population for the establishment of a designated Muslim state. Pakistan originally comprised two distinct regions - East Pakistan and West Pakistan, separated by some 1,600 km of Indian Territory. On 23 March 1971 East Pakistan declared its independence as the People's Republic of Bangladesh.[1a]

4.2 General Zia ul -Haq came to power in a coup in 1977 in which he overthrew the Pakistan People's Party (PPP) government of Zulfikar Ali Bhutto. Zia was killed in an air crash in August 1988 and subsequent elections resulted in victory for the PPP with Bhutto's daughter, Benazir Bhutto, becoming Prime Minister.[2a] On 6 August 1990 President Ghulam Ishaq Khan in accordance with his constitutional powers dismissed the Prime Minister and her Cabinet and dissolved the National Assembly. He accused the Government of corruption, nepotism and incompetence. The charges were denied by Benazir Bhutto.[1a]

4.3 A general election took place on 24 October 1990. The Islamic Democratic Alliance (IDA) doubled its representation in the National Assembly, leaving it 4 seats short of a majority while the People's Democratic Alliance (PDA) of the PPP and three smaller parties suffered a heavy defeat. On 6 November 1990 Mohammad Nawaz Sharif, the leader of the Pakistan Muslim League (PML), was elected Prime Minister.[1a]

4.4 In May 1991 the National Assembly adopted legislation imposing the incorporation of Sharia (the Islamic legal code) into Pakistan's legal system. Legislation was also adopted which provided for the Islamisation of the education, economic and judicial systems.[1a]

4.5 Prime Minister Nawaz Sharif had promised that one of the Government's major priorities was to establish lasting peace in Sindh where ethnic conflict and general lawlessness prevailed.[1a] In the summer of 1991 violence continued with fighting between PPP and the Mohajir Quami Movement(MQM), as well as between rival MQM factions.[3] In response to the continuing violence 'Operation Blue Fox'[3] (also known as 'Operation Clean-up') was launched in May 1992, whereby the army was to seize unauthorised weapons and apprehend criminals and terrorists.[1a] There was a violent clash between two factions of the MQM - the majority Altaf faction and the small breakaway Haqiqi faction - in Karachi. The army took the opportunity to suppress extremist elements in the MQM. The Government repeatedly gave assurances that the operation was aimed at criminals and not at the MQM itself.[1a]

4.6 In November 1992 the PDA intensified its campaign of political agitation. The rallies and marches organised by Benazir Bhutto were suppressed by the Government through mass arrests, road blocks and the imposition of a two-month ban on the holding of public meetings in Islamabad and Rawalpindi.[1a]

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1993 - 1997

4.7 During 1993 a rift between the President and the Prime Minister grew (caused by the Government initiating discussions regarding proposed amendments to the Eighth Constitutional Amendment). On 18 April 1993 the National Assembly was dissolved and the Prime Minister and the Cabinet were dismissed. The President accused Sharif of "maladministration, nepotism and corruption". An acting Prime Minister and Cabinet were appointed, but on 26 May 1993 the Supreme Court ordered that the National Assembly, Prime Minister and Cabinet be restored to power as the President's order had been unconstitutional. The National Assembly and Sharif's government were reinstated immediately.[1a]

4.8 An All Parties Conference, which included Benazir Bhutto, urged the President to dissolve the National Assembly and hold fresh elections. Benazir announced a "long march" with the intention of laying siege to the capital and forcing Sharif to resign. The army persuaded Benazir to postpone the march. On 18 July 1993 both the President and Sharif resigned, and the National Assembly and the provincial assemblies were dissolved.[1a]

4.9 The elections were held early October 1993 and were widely considered to be fair. Neither the PPP nor the Sharif faction of the PML won an outright majority in the federal elections, and only the PPP won a majority in the provincial elections in Sindh. Benazir Bhutto was elected to head a coalition government on 19 October 1993. A PPP led coalition assumed control of the provincial administrations in Punjab and Sindh. The provincial governments in North-West Frontier Province and Baluchistan were headed by alliances led by the PML(Nawaz), a PML faction led by Nawaz Sharif.[1a]

4.10 September 1994 saw an upsurge in political unrest when Sharif organised a nation-wide general strike. Hundreds of PML supporters, including Sharif's father, were arrested. In Karachi there was escalating ethnic and criminal violence, which stemmed from the rivalry of the opposing MQM factions. Other killings were linked to drugs mafia and sectarian disputes between Shia and Sunni Muslims. It was estimated that during 1995 almost 2,000 people were killed in Karachi as a result of political and ethnic violence.[1a]

4.11 In June 1996 an austere budget was introduced, including the introduction of new taxes which sparked off protests. A large bomb explosion at Lahore airport in July, a series of public sector strikes and resurgence of violence in Karachi intensified the volatile political situation. Benazir's estranged brother, Mir Murtaza Bhutto, was killed in a gun battle with police in Karachi in mid-September. The Prime Minister and her

husband were accused of organising the killing, while Benazir implied that she believed the President and the army were to blame. A judicial tribunal exonerated the President of any involvement in the killing, describing the death as an extra-judicial killing.^{[1a][6c]}

4.12 Against a background of rising public discontent, President Leghari dismissed Prime Minister Benazir Bhutto's government and dissolved the National Assembly on 5 November 1996. The state assemblies were dissolved over the following week. The reasons given by the President were the deteriorating law and order situation, severe economic problems, widespread corruption, disregard for judicial authority and the violation of various constitutional provisions.^[1a]

4.13 The general election was held on 3 February 1997 with a low turnout of 30-40%. The PML (Nawaz) won a decisive victory, gaining 134 of the 204 directly elective seats in the National Assembly. The PPP was routed both at federal and state level, winning only 18 National Assembly seats. The MQM emerged as the country's third political force with 12 seats. Mohammad Nawaz Sharif was sworn in as Prime Minister on 17 February 1997.^[1a]

4.14 Sharif strengthened his political authority in April 1997 when both the National Assembly and the Senate voted unanimously to repeal the major components of the 1985 Eighth Constitutional Amendment. The President lost his powers to dismiss the Prime Minister and Cabinet, to dissolve the legislature and to order a national referendum on any issue. Authority to appoint provincial Governors, the Chairman of the Joint Chiefs of Staff and the three armed forces chiefs were also taken away. The President thus became a largely ceremonial figure.^[1a]

4.15 According to Amnesty International, sectarian violence escalated between the Shia and Sunni communities during the first half of 1997 in the Punjab and Sindh provinces. The new government called on religious groups to restrain their followers and banned motorcycle pillion riding, as pillion riders had carried out many attacks. The Chief Justice of Pakistan, mindful of concerns about human rights abuses, initiated public hearings into the killings in Karachi and the sectarian violence in Punjab. The Government introduced an Anti-Terrorism Bill in the National Assembly, which was passed and signed into law by the President on 17 August 1997. The Bill was controversial as it gave the police sweeping powers.^[4d]

4.16 In the second half of 1997 a serious rift developed between Prime Minister Nawaz Sharif and the Chief Justice of the Supreme Court, over the appointment of new judges. Despite a compromise in early November 1997, later in November 1997 the Supreme Court charged Nawaz Sharif and five officials with contempt for slandering the court. The Prime Minister denied the charges and the Chief Justice was forced to adjourn the trial when thousands of the Prime Minister's supporters stormed the Supreme Court in Islamabad. The constitutional crisis came to an end on 2 December 1997, when rebel members of the Supreme Court suspended the Chief Justice, and President Leghari stood down from office. Prime Minister Nawaz Sharif strengthened his hold on power on 31 December 1997 when his nominee, fellow Punjabi Mohammad Rafiq Tarar, won the presidential election by winning a record 80% of the votes cast in the electoral college.^[1a]

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1998 – September 1999

4.17 In January 1998 sectarian violence in Lahore resulted in the massacre of 24 Shia Muslims by a clandestine Sunni group, this was followed by murders in Karachi in February and again in Lahore in March. In May 1998 temporary public euphoria and heightened popularity for the Prime Minister arose from the conduct of controversial nuclear tests. However repercussions in the form of international sanctions left the country in dire financial circumstances.[1a]

4.18 In August 1998 Nawaz Sharif introduced a bill (the 15th Amendment Bill) to the National Assembly to replace Pakistan's legal code with Sharia Law, he attempted to allay fears of a move towards Islamic extremism by promising to uphold women's rights and to safeguard minorities. In early October 1998 the Chief of Army Staff, General Jehangir Karamat, was forced to resign after publicly criticising Government policies and demanding that the armed forces be given a direct rather than advisory roll in government decisions. The 15th Amendment Bill won National Assembly approval in October 1998.[1a]

4.19 In late October 1998 the MQM(A) withdrew its support from the PML(Nawaz) in the Sindh provincial legislature, and the province was placed under governor's rule in an effort to curb the violence. In November 1998 the Prime Minister announced the establishment of anti-terrorist military courts in Karachi, and the suspension of civil rights in Sindh.[1a]

4.20 In mid February 1999 the Supreme Court ruled that military trials could not be used for cases against civilians, effectively barring the establishment of military courts throughout the country. Cases were ordered to be transferred to civilian anti-terrorist courts.[1a]

4.21 In February 1999 Nawaz Sharif and the Indian Prime Minister, Atal Bihari Vajpayee, signed the 'Lahore Declaration' which included pledges concerning peace and nuclear security, patently designed to allay world-wide fears of a nuclear "flashpoint" in South Asia. In April 1999 a series of ballistic missile tests was carried out first by India then by Pakistan resulting in deepening concern over the escalating arms race in South Asia.[1a]

4.22 In May 1999, the Kashmir conflict intensified following the reported infiltration of 600-900 Islamist fundamentalists allegedly reinforced by regular troops. In response India launched a series of air strikes which seriously provoked Pakistan. [1a]

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October 1999 - December 2000

4.23 Events took a dramatic turn on 12 October 1999, Nawaz Sharif dismissed the Chief of Army Staff and Chairman of the Joint Chiefs Committee, General Pervez Musharraf. The General flew back from an official tour in Sri Lanka and

organised a bloodless military coup in Islamabad. Nawaz Sharif and his government were overthrown and the deposed Prime Minister was placed under house arrest. On 15 October 1999 General Musharraf assumed the position of Chief Executive, declared a nationwide state of emergency and suspended the Constitution, the National Assembly, the Senate, the four provincial legislatures and all political officials, with the exception of the President and the judiciary. He insured by means of a Provisional Constitutional Order that his actions could not be challenged by any court of law, thus imposing virtual martial law. [1a]

4.24 As a result of the coup Pakistan was suspended from participation in Commonwealth Ministerial meetings. On 22 October 1999 General Musharraf appointed four new provincial governors and on 26 October 1999 he installed a three-member Cabinet and named members of a National Security Council, expected to be the supreme executive body of the government. [1a]

4.25 The majority of the Pakistani people appeared to support the army's coup and there were no large-scale popular demonstrations in support of Nawaz Sharif. Musharraf portrayed himself internationally as a moderate liberal leader but while expressing regret over the effective suspension from the Commonwealth, was mainly concerned with the reaction of the US, and world financial institutions. The new regime's major priority was the revival of an almost bankrupt economy. [1a]

4.26 In November 1999 Sharif and six other senior officials were arrested and charged with attempted murder, kidnapping, hijacking and criminal conspiracy following their alleged actions on 12 October 1999. [1a] In the court case that followed, the prosecution argued that Sharif's personal instruction not to allow the aircraft carrying General Musharraf to land had endangered the lives of those on board as the fuel supply was low. On 6 April 2000 Sharif was found guilty on the hijacking and terrorism charges and was sentenced to life imprisonment, instead of the death penalty demanded by the prosecution. [35e]

4.27 In late March 2000 General Musharraf announced that new-style local elections would be held nation-wide between December 2000 and August 2001. These were to be held on a non-party basis and it was claimed they would transfer power from the traditional ruling elite to the grassroots level. In May 2000, the Supreme Court unanimously decided to validate the October 1999 coup as having been necessary to spare the country from chaos and bankruptcy, although all the incumbent members of the Supreme Court had sworn allegiance to the military administration a few months earlier. The court also announced that the Chief Executive should name a date, no later than 90 days before the end of a three year period from 12 October 1999, for the holding of elections to the National Assembly, the provincial assemblies and the Senate. General Musharraf stated he would comply with the Supreme Court ruling regarding the restoration of democracy. [1a]

4.28 In July 2000 General Musharraf issued a decree to revive the Islamic provisions of the suspended constitution and to incorporate them in the Provisional Constitution Order supporting a ban on the passing of any law that conflicts with Islamic principles. In September 2000 an explosion in a crowded Islamabad market, killed 16 and

wounded about 100 people, an extreme Hindu organisation claimed responsibility for the attack. [1a]

4.29 In late 2000 former leaders Nawaz Sharif and Benazir Bhutto and 16 other smaller parties agreed to form the Alliance for the Restoration of Democracy (ARD) in an effort to end military rule and accelerate a return to democracy. Nawaz Sharif was released from prison in December 2000 and left Pakistan to live in exile in Saudi Arabia with his wife and 17 other members of his family. The Government announced he had been granted a presidential pardon and was allowed to leave to seek medical treatment. In return he relinquished personal and business assets and promised not to return for ten years and to remain out of politics for 21 years.[1a]

4.30 In late December 2000, the first phase of local elections was held in 18 districts, the Government claiming a turnout of over 40%, while the opposition PPP claimed under 20%. There were a total of just over 20,000 seats, nearly 4,000 candidates were elected unopposed and just over 2,000 seats remained vacant. 33% of the seats were reserved for women, but few were able to participate in a largely male-dominated society. Although conducted on a non-party basis it was believed that the majority of candidates were sponsored by the PML(Nawaz) or the PPP. It appeared that the election scheme had failed to challenge the dominance of Pakistani politics by local feudal families.[1a]

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January 2001 - December 2001

4.31 In January 2001 the Human Rights Commission of Pakistan (HRCP) condemned the arrests and excessive force used in Karachi on a number of people protesting against the blasphemy laws. Seventeen arrests were made following baton-charges and the use of teargas, despite HRCP assertions that there was no threat to the law and order situation. The National Commission for Justice and Peace (NCJP) also expressed deep concern at the level of force used against the peaceful protestors.[33a]

4.32 In March 2001 further local elections took place in 20 districts. Once again despite the Government's efforts political parties participated and PPP and PML(Nawaz) candidates won the majority of seats. In March and May 2001 pro- democracy rallies were suppressed by the authorities who detained thousands of ARD supporters in advance of planned demonstrations.[1a]

4.33 In April 2001 the Supreme Court ordered that the convictions of Benazir Bhutto and her husband Asif Zardari for corruption should be set aside and a retrial held. Later that month the Supreme court concluded that the that the verdict had been politically motivated.[1a]

4.34 On 20 June 2001 General Musharraf assumed the Presidency, having dismissed Mohammad Rafiq Tarar. Musharraf immediately formally dissolved the national and provincial assemblies. The move was interpreted by some as an attempt to consolidate his position prior to negotiations with the Prime Minister of India. Also in June 2001, in response to escalating sectarian and ethnically motivated violence, the Government approved new legislation to tackle terrorist activity.[1a]

4.35 The results of the final phase of the local elections were announced in August 2001, although attempts had been made to depoliticise the elections party affiliations and military loyalties were often known. Pro-army candidates won the most seats, but PPP did well taking Sindh province and parts of Punjab. Jamiat-e-Islami came third and won the mayorship of Karachi.^[10] In August 2001 it was reported that sectarian violence had claimed 108 lives between January and May 2001 compared to 37 fatalities in the same period in the previous year. In his Independence Day address to the nation Musharraf appealed for greater tolerance and understanding and announced an immediate ban on the activities of two militant Islamist groups, the Sunni Lashkar-i-Jhangvi (LeJ) and the Shia Sipah-e-Mohammad Pakistan (SMP).^[11]

4.36 On 11 September 2001 terrorist attacks took place on the US mainland and members of Al Qa'ida, an Afghan-based organisation, were held responsible. Musharraf made a declaration of co-operation with US requests for shared intelligence and the use of air space. His political opponents in the PML and PPP appeared to accept this declaration of support for the US. Pakistan had been one of only three states to recognise the legitimacy of the Taliban regime in Afghanistan and was the most significant trading partner and supporter of the regime. Despite Musharraf's insistence that the US-led activities in the region did not represent an attack on Islam protests against the action spread throughout the country. On 21 September 2001 a group of more than 30 Pakistani militant Islamist organisations known as the Afghan Defence Council (ADC) organised a campaign of demonstrations and industrial action nation-wide. Further opposition to Pakistan's support for the intervention in Afghanistan came from within the armed forces, the Inter-Services Intelligence agency having had close links with the Taliban.^[12]

4.37 In early October 2001 Musharraf implemented a radical reorganisation of the military high command and the intelligence service, replacing a number of senior personnel with known sympathies for the Islamist cause. Popular protests against the US led coalition continued and were fuelled by reports of civilian casualties in the US bombing raids in Afghanistan and the call to jihad (holy war) against all non-Muslims by the ADC and the Jamiat-e-Ulema-e-Islam in October. Despite the uncompromising attitude of the security forces to sporadic rioting, an attempt to capture an airbase in Sindh and an opposition rally attended by 20,000 in Karachi there were few casualties.^[13]

4.38 In October 2001 sanctions, imposed on Pakistan by the US after the 1999 coup, were waived. Later in the month President Bush signed legislation clearing the way for the full resumption of economic and military aid to Pakistan over the forthcoming two years. It was also announced that President Bush and President Musharraf would meet at a United Nations meeting in November. A package of \$500 million was also expected to be announced. These measures were seen by observers as rewards for Pakistan's help in the US-led war in Afghanistan.^[35a] In early November a package of aid amounting to over a billion dollars was announced when President Musharraf and President Bush met at the United Nations, this was seen as a further indication of warming relations between the U.S and Pakistan.^[35a]

4.39 Tension with India heightened following an attack on 1 October 2001 in Srinagar, which the Indians blamed on Pakistani based groups. President Musharraf refused Indian requests to ban the activities of the organisations. Later in October 2001 skirmishes between security forces along the Line of Control (LoC separating Indian controlled Kashmir from Pakistan Kashmir) threatened to erupt into open conflict.^[1a] On 29 October 2001 18 people were killed in an attack on a Christian church in the eastern town of Bahawalpur. Dozens more were seriously injured when unidentified gunmen on motorcycles opened fire indiscriminately on the Christian congregation at prayer.^[35ah] 13 suspects were later arrested in connection with the attack.^[35aj]

4.40 In early November 2001 the leaders of the JUI and the Jamaat-e-Islami (JIP) were detained following allegations that they were continuing to promote anti-government activities. Early in November 2001 a communication from Usama bin Laden the Saudi born leader to the Al Qa'ida organisation was broadcast on Al-Jazeera the Arab satellite television channel. He called for a renewed jihad against non-Muslims and urged Pakistanis to rise up against the Musharraf administration for its support of the US led campaign. In the border regions of NWFP and Balochistan there were reports of large numbers of local tribesmen crossing to fight for the Taliban. By mid-November there were believed to be significant numbers of Pakistanis fighting in Afghanistan.^[1a]

4.41 In Afghanistan forces of the United National Islamic Front for the Salvation of Afghanistan (commonly known as the United Front or Northern Alliance) with the support of the US-led coalition were making impressive gains, and by mid-November the Northern Alliance had taken Kabul. The rout of the Taliban continued in December 2001 and Pakistan reinforced border security along its north-western border in order to intercept fleeing combatants.^[1a]

4.42 Following the fall of the Taliban the Pakistan Government announced that it no longer had any relations with its old allies the Taliban. Foreign Minister Adbul Sattar said that although they had not announced the de-recognition of the Taliban there was no business conducted between Pakistan and whatever was left of the Taliban. The Taliban's embassy in Islamabad, which had formed an important link between the Afghan regime and the outside world, remained open. Mr Sattar said that Pakistan were not hostile to any faction and hoped the United Nations political process to find a broad-based government for Afghanistan would proceed quickly.^[35ax]

4.43 The sudden fall of the Taliban had a dramatic effect on relations between the Northern Alliance and Pakistan. By the end of November 2001 they were indicating their willingness to end their hostility and work together. President Musharraf said Pakistan recognised the Northern Alliance and had no problem if it formed a government with other factions in Afghanistan.^[35ay] On 5 December 2001 in Bonn Germany, following UN brokered talks, delegations from four Afghan factions signed a peace deal under which an Interim Authority headed by Pashtun tribal commander Hamid Karzai would rule for six months prior to the election of a transitional government by a Loya Jirga (traditional assembly).^[35az] In December 2001 it was reported that President Musharraf became the first world leader to personally call Mr Karzai to congratulate him on his appointment, at the same time he offered all possible help and assistance in the reconstruction and rehabilitation work in Afghanistan.^[35ba]

4.44 In December 2001 India alleged that activists of Jaish-i-Mohammad, on the instigation of the Inter-Services Intelligence agency, carried out an attack on the Indian parliament. A spokesman for President Musharraf described these allegations as unfounded and fabricated.^[335] As a result tensions between the two nuclear powers escalated, leading to the biggest military build up for nearly 15 years. The Indian government demanded that Pakistan act decisively against the two Kashmiri separatist groups it blamed for the raid on the Indian parliament.^[354] At the end of December 2001 India expressed satisfaction that Pakistan had started rounding up members of the more violent Kashmiri groups but wanted more action and gave Pakistan a list of its most wanted terrorists.^[354]

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4.45 On 12 January 2002 President Musharraf announced a ban on five extremist groups and put another on the watch list, with a view to cleansing the society of terrorism, sectarian violence and intolerance. The groups banned were Jaish-i-Mohammad, Lashkar-i-Taiba, Sipah-i-Sahaba Pakistan, Tehrik-i-Jaferia and Tanzim Nifaz-i-Shariat-i-Mohammadi. Sunni Tehrik was put on the watch list. At the same time he announced that registration would be required for all Madaris (religious schools also called madrassahs) and foreign students and teachers would also have to be registered. He declared that Pakistan would not be allowed to be used for carrying out terrorist activities in and outside the country.^[336] A crackdown on extremists followed this announcement with over 1,900 activists, mainly from the five banned groups, being detained in all four provinces and the capital. In addition 600 offices of the banned groups were sealed, literature confiscated and instructions issued to the state bank to freeze their assets.^[336] By the end of January 2002 there were indications that the risk of a war between India and Pakistan had receded. President Musharraf's moves to confront Islamic extremists helped to diffuse the tension.^[354] January 2002 also saw the announcement of the elimination of the separate electoral system for religious communities.^[24]

4.46 In late January 2002 President Musharraf confirmed that elections would be held in October 2002. Addressing a meeting of the Pakistan Human Development Forum the President said his country was ushering in a real democracy with the elections, which will be held for national and provincial assemblies. He said Pakistan would fine tune democracy according to its own requirements and there would be checks and balances on any new civilian government.^[355]

4.47 February and March 2002 saw a number of sectarian killings and attacks during which over 25 people were killed in a period of three weeks.^[356] In late February 2002 two gunmen went into a Shia mosque in Rawalpindi and fired on worshippers during prayers, ten deaths were reported and at least 15 people were wounded.^[324] On 12 March 2002 it was reported that a further six Shia Muslims had been shot-five people were killed in two attacks in Karachi and a sixth in Muzaffargarh in Punjab.^[356] In March 2002 five people were killed and a further 41 injured in a grenade attack on a church in the heavily guarded diplomatic enclave in Islamabad. Those killed were a US diplomat's wife and daughter, two Pakistanis and an Afghan. It was reported that several attackers entered the premises and threw grenades at worshippers.^[337] A few

days after the attack all senior policemen in Islamabad were removed from their posts following President Musharraf's statement that he was convinced that the attack resulted from police negligence.^[35b4] Later in the month some 30 people were detained in connection with the attack.^[35a7] Some two days after the church attack, a Sunni Muslim cleric and his driver were shot in Lahore, as the unidentified gunmen drove away they shot a third person a Shia Muslim who was nearby. The spate of sectarian attacks was seen as a setback to efforts to crackdown on religious extremism.^[35b7]

4.48 In early April 2002 President Musharraf paid his first visit to Afghanistan and, speaking alongside Hamid Karzai at a news conference, pledged never again to allow his country to interfere in the internal affairs of Afghanistan. The meeting was seen as marking a watershed in Pakistan Afghanistan relations, President Musharraf pledged co-operation in wiping out terrorist sanctuaries in the region and said that he had made absolutely clear that Pakistan's one aim was to assist Afghanistan.^[35b6]

4.49 On 3 April 2002 the cabinet and National Security Council unanimously approved the holding of a referendum to extend President Musharraf's rule for a term of five years. The present term expired after the proposed October 2002 elections.^[35b1] The opposition Alliance Party for the Restoration of Democracy said it considered the initiative unconstitutional and would hold peaceful rallies to oppose it. The plan was also criticised by Islamist parties and the Human Rights Commission of Pakistan(HRCP).^[33] Speaking on 16 April 2002 President Musharraf defended the referendum, due to take place on 30 April 2002, as constitutional, expressed his confidence about being elected, and said he would not leave the office of army chief of staff. He said that the National Security Council would be created to work as a watchdog and make sure that the reforms process was not reversed and that there was real democracy in Pakistan.^[33a] In late April 2002 the Supreme Court rejected eight petitions brought by opposition parties and lawyers groups arguing that the referendum was unconstitutional.^[35a7]

4.50 Preliminary referendum results on 1 May 2002 indicated a runaway victory for President Musharraf. The HRCP said the poll was marred by irregularities and reported people being hustled into voting and the abuse of election procedures.^[35av] The Election Commission of Pakistan announced a voter turnout figure of 70% of whom 98% had voted yes, giving the President a further five years.^[33a] Opposition parties continued to term the referendum "fraudulent". The Information Secretary of the ARD said the call for a boycott had been successful, and termed the statistics given out by the Government a "fraud".^[33aa]

4.51 In mid May 2002 in Karachi, a suicide bomber drove his car into a bus carrying French technicians who were working with the Pakistan navy. The attack killed 15 people, mostly French nationals. Following the attack nearly 400 people were detained for questioning. President Musharraf also announced a new series of anti-terrorism measures including setting up a new investigation cell and enhancing security on the western border with Afghanistan.^[35aw] On 14 June 2002 a car bomb exploded near the US consulate in Karachi killing at least eight people and injuring many others. No foreigners or embassy staff were amongst those injured, and the consulate suffered no major damage.^[35bm] At the end of June 2002 the Pakistani police disclosed that

members of the banned Islamic group Lashkar-e-Jhangvi were the prime suspects in both bomb attacks in Karachi.^[356n]

4.52 In May 2002 it was reported that a steady exodus of US, Canadian and other foreign diplomats, which had commenced following the abduction of US journalist Daniel Pearl in January 2002 and the bombing of a church in the diplomatic quarter in March 2002, accelerated following the bomb attack in Karachi.^[24e] On 22 May 2002 UK Foreign Secretary Jack Straw announced a reduction in the UK Government's diplomatic representation in Pakistan on account of the "security threat to British interests in Pakistan".^[48]

4.53 The tension between India and Pakistan over Kashmir increased again following an attack on an army camp in Kaluchak near Jammu on 14 May 2002. India positively identified three gunmen involved as Pakistani, and on 18 May 2002 requested the withdrawal of Pakistan's High Commissioner to India. Across the Kashmir LoC exchanges of artillery and small arms fire intensified causing deaths of mainly civilians in the border villages. Thousands of villagers fled their homes. Towards the end of May 2002 Pakistan conducted a series of ballistic missile test launches, officials insisted that these tests were routine and unconnected with the Kashmir crisis.^[24e] During June 2002 tension on the border lowered, largely as a result of international pressure. It was reported that shelling across the LoC was reduced although there continued to be civilian casualties on both sides.^[24e]

4.54 On 26 June 2002 President Musharraf put forward for debate constitutional amendments which it was reported would increase his powers. The amendments included enabling the President to name and dismiss the Prime Minister, provisions to reduce the term of the parliament and Prime Minister to four years, and proposals for a permanent ten member National Security Council that would be headed by President Musharraf.^[356o]

4.55 On 6 July 2002 President Musharraf issued a decree preventing people who have held the office of Prime Minister twice in the past being given a third term. This effectively banned two former Prime Ministers, Nawaz Sharif and Benazir Bhutto. A spokesman for Sharif's Pakistan Muslim League said it was aimed at ousting two big leaders from politics and Bhutto's Pakistan People's Party called it unconstitutional.^[356p] The decree also required all candidates to be university graduates which the opposition claimed ruled 98% of the population out of candidacy. On 10 July 2002 it was announced that voting for the lower house of parliament would take place on 10 October 2002.^[356q] At a convention held in July 2002 Pakistan's religious minorities formed the All Pakistan Minorities Alliance the first formal grouping between Sikhs, Christians and Hindus. The head of the Christian Organisation for Social Change said that the alliance is not a political party but can come to an understanding about which candidates it can support.^[356r]

4.56 On 13 July 2002, in Kashmir, an attack by gunmen who killed at least 27 Hindu civilians, was blamed on Islamic militants. India claimed the attack was inspired by Pakistan, although the Pakistan Foreign Ministry condemned it.^[356r]

4.57 In July 2002, former Prime Minister Benazir Bhutto, was sentenced to three years hard labour in her absence, for failing to answer corruption charges. The Rawalpindi accountability court judge also ordered the confiscation of all her immovable property such as land and houses.^[356a] In early August a further change to the country's election laws, barring anyone convicted by a court for failure to appear before it in a corruption charge from contesting the October elections, seemed to be aimed mainly at keeping Benazir Bhutto out of the electoral process.^[356b] By early August 2002 over 30 political parties had submitted papers to the Election Commission for registration prior to the deadline of 12 August 2002.^[33ab] The documents were required to comply with the Political Parties Rules 2002 issued by the Election Commission on 23 July 2002.^[47a] On 5 August 2002 the PPP formed a new political wing called the PPP Parliamentarians in a bid to avert an imminent threat of losing the chance to contest the elections.^[33ah]

4.58 On 5 August 2002 six people were killed when gunmen entered the Murree Christian School north-east of Islamabad. It appeared that the attack was aimed at Western interests rather than the Christian minority in Pakistan.^[356u] On 9 August 2002, a missionary hospital in the town of Taxila was the subject of a grenade attack. At least four people were killed and 23 wounded.^[41g] Later in the month a number of supporters of banned militant groups Jaish-e-Mohammad and Lashkar-e-Jhangvi, suspected on involvement in the attacks were arrested. President Musharraf condemned the attacks on foreigners and Christians, which he said were despicable, and shameful.^[356v]

4.59 On 25 September 2002 a further attack on Christians in Karachi was reported. Gunmen entered the premises of the Church of Pakistan funded Idara-e-Aman-o-Insaf (Committee for Justice and Peace) and shot dead six Pakistani Christians. A seventh died later in hospital and in addition four others were wounded. The attack followed increased security for Christians following local and international pressure. ^{[41j][33aj]} A few days later it was reported that tens of thousands of Christians gathered outside a Karachi cathedral to demand better protection for their community. Although police in Karachi had arrested dozens of alleged Muslim extremists in connection with the recent attacks on Christian targets they said that there was no evidence that Islamic militants were responsible for the most recent attack. ^[356e]

4.60 According to the US State Department report 2003, in July [2003], a Roman Catholic Priest, Father George Ibrahim, was killed by unknown persons in an attack on a church in Okara District "...During the year, police arrested an Islamic militant leader in connection with two attacks in 2002 on Christians in which 11 persons were killed; however, in most cases, there were no arrests in connection with past sectarian killings. "Numerous such killings remain unresolved."^{[2d][p17]} In April 2003, the Church of Scotland withdrew its entire missionary presence in Pakistan due to fears of repeated terrorist attacks. ^[356j]

4.61 In August 2002 the Election Commission allocated 38 parties a symbol to be used in contesting the October elections. A symbol is vital to help illiterate Pakistanis identify who to vote for. A number of parties were refused symbols on the grounds that they were part of existing political alliances or had not satisfied strict electoral requirements.^[356w] On 21 August 2002 President Musharraf announced that some

constitutional changes proposed in June had now become law. The changes include the setting up of a National Security Council chaired by Musharraf with the power to overrule the democratically elected government and the reinstatement of the chief executive's power to choose army and navy chiefs. Despite strong opposition, from political parties and Pakistanis who are concerned about the President's consolidation of power, the changes were to come into force prior to the election on 10 October 2002.^[32e]

4.62 The deadline for filing nominations for the parliamentary polls ended on 26 August 2002, two days later than originally planned. Former Prime Ministers, Nawaz Sharif and Benazir Bhutto, both filed nominations despite being barred under current regulations. There are four major political groupings taking part in the elections:-

The Grand National Alliance mainly comprises pro-Government parties including the Pakistan Muslim League (Qaid-e-Azam) (PML(Q)) faction,

The Pakistan People's Party of former Prime Minister Benazir Bhutto,

The Pakistan Muslim League of former Prime Minister Nawaz Sharif

The Muttahida Majlis-e-Amal an alliance of six religious parties which opposed US led military operations in Afghanistan against the Taliban and has indicated it may enter into a deal with PPP or PML to ensure a majority parliament.^[35bx]

The pro-Government PML(Q) is the larger faction of the PML, which split after Nawaz Sharif left.^[35cx]

4.63 The election papers filed by Benazir Bhutto were rejected on 29 August 2002 and a few days later Nawaz Sharif whose nomination papers had been accepted withdrew from the elections. A statement from his PML party said that the decision was a protest against the military regime's "unethical and unconstitutional measures."^[35by]

4.64 On 11 September 2002 it was reported that authorities in Pakistan took stringent security measures to coincide with the first anniversary of the 11 September 2001 attacks on the US. These measures followed a spate of attacks on Christian and Western targets, reportedly carried out by militants angered by Pakistan's support for the US led "war on terror". Extra guards were placed around government installations, foreign missions, and businesses and places of worship around the country.^[35cq] Later in September 2002 it was reported that the authorities had further increased security around non-Muslim places of worship fearing further attacks by Islamic militants. This followed the arrest of a number of militants in Karachi some of whom allegedly had maps and plans showing places of worship and foreign establishments.^[35cp] On 25 September 2002 seven people were killed when gunmen opened fire on a welfare organisation in Karachi. It was reported that two gunmen entered the offices of the Church of Pakistan funded charity Idara-e-Aman-o-Insaf (Committee for Peace and Justice), killing six Pakistani Christians, a seventh person dying in hospital later, and injuring four others.^[41f]

4.65 At the end of September 2002 election observers from several international bodies including the European Union and the Commonwealth arrived in Pakistan to observe the parliamentary elections due to take place on 10 October 2002.^[35cr] The National Assembly or lower house of parliament has 342 seats, 272 general seats, 60 seats reserved for women and ten for non-Muslims.^{[33at][44e]} The four provincial assemblies of Punjab, Sindh, North West Frontier Province, and Baluchistan, have 728 seats.^[44e]

There were 73 parties registered to take part in the elections^[47b] of which 12 formed two six-party alliances.^[33a] The various electoral laws and constitutional changes made prior to the poll were reported to be widely resented and caused some to suggest that the elections would lead to the establishment of a "military controlled democracy".^[41m] On 7 October 2002 President Musharraf stated that the future government would have all powers to legislate, including the power to amend constitutional provisions. He assured election observers that they could travel freely to observe the election process, the army having been instructed to provide them with full security and logistical support. He also said that all four provincial governors had been instructed to assist the Election Commission to achieve fairness and transparency in the election process.^[33a]

4.66 Two days prior to election day the Human Rights Commission of Pakistan (HRCP) issued a report saying it had documentary evidence of electoral malpractice and criticising the effects of the constitutional changes. The report accused the Government of using the state machinery to manipulate the election process.^[35c] The Human Rights Watch organisation also expressed concerns about the election campaign saying that the military government had employed a variety of legal and political tactics to control the process and outcome of the elections. HRW also accused the government of offering overt support to the PML(Q) while working hard to sideline the PML(N) and the PPP.^[21c] The campaign itself was widely characterised as being dull and lifeless due, it was reported, to the non-participation of the two former prime ministers and the restrictions on when and where public rallies could take place.^[35c]

4.67 Polling went ahead on 10 October 2002 amid tight security. Seven people were killed in clashes in eastern Punjab and southern Sindh.^[35c] In a preliminary report EU observers made several criticisms on the conduct of the elections, including the misuse of government resources to favour in particular the PML(Q), its bar on opposition candidates and moves to limit the power of the legislature. The US State Department however described the election as an important milestone in the transition to democracy.^[19c]

4.68 The position of the political parties in the National Assembly on 4 November 2002 were as follows:

<u>Party</u>	<u>Seats</u>
Pakistan Muslim League (Q)	117
Pakistan People's Party Parliamentarians	80
Muttahida Majlis-e-Amal Pakistan	60
Pakistan Muslim League (N)	19
Muttahida Qaumi Movement	17
National Alliance	16
Independents	15
Pakistan Muslim League (F)	5
Pakistan Muslim League (J)	3
Pakistan Peoples Party (Sherpao)	2
Balochistan National Party	1
Jamhoori Watan Party	1
Pakistan Awami Tehreek	1
Pakistan Muslim League (Z)	1
Pakistan Tehrik-i-Insaf	1

Muhajir Qaumi Movement Pakistan(H)	1
Pakistan Shia Political Party	1
Total [58]	341

4.69 The Muttahida Majlis-e-Amal, a coalition of religious parties which criticised President Musharraf for backing the American military campaign in Afghanistan, did much better than had been expected. Traditionally the religious parties have difficulty in winning seats.[35cv] According to Persecution.org in the updated July 2003 report, Christian Persecution in Pakistan, on 10 October 2002 the Muthida Majlas-e-Amal (MMA), won major gains during the country's parliamentary elections winning the majority in Baluchistan and the Northwest Frontier Province. Known as open supporters of the Taliban regime, the MMA was calling for the implementation of Islamic law in Pakistan. [70](p5)

4.70 Both the Human Rights Commission of Pakistan (HRCP) and EU observers expressed serious concern about electoral irregularities. The EU observers claimed that the Pakistani authorities interference with the electoral arrangements and democratic process had resulted in serious flaws in the electoral process. [41o] The Commonwealth observers on the other hand reported that the election had for the most part been transparent and well-organized. [35db]

4.71 On 14 November 2002, a group of ten members elect of the Pakistan Peoples Party Parliamentarians announced they would form a separate group, the Pakistan Peoples Party Parliamentarians Patriots (the forward block), within the party. They stated that this move had been made to break the political deadlock threatening the revival of the democratic system. [33an]

4.72 The first meeting of the National Assembly finally took place on 16 November 2002. 324 members of the National Assembly took the oath, which was administered under the 1973 constitution. The hall of the National Assembly was jam-packed as more seats brought in to accommodate 125 additional members, including 60 women members and 10 representatives of minorities. [33ao]

4.73 On 23 November 2002 Prime Minister Jamali and his 21-member cabinet were sworn in by President Musharraf.[33aq] The 21 member cabinet includes PML(Q), National Alliance and PPP(S) politicians and six members of the PPPP forward bloc were also included.[33ap] The MQM which had supported Jamali for Prime Minister decided not to join the cabinet.[33aq] It was reported that the swearing in of the Cabinet completed the transition from a three year period of military rule to an elected democratic government.[33aq]

4.74 In the by-elections held in January 2003, the Islamist alliance Muttahida Majlis-I Amal (MMA), which comprises six parties including Jamaat-I-Islami and Jamiat-I-Ulama-I Islami, won three more seats in the National Assembly. [42a][35dc] MMA is in power in the North West Frontier Province and opposes the Government's US-led war on terror. [35dc]

4.75 The second and final phase of Pakistan's return to civilian rule took place with

the elections to the Senate in February 2003. [354d][354e] The ruling party PML-Q won 35 of 100 Senate seats whilst the alliance of Islamic parties gained control of 20 Senate seats. [354e]

4.76 Pakistan's reconstituted parliament was facing a crisis over the controversial amendments to the Constitution introduced by General Musharraf. Promulgated in August 2002, the amendments are known as the Legal Framework Order (LFO) that affirms General Musharraf's presidency and post as army chief until 2007 and sets up a military-dominated National Security Council to oversee the government. LFO also limited candidates for election to the National Assembly or Senate to persons who have attained a bachelor's degree and disqualifies criminal convicts, defaulters on loans and utility bills, and absconders from court proceedings from candidacy. [21d]

4.77 The deputies protested at the decision to adopt these constitutional changes introduced by President Musharraf, in March 2003, without placing them before the parliament. [354f] Of the 29 amendments, which have been purportedly introduced in the Constitution through the FLO, there is opposition to four - election of the president as consequence of referendum, his Charge of Army Staff Post (COAS), 58(2)B or the President's power to dissolve the Government and the National Assembly, and the National Security Council. In response to pressure to relinquish his military role, the Government has hinted that the President needed "substantial period" before retiring as Chief of Army Staff. [33a1] According to the same source, the Government is ready to accept the National Security Council as a body established by an act of parliament for a certain period, and not permanently. [33a1]

4.78 On 30 April 2003, the national assembly (the lower house of the bicameral federal legislature) suspended its session indefinitely, having been paralysed all month by the opposition parties led by the Islamic alliance, the Mutahida Majlis-i-Amal (MMA) and the Pakistan People's Party-Parliamentarians (PPP-P). The opposition parties had refused to allow President General Musharraf to address the legislature (a requirement before it could begin to legislate). The MMA and the PPP-P, which together held over 150 seats in the 343 seat Assembly, demanded that Musharraf submit his Legal Framework Order (LFO) which extended presidential powers and institutionalised a role for the armed forces in political life, to approval by the legislature. Knowing that the LFO would fail to gain the two-thirds majority necessary for constitutional change, Musharraf declined to comply with this demand. The opposition also wanted Musharraf to step down as army chief of staff and to dissolve the National Security Council which included the chiefs of the armed forces. [24f]

4.79 It was reported in Keesings Record of World Events for April 2003 that police captured 6 allegedly senior members of the al-Qaida network in raids in Karachi. [24f]

4.80 On 14 April 2003 an anti-terrorism court in Karachi convicted four men of organising a suicide bomb attack on 14 June 2002 on the US consulate in Karachi. Two of the men were sentenced to death and two others to life imprisonment, a fifth man was acquitted. The prosecution claimed that all the defendants belonged to the Harakat-ul-Mujaheddin, an Islamic militant group fighting against Indian rule in Kashmir. [24f]

4.81 Bomb explosions were reported on 15 May 2003 at 11 Shell petrol stations in Karachi. A group called the Muslim United Army claimed responsibility for the explosions. [24g]

4.82 On 2 June 2003 the provincial legislature of North-West Frontier Province (NWFP), dominated by the Islamist six party coalition Mutahida Majlis-i-Amal (MMA), unanimously passed a bill to implement sharia (Islamic law) in the province. The bill gave sharia precedence over secular provincial law, proposed restricting the rights of women and harmonising the educational and financial systems with the Koran. NWFP Law Minister Zafar Azam did not release any details of the operation of the act, but said that the government, which came to power in October 2002 elections, would establish a department of vice and virtue. The provincial government had already issued a directive requiring civil servants to pray twice a day and introduced a law forbidding male doctors to examine women. Since the MMA came to power, radical Islamic vigilantes had forced the closure of cinemas accused of "encouraging obscenity", vandalised video and music shops, and torn down advertising posters depicting women's faces. Critics feared the imposition of a harsh fundamentalism similar to that of the former Taliban regime in neighbouring Afghanistan. [24h]

4.83 On 4 June 2003 President Musharraf reacted by dismissing two senior NWFP officials, the chief secretary and the police chief, for failing to maintain law and order in Peshawar, the capital of NWFP, in the face of the attacks by Islamist zealots. On 6 June 2003 activists of Shaba-I-Mailli, youth wing of the Jamaat-I-Islami party (the largest group in the MMA), held a rally in the city of Multan, in Punjab province, demanding that city officials remove billboards carrying images of women. [24g]

4.84 On 9 June 2003 gunmen on a motorcycle shot dead 11 shi'ite Muslim ethnic Hazara police cadets and wounded nine others in Quetta, the capital of the south-western Baluchistan province. The police, treating the massacre as a sectarian attack, arrested 18 suspects of the banned militant Sunni Muslim Sipah-I-Sahaba group. [24g][35d]

4.85 On 30 June 2003 a court in Karachi sentenced to death, three men for conspiracy in a suicide bombing in Karachi in May 2002. The police stated that two of the defendants were members of the banned militant organisations Harakat-e-Jihad-e-Islami and Harakat-ul-Mujaheddin. [24g]

4.86 In July 2003 fifty Shia worshippers were killed in a mosque in the north-western city of Quetta. Lashkar-e-jhangvi said three of its suicide attackers were responsible. [35d] President Musharraf was swift to condemn the mosque attack. [35d]

4.87 In August 2003 a judge in Switzerland found Benazir Bhutto and her husband, Asif Zardar, guilty of money laundering. They were both sentenced to a six month suspended jail term and fined \$50,000. They were accused of illegally depositing millions of dollars in Swiss accounts, both deny the charges. She lives in self-imposed exile in London and the Middle East. [35d] Benazir Bhutto challenged the verdict and filed an appeal. [33a] According to Keesings record of world events for November 2003, a court in Geneva, Switzerland upheld an appeal by Benazir Bhutto

and her husband Asif Ali Zardari against their convictions. The six month suspended sentence and financial penalties were quashed. However, the dossier was sent on to Geneva's chief prosecutor to decide whether to refer the case to a higher court. [24]

4.88 On 3 October 2003 gunmen opened fire on a bus carrying about 20 Shia Muslim worshippers to Friday afternoon prayers, killing seven and wounding seven. The bus had been carrying both Sunnis and Shias but the raid occurred after the Sunnis had been dropped off at their mosque. The worshippers were employees of a defense department research body called the Space and Upper Atmospheric Research Organisation. [35d]

4.89 In October 2003 a Sunni militant leader, Maulana Azam Tariq was among five people killed when the vehicle they were travelling in was attacked by gunmen on the out-skirts of Islamabad. He was the head of Sipah-e-Sahaba, no group had claimed responsibility. The government ordered an enquiry into the shooting. Riots followed the funeral prayers resulting in the death of one man. [35e]

4.90 The Pakistani army claimed to have killed at least 8 suspected al-Qaida fighters during a fierce clash near the border with Afghanistan in October 2003. Eighteen other suspects were arrested in a prolonged gun battle in the district of South Waziristan. [35e]

4.91 In October 2003 representatives from the three main opposition groups held a protest against President Pervez Musharraf's decision to represent the country at the United Nations. Members boycotted sessions in both houses of parliament. This is a new phase in the opposition's protest campaign that kept parliament virtually paralysed since elections last October. President Musharraf once again declared that he will neither step down as a military chief nor take back the controversial amendments he has introduced in the constitution. [35b]

4.92 It was reported by BBC on 10 October 2003 that about 40 people had been detained following a crackdown by authorities in the tribal area of South Waziristan on suspected al-Qaeda sympathisers. [35g]

4.93 According to Keesings news digest November 2003, Musharraf banned six extremist Islamic groups under the 1997 Anti-Terrorist Act in November 2003. Three groups were banned who had flouted an earlier prohibition order by changing their names. These were the Shia group Islami Tehrik-i-Pakistan (formerly Tehrik-i-Jafria Pakistan) and the Sunni groups Millat-i-Islamia Pakistan (formerly Sipah-i-Sahaba Pakistan - SSP) and Khudam-ul-Islam (formerly Jaish-e-Mohammed-JEM). Jamaat-ud-Dawa (thought to be a new identity for the Kashmiri armed separatist group Lashkar-i-Toiba, was placed under surveillance but escaped a ban. Their bank accounts were frozen. On 20 November 2003 a further three groups were banned: Jamiat-ul-Furqan (an offshoot of JEM), Jamiat-il-Ansar (formerly Harakat-ul-Mujaheddin-HuM) and Hizbut-Tahrir. [24]

4.94 BBC news reported on 25 November 2003 that a cease-fire had been implemented along the informal border dividing Indian and Pakistani administered Kashmir. The two countries ordered troops to halt firing along the de facto border or LoC from midnight 23 November 2003. This followed India's acceptance of Pakistan's

offer of a cease-fire along the LoC stating it would extend to the disputed Siachen glacier area. Full diplomatic ties and some transport links had been resumed between the two sides. [35e]

4.95 According to the US Department of State report 2003, ... "After several months of negotiations, on December 29 [2003] the Government and the MMA voted in the national and provincial assemblies to incorporate a large part of the LFO in to the 1973 Constitution as its 17th Amendment. The amendment affirmed Musharraf's presidency until 2007 and his right to serve concurrently as Chief of Army Staff until the end of 2004. The amendment allows the President to dissolve parliament, but requires him to obtain the consent of the Supreme Court within 30 days after doing so." ... [2d] [p1]

4.96 Keesings reported in December 2003 that President Musharraf narrowly escaped two assassination attempts during December 2003. The first attack was on 14 December when a remote-controlled bomb was detonated under a bridge seconds after Musharraf's motorcade had passed over it. An electronic jamming device fitted to the car had delayed the explosion. The second attack took place on 25 December 2003 again near his Rawalpindi residence, at least 17 people were killed and 50 injured when two suicide bombers drove cars at Musharraf's motorcade. Musharraf escaped injury, declaring the attackers as "extremists". On 28 December one of the suicide bombers was identified as a member of the banned Islamic extremist group Jaish-e-Mohammed, one of the most prominent militant separatist factions fighting against Indian rule in the northern state of Jammu and Kashmir. It was stated by the Information Minister that the attack was carried out by International terrorists network and was deemed as an apparent reference to al-Qaida. At least 7 people were arrested after the first assassination attempt and 18 suspects held after the second. [24]

4.97 BBC news reported on 14 December 2003 that three men were jailed in October 2003 for a failed attempt on the President's life in 2002. In April 2002 a car packed with explosives failed to detonate as Musharraf passed on a busy road in Karachi. The three men held responsible were each sentenced to 10 years in jail over the plot. [35e] BBC news reported on 27 December 2003, that President Musharraf blamed Islamic militants for the attack and said he was now even more determined to "cleanse the country of extremists." Militants were reportedly angry at Musharraf's support for the United State in its fight against al Qaeda and the Taleban. Several months earlier, the number two in the al-Qaeda network issued a video urging Pakistanis to overthrow Musharraf. [35e] As reported by the BBC on 15 December 2003 some police guards were taken in for questioning in connections with the second assassination attempt. [35e]

4.98 Keesings reported in December 2003 that on 24 December 2003 Musharraf announced seven concessions to resolve the controversy over his Legal Framework Order (LFO) of constitutional changes which had halted the national Assembly since the October 2002 elections. Negotiations took place with the opposition alliance of six Islamist parties the Mutahida Mjlis-i-Anmal. Musharraf undertook to step down as chief of army staff by December 2004. In addition he agreed to submit to a vote of confidence in the federal legislature. Musharraf's supervisory national Security Council, on which the chiefs of the armed services would sit, was to be established

by an act of parliament. In addition although the President would be empowered to dismiss the National Assembly, he would have to refer the decision to the Supreme Court within 15 days.[24j]

January 2004 – March 2004

4.99 According to BBC news dated 1 January 2004, India and Pakistan have restored air links with a flight from Lahore to Delhi, the first since 2001 when India held Pakistan accountable for an attack on the federal parliament in Delhi. [35ek]

4.100 According to Keesings record of world events for January 2004, President Musharraf won confidence votes in the National Assembly, the Senate and four provincial assemblies of Baluchistan, NWFP, Punjab and Sindh further strengthening his hand following the National Assembly's approval on 29 December 2003 of the Legal Framework Order.[24j]

4.101 As reported by the Guardian on 6 January 2004, two years after coming to the brink of war, India and Pakistan announced peace talks on a number of divisive matters including Kashmir. On 1 January talks were underway to reopen Kashmir highway. The leaders met on 5 January at a summit. [29d]

4.102 According to Keesings record of world events for January 2004, a court in Islamabad charged Javed Hashmi, acting president of the opposition Pakistan Muslim League – Nawaz on five counts including treason, inciting mutiny and forgery on 24 January 2004. He had been arrested in October 2003 after distributing copies of letters criticizing the President that he alleged had been written by junior army officers.[24k]

4.103 The BBC reported on 24 February 2004 that Pakistani forces had arrested a number of suspects in a major operation to flush out al-Qaeda and Taleban fighters near the Afghan border. The operation was mounted in Pakistan's tribal belt.[35ej] According to IRIN news dated 3 March 2004, Pakistan authorities arrested a man in connection with the Quetta attack on a religious procession. At least 44 people were killed and over 150 injured when suspected Sunni Muslim radicals attacked a religious Shiite procession. In retaliation angry Shiite mobs rampaged through the city setting fire to shops and other buildings. A curfew was immediately announced by the local administration. It was the worst sectarian violence since 57 people were killed last July following a suicide attack on a Shiite mosque in Quetta. The Pakistani government had ordered a judicial inquiry into the attacks. In another incident more sectarian clashes were reported from the rural area of Mandi Bahauddin in Punjab where Shiite and Sunni mobs confronted each other after the shooting of a local Shiite leader by a Sunni mob. [41e]

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5 State Structures

The Constitution

5.1 The Constitution was promulgated on 10 April 1973 and has been amended on a number of subsequent occasions.^[1a] The Constitution incorporates the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam. It also aims to guarantee fundamental rights such as equal status for men and women, freedom of thought, speech, worship, the press, freedom of assembly and association as well as the rights of religious and other minorities. Institutionally it provides for a federal democratic structure.^[20a] Several provisions of the Constitution were suspended following the imposition of martial law in 1977. The (amended) Constitution was restored in December 1985. Following the military coup on 12 October 1999 the Constitution was placed in abeyance on 15 October 1999 and a Provisional Constitutional Order was promulgated, according to which executive power was transferred to a National Security Council under the leadership of a Chief Executive. In July 2000 the Chief Executive issued a decree to revive the Islamic principles of the suspended Constitution and incorporate them in the Provisional Constitutional Order. On 20 June 2001 the Proclamation of Emergency (Amendment) Order 2001 was promulgated, according to which the Chief Executive assumed the office of President of Pakistan and the National Assembly, Senate and the Provincial Assemblies were dissolved with immediate effect. ^[1a]

5.2 In a press conference on 21 August 2002 President Musharraf announced a series of constitutional amendments. It was stated that a National Security Council (NSC) would be set up as a mechanism of checks and balances for achieving a sustainable democratic order. The NSC would include, amongst others, the President, the Prime Minister, and the leader of the opposition. In addition Musharraf announced that the 13th amendment to the Constitution had been scrapped, and as a result the President would now be empowered to dissolve assemblies and appoint services chiefs at his discretion. He also confirmed that he would continue to hold the offices of President and Army Chief of Staff for the next five years, to ensure continuity of the reforms package after the 10 October 2002 elections. ^[44d]

5.3 The announcement of these constitutional changes was followed by the publication, on 21 August 2002, of the text of Legal Framework Order (LFO), 2002. LFO amended the 1973 constitution, empowered the Chief Executive to make further constitutional amendments and, and stipulated that the validity of any provisions or Orders will not be called in question in any court on any ground whatsoever. LFO was recognized to override the Constitution or any other Order or law for the time being in force. ^[44e]

5.4 In December 2002, the Government published the new version of the 1973 Constitution that includes the controversial Legal Framework Order (LFO). Sources said that instead of separately publishing the LFO or introducing it as an "independent chapter", authorities in Law and Parliamentary Division have added all 29 amendments that shape the LFO, to the relevant clauses of the constitution. ^[35dg]

5.5 On 10 April 2003, a high court in Pakistan dismissed a petition, presented by a lawyers group in the Lahore High Court, which sought the Court to declare the LFO unconstitutional and without legal effect. ^[51a]

5.6 According to the US Department of State report 2003, ..."After several months of negotiations, on December 29 [2003] the Government and the MMA voted in the national and provincial assemblies to incorporate a large part of the LFO in to the 1973 Constitution as its 17th Amendment. The amendment affirmed Musharraf's presidency until 2007 and his right to serve concurrently as Chief of Army Staff until the end of 2004. The amendment allows the President to dissolve parliament, but requires him to obtain the consent of the Supreme Court within 30 days after doing so" ...[2d](p1)

Citizenship and Nationality

5.7 Citizenship can be acquired in specified circumstances including by, foreign ladies married to Pakistani nationals, and the minor children of Pakistani ladies married to foreigners. Children born to a Pakistani mother and foreign national father after 18 April 2000 are to be treated automatically as citizens of Pakistan. The Government of Pakistan has dual nationality agreements with 13 countries including the UK. Pakistani citizens acquiring nationality of a country with whom there are no dual nationality arrangements are required to renounce Pakistani nationality.[44b]

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Political System

Introduction

5.8 On 12 October 1999 the elected Government of former Prime Minister Nawaz Sharif was overthrown in a bloodless coup led by Army Chief of Staff General Pervez Musharraf. General Musharraf designated himself Chief Executive and suspended the Constitution, the Parliament and the provincial assemblies. The office of the President (which was mainly ceremonial) was retained. General Musharraf appointed an advisory National Security Council, which included both military and civilian advisers, a civilian cabinet, and new governors to all four provinces. The government bureaucracy continued to function; however, at all levels the functioning of the Government after the coup was "monitored" by military commanders. On 20 June 2001, General Musharraf issued an amendment to the existing Provisional Constitutional Order that allowed him to become President and formally dissolved the National Assembly, the Senate, and the provincial assemblies. The same day, Musharraf was sworn in as President.[2b] The move was viewed as an indication that General Musharraf intends to stay in power for some years to come.[42]

5.9 According to the US Department of State report 2003,"In October 1999, General Pervez Musharraf overthrew the elected government of Prime Minister Nawaz Sharif. The Supreme Court later sanctioned the coup; however, it directed Musharraf to restore elected government within 3 years. Musharraf assumed the presidency by decree in 2001, while continuing as Chief of Army Staff and held a nationwide referendum held in April 2002 that extended his presidency for 5 years. Four months after the referendum, President Musharraf announced a controversial package of constitutional amendments, the Legal Framework Order (LFO), which amended the suspended Constitution to allow: the President to dismiss the Prime Minister and dissolve the Parliament; the creation of a National Security Council (NSC) as a constitutional body; and the insertion of a number of qualification requirements for

candidates for Parliament. Several of the amendments had the effect of transferring substantial executive power from the Prime Minister to the previously symbolic presidency." [2d](p1)

5.10 Prior to the coup each of the four provinces had a Governor appointed by the President. Each province also had a provincial legislature consisting of the Governor and the Provincial Assembly. The Chief Minister of each provincial government was appointed by the Governor.[1a] After the coup however the provincial assemblies were suspended and General Musharraf appointed governors for the four provinces.[2b] "Azad" Kashmir nonetheless remains broadly responsible for its own internal administration.[9b]

5.11 In August 2000 General Musharraf unveiled a comprehensive devolution plan, aimed at transferring substantial power to hundreds of elected district and town committees. Elections for these local bodies were to be held from December 2000 to August 2001 on a non-party basis. The General stated that this was to discourage petty political rivalries at the district level and subsequently drew criticism from the prominent political parties. The demands of religious minorities to abolish separate electorates for them were also ignored, as he argued that only the current system could guarantee their representation in the councils. The minimum age to vote would be lowered from twenty-one to eighteen. At least a third of the seats in these local councils would be reserved for women.[35c]

5.12 In January 2002 the Government finally eliminated the separate electoral system, so that future political representation would be based on geographic constituencies representing all residents regardless of religious affiliation. The change eliminated parliamentary and assembly seats reserved for minorities. Minority group leaders believe this change may help officials to take notice of the concerns and rights of minority groups, because due to concentrated populations in some constituencies they could significantly affect the results. However some minority group leaders complained that the elimination of reserved parliamentary and assembly seats for minorities would mean that it was unlikely that any representatives from the minority groups would be elected.[2a] However the Legal Framework Order 2002 reinstated reserved seats for non-Muslims with 10 in the National Assembly and three each in Balochistan and NWFP provincial assemblies, eight in Punjab provincial assembly and nine in Sindh provincial assembly.[44e]

5.13 Between December 2000 and August 2001 elections for local government assemblies were held in the country's 97 districts. The elections were considered generally free and fair by local and international observers although some political parties accused the Government of intervening in several places to ensure pro-Musharraf candidates were elected. [2c]

5.14 The elections to the National Assembly in October 2002 and the Senate in February 2003 constituted Pakistan's return to civilian rule. [58][35d] Since October 2002, the Islamic Republic of Pakistan is a federal parliamentary democracy, although the military retains a major role. The Prime Minister, Mir Zafarullah Jamali, is the head of government and chief executive, but General Musharraf remains President and Chief of Army Staff [42a] and chairs the powerful National Security

Council, which comprises military chiefs and cabinet members and is intended to oversee the cabinet. The lower house of parliament, the National Assembly, was installed in November 2002 for a five-year term. An election to the upper house, the Senate, where all four provinces have equal representation, was held in February 2003. Provinces are represented in the National Assembly according to their population. [426] According to the US Department of State report 2003, "...In February [2003], Senate elections were held and resulted in 55 seats for the Pakistan Muslim League-Quaid-e-Azam (PML-Q) and allied parties and 45 members for the opposition. A ruling coalition headed by the PML-Q controls both houses of the national Parliament and the provincial assemblies in Punjab and Sindh. After several months of negotiations, on December 29, the Government and the MMA voted in the national and provincial assemblies to incorporate a large part of the LFO into the 1973 Constitution as its 17th Amendment. The amendment affirmed Musharraf's presidency until 2007 and his right to serve concurrently as Chief of Army Staff until the end of 2004. The amendment allows the President to dissolve parliament, but requires him to obtain the consent of the Supreme Court within 30 days after doing so. Opposition parties say the amended constitution legitimizes the powerful role of the military in politics, and left a great deal of power in the hands of the president." [24] (p 1)

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Main Political Parties Following the Coup

5.15 The Musharraf regime did not ban political parties, and the parties active prior to the 1999 coup, including the Pakistan Muslim League, which was led by former Prime Minister Nawaz Sharif, continued some activities. [26]

5.16 In July 2000 police arrested a large number of PML supporters and leaders in Lahore. Police stated that they were acting on Punjab provincial government orders, which had vowed to prevent ousted Prime Minister Nawaz Sharif's wife from leading a procession from Lahore to Peshawar. [35] The arrest of Sharif's wife resulted in further protests at the biggest crackdown on the PML since they were ousted from power and further detentions of Nawaz Sharif supporters. [35]

5.17 In July 2000 the Cabinet endorsed General Musharraf's initiative to meet politicians to brief them on various national and international issues and consider their suggestions. The General was quoted as saying that he was not opposed to politicians, as had been the impression of some quarters. [33] In the same month he also met Raja Zaffar ul Haq, a former senate leader from the ousted PML, amid claims that the military was open to dialogue with clean politicians. [35] General Musharraf also met the Secretary General of the PPP (following prior approval to do so by PPP Chairperson Benazir Bhutto), who subsequently stated that he believed the military's meetings with politicians were aimed at reviving the political process. [33]

5.18 On 6 August 2000 almost all of the prominent opposition parties met in Lahore to discuss the actions of the military administration. PML and PPP representatives sat together with several other groups to denounce military rule and the corruption drive against politicians. By allowing this meeting to take place, the military were not

threatened by such developments according to observers.^[354] There were nonetheless mass arrests of PML leaders and activists ahead of the party's plan to observe a "black day" on the first anniversary of the October 1999 coup. The police also occupied their offices and officials stated that the action was to maintain law and order.^[331]

5.19 In November 2000 the PML announced that it had joined the opposition Alliance for the Restoration of Democracy (ARD) against military rule - in which the PPP play a central role. This signalled the first time that the two parties had worked together for fifteen years. There was nonetheless widespread dissent amongst some sections of the PML at this particular manoeuvre.^[354] In March 2001 - following the exile of Nawaz Sharif to Saudi Arabia - the PML elected a new President, Mian Mohammad Azhar. A former governor of Lahore, he had been openly critical of Nawaz Sharif's government.^[354] In the same month, prior to a rally planned by the Alliance for the Restoration of Democracy, over 300 political activists (PML and PPP workers and leaders alike) were arrested in Lahore.^[330] In Karachi hundreds of political activists, mainly from the PPP and PML were detained prior to a banned pro-democracy rally planned for 1 May 2001. Police in the city claimed 300 had been detained, although opposition sources put the figure closer to 500.^[354]

5.20 The ARD appeared to have made little impact with its campaign for a return to civilian rule, with many Pakistanis having lost faith in the two previous leaders of the country amid a faltering economy and allegations of corruption. The main parties nonetheless proved to be resilient in terms of their grassroots networks.^[42]

5.21 Following the 11 September 2001 terrorist attacks on New York and Washington the main political parties, including the PPP and the PML, indicated that they supported President Musharraf's pledge to co-operate with the United States in their pursuit of prime suspect Usama bin Laden. ^[354b]

5.22 The Political Parties Order of June 2002 set various conditions for participation in the electoral process by political parties. To obtain an election symbol for contesting elections for Majlis-e Shora (Parliament) and Provincial Assemblies, a political party must conduct internal elections and submit a certificate of intra-party elections as well as a consolidated financial statement of the party's accounts to the Election Commission. ^{[47a][57e]}

5.23 The Human Rights Commission of Pakistan has reported that to fulfil these requirements the political parties have undertaken a largely cosmetic process. Of all the major parties in the country, only the right wing fundamentalist Jamaat-i Islami (JI) has been able to conduct regular internal elections. Within most parties, leadership has remained limited to a particular coterie, sometimes based on kinship networks, articulating only a narrow range of interests. ^[57d]

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Federal Legislature

5.24 Prior to the coup the Federal Legislature consisted of the President, a Lower House and an Upper House. The Lower House (called the National Assembly) had 207 members elected directly for a term of five years on the basis of universal suffrage

(for adults over the age of 21 years). There were ten members representing minorities.^[1a] Four seats for Christians, four seats for Hindus, one seat for Ahmadis and one seat for Sikhs, Buddhists and Parsis.^[11]

5.25 The Upper House (called the Senate) had 87 members who served for six years, with one-third retiring every two years. Each Provincial Assembly elected nineteen senators. The tribal areas were to return eight, with the remaining three elected from the Federal Capital Territory by members of the Provincial Assemblies.^[1a]

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October 2002 Elections

5.26 President Musharraf pledged to abide by a May 2000 Supreme Court ruling mandating that national elections be held no later than 90 days after 12 October 2002.^[2b] In July 2002 President Musharraf set the date for elections to the National Assembly as 10 October 2002.^[35bq] The Conduct of General Elections Order No 3 2002 sets out rules for the conduct of the forthcoming elections.^[44c] This was amended in part by the Legal Framework Order 2002. There will be 342 seats for members in the National Assembly divided between the four provinces, the Federal Capital, and the Federally Administered Tribal Areas. In the National Assembly 60 seats are reserved for women and 10 for non-Muslims. ^[44e] In August 2002 President Musharraf announced sweeping constitutional changes seen to boost the power of his presidency. ^[32e]

5.27 In September 2002 the Government relaxed restrictions on political meetings in public places, ^[35cd] which it had promised to lift 90 days prior to the election date. ^[2b] According to the US Department of State report 2003, "Rallies and processions on streets, roads, and railway stations remained generally prohibited, and provincial and district administrations were given authority to determine the time and place of meeting." ^{[2d](p14)}

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Judiciary

5.28 Pakistan's legal system is based on English common law with provisions to accommodate Pakistan's status as an Islamic state. ICJ jurisdiction is accepted with reservations. ^[3q]

5.29 According to the US department of State report 2003, "The Constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to executive branch and other outside influences, and despite the Government's pledge to respect the independence of the judicial system, the Government took steps to control the judiciary and to remove the Government from judicial oversight. Low salaries, inadequate resources, heavy workloads, corruption, and intimidation by political and religious pressure groups contributed to judicial inefficiency, particularly in the lower courts. In 2002 the Supreme Court ruled that the October referendum was constitutional and further cast doubt on the independence of the judiciary from the military government." ^{[2d](p9)}

5.30 As noted in the US Department of state report 2003," The judicial process continued to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. Heavy backlogs that severely delayed the application of justice remained, due to scores of unfilled judgeships and to archaic and inefficient court procedures. The politicized appointment process held up the promotion of many lower court judges to the High Courts. Although the higher level judiciary was considered competent and generally honest, there were widespread reports of corruption among lower level magistrates and minor court functionaries. [24](p9)

5.31 The judiciary demonstrated its capacity to act independently in April 2001, when the Supreme Court ordered certain amendments to be made to the National Accountability Bureau Ordinance as certain provisions were deemed to be unlawful and unconstitutional.[33u] This followed two separate rulings the previous month, whereby ten activists of the MQM (Muttahida Qaumi Movement) were acquitted on charges of murder and arson, including the murder of a policeman.[33q][33r] Judicial independence was also evident in May 2001 after an accountability court in Lahore acquitted a former Inspector General of Police in Sindh of corruption charges. He had earlier also been acquitted by an anti-terrorism court of involvement in the Karachi plane case - the catalyst resulting in the military coup of October 1999. A full bench of the Sindh High Court dismissed the government's appeal against the acquittal.[43]

5.32 In August 2001 Amnesty International reported that the separation of the judiciary from the executive was completed when the office of district commissioner/district magistrate was eliminated. Its judicial functions were transferred to judicial magistrates working under the supervision of district judges.[4n]

5.33 In February 2002 new legislation was introduced to establish anti-terrorism courts headed by a panel of three made up of a High Court or Sessions Court judge, a magistrate and a high-ranking military officer.[35aa] A spokesman for the Human Rights Commission of Pakistan criticised the move saying that the inclusion of a military officer will dilute the strength of the judiciary.[41u]

5.34 According to the US Department of state report 2003,"The Federally Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crimes Regulation (FCR), which recognizes the doctrine of collective responsibility"....[24](p7)

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Legal Rights/Detention

Court System

5.35 According to the US Department of state report 2003, "There were several court systems with overlapping and sometimes competing jurisdictions: Criminal; civil and personal status; terrorism; commercial; family; and military." The federal Shariat court and the Sharia bench of the Supreme court serve as appellate courts for certain convictions in criminal court under the Hudood ordinances....In June [2003] ,

the MMA led government of the NWFP passed a bill to implement Sharia law. [2d](p9)(p11)

5.36 As stated in the US Department of State report 2003, "The civil judicial system provided for an open trial, the presumption of innocence, cross-examination by an attorney and appeal of sentences. Attorneys were appointed for the indigents only in capital cases. There were no jury trials. Due to the limited number of judges, the heavy backlog of cases, lengthy court procedures, and political pressures, cases routinely take years, and defendants must make frequent court appearances. Cases start over when an attorney changes." [2d](p9)

5.37 According to the US Department of State report 2003, "Under both the Hudood and standard criminal codes there were bailable and non-bailable offences. According to the Criminal Procedures Code, the accused in bailable offences must be granted bail and those charged with non-bailable offences should be granted bail if the alleged crime carries a sentence of less than 10 years. Many accused, especially well-connected persons who are made aware of impending warrants against them, were able to obtain pre-arrest bail and thus were spared arrest and incarceration." [2d](p9) Double jeopardy applies to those convicted of possessing narcotics because of a federal Shariat court ruling that customs and narcotics cases be initiated separately. [2c]

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Anti Terrorism Act and Courts

5.38 According to the US Department of State report 2003, "The anti-terrorist courts, set up in August 1997, designed for the speedy punishment of terrorist suspects, have special streamlined procedures; however, due to the continued intimidation of witnesses, police, and judges, the courts initially produced only a handful of convictions. Under the act, terrorist killings were punishable by death and any act, including speech, intended to stir up religious hatred, is punishable by up to 7 years' rigorous imprisonment. Additional offenses that can be tried under the Anti-Terrorist Act include acts to stir-up religious feelings; efforts to "wage war against the State;" conspiracy; acts committed in abetting an offense; and kidnapping of or abduction to confine a person. The Government has used the anti-terrorist courts for high-profile cases, including the Daniel Pearl kidnapping and killing, the Meerwala gang rape incident, and the Okara farmer protest. Cases were to be decided within 7 working days, but judges were free to extend the period of time as required. Trials in absentia initially were permitted but later were prohibited. Appeals to an appellate tribunal also were required to take no more than 7 days, but appellate authority since has been restored to the High and Supreme Courts, under which these time limits do not apply. Under the Anti-Terrorist Act, bail was not to be granted if the court has reasonable grounds to believe that the accused is guilty." [2d](p9)

5.39 As noted in the US Department of State report 2003, In 2001 and again in November 2002, the Government approved amendments to the Anti-Terrorist Act. The ordinance defines terrorism as "the use or threat of action where the use, or threatened use, is designed to coerce and intimidate or overawe the Government or

the public or a section of the public or community or sect or create a sense of fear or insecurity in society; and the use or threat is made for the purpose of advancing a political, religious, ideological, or ethnic cause." The Parliament has yet to ratify the amendment, which gives the Government the authority to restrict the activities of suspected terrorists, probe their assets, and hold them for up to a year, without charges filed against them.[24](p10)

5.40 According to the US Department of State report 2003, "Leading members of the judiciary, human rights groups, the press, and politicians from a number of parties expressed strong reservations about the anti-terrorist courts, charging that they constitute a parallel judicial system and could be used as tools of political repression. For example, according to the Lawyers Committee for Human Rights, Zia Ahmed Awan, president of the Karachi-based Lawyers for Human Rights Legal Aid, said, "it would only increase the victimization of ordinary people at the hands of the police and other law enforcement agencies." The anti-terrorist courts also are empowered to try persons accused of particularly "heinous" crimes, such as gang rape and child killings, and several persons have been tried, convicted, and executed under these provisions." [24](p10)

5.41 By ordinance the Musharraf regime created a special anti terrorist court in Sindh presided over by a High Court justice rather than a lower level judge, as is usually the case. The amended provision permits the High Court justice to "transfer...any case pending before any other special court...and try the case" in his court.[24]

5.42 In February 2002 Musharraf introduced legislation allowing for the establishment of special anti-terrorist courts headed by a panel of three members of which one will be a high-ranking military officer. The courts will hear cases of alleged terrorism, murder and other serious crimes.[35a0] The inclusion of a military officer was criticised as diluting the strength of the judiciary.[41b]

5.43 In August 2003 an anti-terrorism court sentenced two workers of the banned Lashkar-I-Jhangvi to death and two others, including the chief of the banned outfit, Akram Lahore to life terms on each count of six murders.[33a7]

5.44 Keesings record of world events January 2004 stated that an Anti-Terrorist court sentenced three men to death and 3 others to prison terms on 22 January 2003 for an attack on a Christian church in Taxila in August 2002 killing 4 people.[24]

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Federal Administered Tribal Areas

5.45 The Federal Administered Tribal Areas (FATA) operates a separate legal system.[20c] According to the US Department of State report 2003, "Administration of justice in the FATA normally is the responsibility of tribal elders and maliks, or leaders. They may conduct hearings according to Islamic law and tribal custom. In such proceedings, the accused have no right to legal representation, bail, or appeal.

The usual penalties consist of fines, even for murder. However, the Government's political agents, who were federal civil servants assigned to tribal agencies, oversaw such proceedings and could have imposed prison terms of up to 14 years."^{[2d](p11)} The Frontier Crime Regulation recognises the doctrine of 'collective responsibility'. This gives authorities the power to detain fellow members of a fugitive's tribe whilst awaiting his surrender, or punishment by his own tribe in accordance with local tradition.^[20c] In May 2002 a package of reforms was announced for FATA which included plans for the establishment of a new judicial system and a new administrative structure.^[41]

Tribal Justice System

5.46 In a paper dated August 2002 Amnesty International reported on a system of tribal justice rooted in tradition. This system has no formal legal recognition in Pakistan outside the specifically designated tribal areas. This system is administered by tribal sardars (heads of tribes) and is ruled out by the Constitution and the System of Sadari (Abolition) Act 1976. The system still exists and operates without legal authority. Tribal jirgas (meetings) consisting of tribal elders lead by the sardar take place and deal with a range of issues including land and water disputes, inheritance and honour cases and killings within or between tribes.^[4a] In particular in July 2002 the gang-rape of a girl in a remote region of Jatoi in Punjab province attracted international attention. The rape was reported to have been ordered by a tribal jirga (village council) as a means of punishing her brother. It was only after a public outcry that the police took note of the incident and arrested and tried the perpetrators.^[4a]

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Sharia Law

5.47 The Constitution of Pakistan requires all laws to be consistent with Islam. Islamic law (or Sharia) is derived from the Koran (the holy book of Islam) and the Sunnah (the sayings and practices of Mohammed).^[3] According to the US Department of State report 2003, "The federal Shariat court and the Shari'a bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood ordinances. The federal Shariat court also may overturn any legislation judged to be inconsistent with the tenets of Islam. However, these cases may be appealed to the Shari'a bench of the Supreme Court. In June, the MMA-led government of the NWFP passed a bill to implement Shari'a law in the province. The bill gave Shari'a precedence over secular provincial law, proposed restricting the rights of women and harmonizing the educational and financial systems with the Koran. The bill passed unanimously and without debate and human rights activists demonstrated against it in rallies and other protests. However, no implementing legislation or regulations have been issued, and no enforcement action had been taken as of year's end."^{[2d](p11)}

5.48 According to the US Department of State report 2003, "Appeals of certain Hudood convictions involving penalties in excess of two years imprisonment are referred exclusively to the Shariat courts and are heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and must be familiar with Islamic law. Within these limits defendants in a Sharia court are entitled to the lawyer of their choice. There is a

system of bail."(2d)(p11)

5.49 In March 2000 the sentence given to a serial killer found guilty of the murder of a hundred children caused a global media sensation. The Lahore High Court judge involved ordered Javed Iqbal and an accomplice to be executed in the same way he had killed the children. This was to involve public strangulation, their bodies to be cut into a hundred pieces and then dissolved in vats of acid. The Islamic Ideology Council (Pakistan's leading religious affairs advisory body) however declared the sentence un-Islamic, as death by mutilation is not allowed in Islam. The Council also stated that the sentence could give rise to misunderstandings about Sharia Law. The Interior Ministry swiftly acted by announcing that the sentence would not be implemented in the manner the judge had ordered.(p54)

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Hudood Ordinances

5.50 The Hudood Ordinances, promulgated by the Government in 1979 and which came into effect in 1980, were an attempt to make the Penal Code more Islamic. These laws are applied to Muslims and non-Muslims alike. The Ordinances bring together five Islamic laws applying to:

- theft (Offences Against Property Ordinance);
- prohibition of alcohol and narcotics (Prohibition Order);
- zina, i.e. to rape, abduction adultery and fornication (Offence of Zina Ordinance);
- qazf, i.e. false accusation of zina (Offence of Qazf Ordinance); and
- the type of flogging inflicted for infractions of any of these laws (Execution of the Punishment of Whipping Ordinance).

(3)(12c)

5.51 Offences are distinguished according to punishment, with some offences liable to Hadd (Koranic punishment) and others to Tazir (secular punishment). Punishment is usually imprisonment, but it can include flogging or other punishments, which are considered to violate international human rights standards. Hadd punishments require a high standard of evidence. In effect, four adult male Muslims of good character must witness an act for a Hadd punishment to apply. Ordinary punishments such as jail terms or fines may be imposed on the basis of lesser evidence.(3)(12c) As noted in the US Department of State report 2003, since it is difficult to obtain sufficient evidence to support the Hadd punishments, most rape cases are tried at Tazir level, under which sentences may be imposed of up to 25 years in prison and 30 lashes.] In twenty years not a single Hadd punishment has been carried out since the Hudood ordinances have been in force.(2c)(p23) The ordinances provide for Koranic punishments, in part because of strict evidentiary standards, authorities have never carried out the Koranic punishments.(64)

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Qisas and Diyat Ordinances

5.52 The Qisas and Diyat Ordinances were promulgated after a 1990 Federal Sharia Court ruling.(3) According to the US Department of State report 2003, "The Penal Code incorporates the doctrines of Qisas (roughly, an eye for an eye) and Diyat (blood

money). Qisas is not known to have been invoked, however, Diyat occasionally was applied, - particularly in the NWFP, in place of judicial punishment of the wrongdoer. Only the family of the victim, not the State, may pardon the defendant." [2d] (p11)

5.53 According to the US Department of State report 2003, "Appeals of certain Hudood convictions involving penalties in excess of 2 years imprisonment were referred exclusively to the Shariat courts and were heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and must be familiar with Islamic law. Within these limits, defendants in a Shariat court were entitled to the lawyer of their choice. There was a system of bail." [2d] (p11)

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Blasphemy Law

5.54 According to the US Department of State report for International religious freedom 2003, "The "blasphemy laws" are contained in Sections 295, 296, 297, and 298 of the Penal Code and address offenses relating to religion. Section 295(a), a colonial-era provision, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. In 1991 this sentence was increased to 10 years. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for "whoever willfully defiles, damages, or desecrates a copy of the holy Koran." In 1986 during the martial law period, another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling "the sacred name of the Holy Prophet Mohammed." In 1991 a court ruled invalid the option of life imprisonment for this offense. Section 296 outlaws voluntary disturbances of religious assemblies, and Section 297 outlaws trespassing on burial grounds. Section 298(a), another colonial-era provision, forbids the use of derogatory remarks about holy personages. Personal rivals and the authorities have used these blasphemy laws, especially Section 295(c), to threaten, punish, or intimidate Ahmadis, Christians, and even orthodox Muslims. No person has been executed by the State under any of these provisions; however, some persons have been sentenced to death, and religious extremists have killed persons accused under the provisions. The blasphemy laws also reportedly have been used to "settle scores" unrelated to religious activity, such as intra-family or property disputes. There were 67 blasphemy cases pending throughout the country as of the end of the period covered by this report." [e] (p5)

5.55 According to the US Department of State report 2003, "During the year [2003], the number of cases filed under the blasphemy laws continued to be significant. A local NGO estimated that 157 persons had been incarcerated for violations of the blasphemy law during the year...The blasphemy laws also have been used to "settle scores" unrelated to religious activity, such as intrafamily or property disputes. There was no further action taken in the 2001 blasphemy case against Pervez Masih, a Christian in Sialkot District. By year's end, the Lahore High Court acquitted two Christian brothers who had been sentenced to 35 years' imprisonment for allegedly desecrating the Koran and blaspheming the Prophet Mohammed. On August 7, the Lahore High Court upheld the life sentences of two Christians, Amjad Masih and Asif Masih, who allegedly set fire to the Koran while in police custody." [2c] (p15) These laws

- especially Section 295(c) - have been used to threaten, punish or intimidate Ahmadis and Christians.^[26] Following the arrest of peaceful demonstrators against the blasphemy laws in January 2001, the Human Rights Commission of Pakistan (HRCP) stated that disputes over property or other family matters were the reasons behind a number of cases. The HRCP also stated that difficulties experienced by those victimised under the law would continue to increase unless steps were taken to remove the law.^[33] HRCP has highlighted the growing threat victims of blasphemy laws face. On 7 February 2003, in Lahore, Mushtaq Zafar, on bail granted by Lahore High Court, was gunned down before the courts could deliver a verdict. He was the second blasphemy accused to be murdered during the year (2002-2003).^[57c]

5.56 As cited in the US Department of State report 2003, "Police also arrest Muslims under the blasphemy laws and government officials maintain that approximately two-thirds of the total blasphemy cases that have been brought to trial have affected Muslims. An appeals court ruled that the case of Younis Shaikh, sentenced in 2000 on blasphemy charges, was to be retried. On November 21, Shaikh was acquitted and released from detention... The 1998 death sentence of Shi'a Muslim Ghulam Akbar was under appeal at year's end."^{[24](p16)}

5.57 According to the US Department of State report 2003, "When blasphemy and other religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. As a result, the accused often are denied requests for bail on the grounds that their lives would be at risk from vigilantes if released. Many judges also try to pass such cases to other jurists; some judges reportedly have handed down guilty verdicts to protect themselves and their families from religious extremists."^{[24](p16)} In February 2001 a group of religious political parties threatened to carry out their own punishment if those responsible for the publication of a letter deemed to be blasphemous were not severely punished. The letter had appeared in the daily *Frontier Post* publication.^[39]

5.58 Administrative changes have nonetheless been made to the procedure for filing blasphemy charges so that there must be a judicial review of evidence before charges are laid. Also if a blasphemy charge is found to be baseless, counter-charges will be laid against the complainant who would face a penalty of up to ten years in prison.^[12d] The Musharraf government abandoned initial plans to change the way blasphemy cases are registered after a number of Islamic organisations threatened to hold protest demonstrations. Pakistan's Human Rights Commission reacted strongly to the climb-down by the military. The Christian Liberation Front also believed that this was evidence of the incapability of the military regime to introduce a relatively minor measure (which they considered inadequate) concerning the blasphemy law.^[35a]

5.59 According to Amnesty International the Blasphemy Law has been used over the years to harass, intimidate and punish mostly members of religious minorities such as Ahmadis and Christians as well as Muslims who advocate novel ideas. Ahmadis can be charged under this law for calling themselves Muslims; Christians complain that the legislation is abused and lays them open to false charges aimed at extortion or stealing land.^[20a] According to an Asian Human Rights Commission publication the judgements

of the superior courts have proved that the blasphemy law is being abused and used as a tool to settle personal scores as well as for religious persecution.[36]

5.60 General Musharraf insists that as part of Pakistan's constitution the blasphemy law could not be removed. He nonetheless pledged to work against victimisation and misuse of this law.[33] Further controversy ensued however in August 2001, with the death sentence imposed on Dr. Mohammad Younus - a teacher accused of blasphemy following allegations from students that he made derogatory remarks about Islam's prophet. It was reported that the judge involved in the case was fearful of a violent reaction by religious extremists.[41a]

5.61 In July and August 2002 Amnesty International again called for the amendment of the blasphemy law commenting that it is frequently misused and abused, to imprison people on the grounds of religious enmity. Amnesty also reported that the law is an easy tool to use to imprison people when the real motives are business rivalry or land issues.[4p][4r]

5.62 According to the Freedom House report for Pakistan 2003, Human rights groups say that instances of Muslims bribing low-ranking police officials to file false blasphemy charges against Ahmadis, Christians, Hindus and occasionally other Muslims have been increasing sharply in recent years. To date, appeal courts have overturned all blasphemy convictions; in August 2002 the Supreme Court overturned the conviction of Ayub Masih, a Christian accused of blasphemy. However, suspects are forced to spend lengthy periods in prison, where they are subject to ill-treatment, and they continue to be targeted by religious extremists even after they are released.[64]

5.63 It was reported by Dawn newspaper on 9 July 2003, in July 2003 that a sub-editor of The Frontier Post, Munawar Mohsin was sentenced to life imprisonment with a fine of rs50,000 in a blasphemy case. The judge held Mr Mohsin responsible for publication of a blasphemous letter on 29 January 2001, which had resulted in violent demonstrations across the country.[33au]

5.64 Blasphemy is punishable by death under Pakistani law but such a sentence has never been applied.[62c]

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Accountability Commission

5.65 The National Assembly passed the Accountability (Ehtesab) Bill on 29 May 1997. This applied to those who held public office since 6 November 1990, providing a mechanism for the trial of public officials accused of corrupt practices through an independent office of the Chief Accountability Commissioner.[8a]

5.66 On 1 January 1998 the Sharif Government filed twelve corruption cases with the Accountability Commission against Benazir Bhutto, her husband Asif Ali Zardari and her mother Nusrat Bhutto. The investigation was widened when it was announced that the UK government had agreed to assist in the seizure of documents (held in the UK) pertaining to Zardari's assets and bank accounts.[24a]

5.67 Benazir was convicted in absentia of corruption on 15 April 1999. She was sentenced to five years imprisonment and disqualified from holding public office for up to ten years. Zardari was also convicted and received the same sentence. They were also fined US\$8.6 million and the court ordered the confiscation of all of their property. Benazir, who was in London at the time of the verdict, flew to Dubai on 28 April 1999 with the professed intention of consulting her lawyers to prepare an appeal.^[246] Zardari appealed to the Supreme Court on 10 May 1999. The Supreme Court ruled on 13 May 1999 that it would not hear an appeal by Benazir against her conviction until she returned to Pakistan.^[247] On 27 May 1999 however the Supreme Court ruled that Benazir's presence in Pakistan was not necessary, allowing her lawyers to appeal.^[248]

5.68 In April 2001 the Supreme Court suspended Benazir Bhutto's and her husband Asif Zardari's convictions for corruption and ordered a retrial.^[249] The Supreme Court went on to rule that the conviction of Benazir Bhutto was the result of bias on the part of the original presiding judge who had a close liaison with her political opponents.^[250] According to the US Department of State report 2003, the government continued to detain Zardari during the year on a number of conviction charges. In August 2003 an investigative magistrate in Switzerland issued a preliminary judgement finding Benazir Bhutto and Asif Zardari guilty of money laundering and receiving bribes from two Swiss firms nine years ago, proposing a 6 month suspended prison sentence and a \$50,000 fine.^[251]^(p8)

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National Accountability Bureau (NAB)

5.69 According to the US Department of State report 2003, "The Government created the National Accountability Bureau (NAB) and special accountability courts to try corruption cases. The National Accountability Ordinance (NAO) permitted the NAB to hold suspects without charge for 15 days, renewable with judicial concurrence."^[252]^(p6)

5.70 The NAB and special accountability courts try corruption cases. The NAB was created in part to deal with as much as \$4 billion (PKR 208 billion) estimated to be owed to the country's banks by debtors, primarily from among the wealthy elite. The Government stated that it would not target genuine business failures or small defaulters and does not appear to have done so. The NAB was given broad powers to prosecute corruption cases, and the accountability courts were expected to try such cases within 30 days. As originally promulgated, the ordinance prohibited courts from granting bail and gave the NAB chairman sole power to decide if and when to release detainees.^[253]^(p10) "The Government denied press reports that it had decided not to pursue accountability cases against active members of the military or the judiciary; however, the NAB has charged no serving members of the military or the judiciary."^[254]^(p10)

5.71 As reported in the Dawn newspaper on 25 April 2001, the Supreme Court when giving its verdict on changes to the NAB ordinance ruled that NAB performance was comparatively satisfactory.^[255]

5.72 In May 2000 the Finance minister announced that the NAB could initiate fresh proceedings against any bankers only after approval from the State Bank. The NAB would also only proceed against a businessman (or group) after a four-member Committee (comprising the Finance and Commerce ministers, the Chairman of the NAB and the staff officer of the Chief Executive) had processed the case. Those accused would be able to offer their version of events to the Committee.^[33a] There were nonetheless concerns that in accountability cases the burden of proof tended to be on the accused. Only the NAB chairman was empowered to release a detainee or an under-trial prisoner. Other concerns were the establishment of a parallel chain of courts outside the normal judicial hierarchy that were not subject to the supervision of high courts (as envisaged by the constitution). The NAB Ordinance also prescribed a three-year jail term for any respondent who failed to appear and defend himself before an accountability court, although there was a 'plea bargain' provision also included.^[33a]

5.73 By 1 August 2001 a total of 142 people were convicted by the national accountability courts according to official sources. Rs 65.74 billion had also been recovered in the form of bank loans, plea-bargains, court fines and through improvement in financial affairs in the public sector. Of the 42 politicians prosecuted, 35 had been convicted - eight of these being from the PML (N) and four from the PPP.^[33v] In July 2002 former Prime Minister Benazir Bhutto was tried in absentia for receiving kickbacks for awarding contracts to a Dubai-based company to import gold. She was sentenced to three years hard labour for failing to answer the corruption charges.^[35b]

5.74 The Chairman of NAB is appointed by the President in consultation with the leader of the house and the leader of opposition in the National Assembly. Once the appointment is made the Chairman does not seek any direction from the President or Prime Minister in the discharge of his obligations. ^[59a] The National Security Council, which is represented by all political stakeholders, shall act as a non-intrusive watchdog of NAB. ^[59a]

5.75 NAB operates in Baluchistan, Sindh, Punjab, the North West Frontier, Rawalpindi and is organized as follows: ^[59b]

- Identification and Inquiry Wing is the feeding point of all operations. Once an offence cognizable under NAB Ordinance is established an inquiry is formally authorized at the Command level.
- Investigation Monitoring Wing monitors the process of investigation. All investigations are conducted by a team of Case Officer, Investigation Officer, a lawyer, and relevant expert.
- Prosecution Wing is headed by the Prosecutor General Accountability and prepares the filing and pursuance of a case through to a court of law and the appeal stage.
- Financial Crime Investigation Wing investigates financial irregularities in banks and financial institutions.
- Overseas Operations Cell is responsible for liaison with international agencies for investigation, mutual legal assistance, extraditions and issuance/execution of red warrants. It is also responsible for tracing of international assets of accused people.

Administration wing is responsible for logistics, budgets and central registry subjects. [59b]

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Arbitrary Arrest

5.76 According to the US Department of State report 2003, "The law prohibits arbitrary arrest and detention; however, the authorities did not always comply with the law. The law permits the District Coordinating Officer (DCO) of a local district to order detention without charge for 30 days of persons suspected of threatening public order and safety. The DCO may renew detention in 30-day increments, up to a total of 90 days; however, human rights monitors report instances in which prisoners jailed under the Maintenance of Public Order Act have been imprisoned for up to 6 months without charge. For other criminal offenses, police may hold a suspect for 24 hours without charge. After a prisoner appears before a magistrate, the court may grant permission for continued detention for a maximum period of 14 days if the police provide material proof that this is necessary for an investigation." [2d] (p6)

5.77 According to the US Department of State report 2003, "If the police can provide material proof that detention (physical remand or police custody for the purpose of interrogation) is necessary for an investigation, a court may extend detention for a total of 14 days. However, such proof may be little more than unsubstantiated assertions by the police. In practice the authorities do not observe fully the limits on detention. Police are not required to notify anyone when an arrest is made and often hold detainees without charge until a court challenges them. The police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Human rights monitors reported that a number of police stations have secret detention cells in which individuals are kept while police bargain for their release. There also were reports that the police move prisoners from one police station to another if they suspect a surprise visit by higher authorities. Some women continued to be detained arbitrarily and sexually abused. Police also detained relatives of wanted criminals in order to compel suspects to surrender." [2d] (p7)

5.78 According to the US Department of State report 2003, "Police may arrest individuals on the basis of a First Incident Report (FIR) filed by a complainant and have been known to file FIR's without supporting evidence. FIR's frequently were used to harass or intimidate individuals. Charges against an individual also may be based on a "blind" FIR, which lists the perpetrators as "person or persons unknown." If the case is not solved, the FIR is placed in the inactive file. When needed, a FIR is reactivated and taken to a magistrate by the police; the police then name a suspect and ask that the suspect be remanded for 14 days while they investigate further. After 14 days, if the case is dropped for lack of evidence, another FIR is activated and brought against the accused. In this manner, rolling charges can be used to hold a suspect in custody continuously." [2d] (p7)

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Death Penalty

5.79 The Penal Code includes provisions for imposing the death penalty for numerous offences such as:

- murder (section 302)
- murder in the course of a robbery (section 17(4))
- offences against property (Haddood Ordinances)
- waging war or abetting the waging of war against the State (section 121)
- abetting mutiny (section 13)
- kidnapping for ransom (section 364)
- kidnapping a person under the age of ten with intent to murder or causing grievous bodily harm section 364(a))
- robbery (section 396)
- hijacking or harbouring a hijacker (sections 402(b) and 402(c))
- zina and rape (Haddood Ordinances)
- blasphemy (section 295(c))^[20a]

5.80 In September 1996 the death penalty was extended to drug trafficking, planning to or sabotaging the railway system and arms trading. It was further extended to gang rape in March 1997. ^[20a]

5.81 In 1998 some 433 people were sentenced to death and 21 were executed. The 1998 annual report of the Human Rights Commission of Pakistan stated that of the 3,480 children currently in prison, 49 children were under the sentence of death. ^[41]

5.82 In 2000 Amnesty International reported that at least 52 people were sentenced to death, the majority for murder and many by special courts whose procedures do not fully conform to international standards for fair trial. In 2000, there were estimated to be 4,000 people on death row. In April 2000, Pakistan voted against a United Nations Commission on Human Rights resolution condemning the death penalty and calling for a reduction in executions. ^[4e] In 2001, Amnesty International reported that the death penalty continued to be imposed and at least 13 people were executed. ^[4f]

5.83 According to the US Department of State report 2003, "In July 2000, the Government passed the Juvenile Justice System Ordinance. The ordinance abolishes the death penalty for minors under 18 years of age, mandates that the Government provide children with legal assistance, prohibits children from being tried for crimes with adults, and prohibits the proceedings of juvenile courts from being published." ^{[2d][p5]} In December 2001 President Musharraf announced that he would commute to imprisonment the death sentences of around 100 young offenders. ^[4g]

5.84 According to Amnesty International, there are no accurate figures available for the number of people currently under sentence of death in Pakistan but Amnesty has cause to believe that over 5500 people are being held on death row. In 2003 (January-February), at least 8 people were executed and another 140 were given the death penalty. ^[4h]

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Internal Security

General

5.85 According to the US Department of State report 2003, the police have primary internal security responsibilities, although paramilitary forces, such as the Rangers and the Frontier Constabulary, provide support in areas where law and order problems are acute, such as Karachi and the frontier areas. Provincial governments control the police and the paramilitary forces when they are assisting in law and order operations. During some religious holidays, the regular army was deployed in sensitive areas to help maintain public order. Senior government and ruling party members tightly controlled the security forces; however, there were instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed numerous serious human rights abuses.^{[2d](P1)}

5.86 According to the US Department of State report 2003, ... "The Government enacted measures to improve the discipline and training of security forces and punished some security forces officials who were guilty of abuses however, abuses by security forces remained a problems." ^{[2d](p2)}

5.87 There are two levels within the Pakistan police force: one under federal jurisdiction - the Federal Investigation Agency and the other under provincial jurisdiction. Each province has its own police force under the authority of an inspector general named by the provincial government. Police stations are organised by district and are placed under the supervision of a district superintendent and his assistants who are also named by the provincial government. In large cities the police force is part of a municipal structure, also under the authority of the provincial inspector general.^[12c]

5.88 The October 2001 US-led military action on Afghanistan in their pursuit of Usama bin Laden enraged the country's small but militant religious groups. Subsequent protests in certain parts of the country resulted in deaths following violent demonstrations. Musharraf insisted however that the vast majority of the population favoured his support for the US action.

5.89 In January 2002 five extremist groups were banned and a sixth put on a watch list, this action was described by President Musharraf as being intended to cleanse the society of terrorism, sectarian violence and intolerance.^[33d] During the first four days of a sweeping crackdown on extremist religious groups following the announcement some 1,900 activists were arrested.^[33k]

5.90 In April 2003 the police captured six allegedly senior members of the al-Qaida network in raids in Karachi.^[24f]

5.91 It was reported in September 2003 that Pakistani officials stated that troops had been deployed along the border near Balochistan province to try to stop the activities of al-Qaida and suspected Taleban fighters in the area. The Pakistan army and Frontier Corp personnel were reported to have begun joint patrols.^[35d] President Musharraf stated that for the first time in over a century Pakistani forces had entered

tribal areas in search of al-Qaida members. More than 2,000 soldiers from the Pakistan Army and the paramilitary Frontier Corps finally overcame a week-long tribal resistance. The Mohmand tribal agency, one of the seven such semi-autonomous areas in Pakistan's North West Frontier Province (NWFP) referred to as the Federally Administered Tribal Areas (FATA) is now fully under the control of the heavily-armed troops. The incursion allowed the government to establish eight border posts on the so called Durand Line which forms the border between Pakistan and Afghanistan.[35dr]

5.92 It was reported in September 2003 that Pakistan for the first time in its history was preparing to install a police force across the troubled southwest border province of Balochistan. Thousands of former Taliban are believed to be living in Balochistan since the fall of the hard-line militia's regime in neighbouring Afghanistan. Security in 95 per cent of this largest and least populated province has been in the hands of tribal clans.[33av]

Sindh

5.93 Since the late 1980s Pakistan has been faced with a situation of increasing violence which has been generated by a combination of criminal and terrorist activities, ethnic tensions, political rivalries and the misuse of police powers. The southern province of Sindh has been particularly affected. The violence there has been related to the conflict between factions of the MQM. The parties are well armed and their political rivalry has escalated into gun battles. In the early 1990s there was strong rivalry between the PPP and the MQM. Benazir Bhutto accused a militant wing of the MQM of being responsible for hundreds of politically motivated killings of PPP members.[3] Between mid-1992 and late 1994 the army assisted the police in restoring law and order in Sindh.[4a]

5.94 It was estimated that about 2,000 people were killed in 1995 and 500 in 1996 as a result of ethnic, political and sectarian violence in Karachi. The levels of violence fell in 1997 but clashes between the MQM (Altaf) and MQM (Haqiqi) factions continued.[6a] Political, ethnic and sectarian violence took more than 800 lives in Karachi in 1998.[6a]

5.95 In August 2001, ongoing operations against Jihadi and sectarian organisations were set to continue. Sources in the Sindh Home Department stated that the proscription of religious groups involved in sectarian terrorism and the promulgation of the Anti-Terrorism Ordinance 2001 and other similar actions had been intended to improve sectarian harmony. The sources also added that the publication and distribution of material and banners and inflammatory speeches aimed at fanning sectarian hatred would also be effectively checked.[33x] In early September police arrested about fifty people suspected of sectarian violence in Karachi, allegedly belonging to the Lashkar-e-Jhangvi and Sipah-e-Mohammed militant groups.[35aa]

5.96 In May 2002 in Karachi, a bus carry French workers was attacked by a suicide bomber which resulted in the death of 15 people mostly French nationals.[35av] In June 2002 a car bomb exploded near the US consulate in Karachi killing at least eight people.[35bm] At the end of June 2002 the Pakistani police disclosed that members of the banned Islamic group Lashkar-e-Jhangvi were the prime suspects in both bomb

attacks in Karachi.[35b] The two men accused of plotting the suicide car bombing claim the police had falsely implicated them, both pleaded not guilty to charges of terrorism, use of explosives and conspiracy to murder in June 2003. Police accused the two, Asif Zaheer and Rizwan Bashir of belonging to the militant organisations Harkat-e-jihad-e-Islami and Harkat-ul Mujahideen respectively. [35d]

5.97 Bomb explosions were reported on 15 May 2003 at 11 Shell petrol stations in Karachi. A group called the Muslim United Army claimed responsibility for the explosions. [24g]

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Prisons and Prison Conditions

5.98 According to the US Department of State report 2003, "Prison conditions were extremely poor and life threatening. Overcrowding was widespread. According to HRCP, there were 80,000 prisoners in jails that were built to hold a maximum of 35,833 persons. Sialkot prison had a prison population of 2,300 in a space designed for 750. Thirteen prisoners died in Adiala and Central Jail in Lahore during the year [2003] due to poor treatment and poor conditions. Some 80 percent of prisoners were awaiting trial, mostly for petty offenses. [2d](p5)

5.99 There are three classes of cells: A, B, & C. Class "C" cells generally house common criminals and have dirt floors, no furnishings and poor quality food. Their prisoners suffer the most abuse, such as forcibly kneeling for long periods and beatings. Unsanitary conditions, malnutrition and access to medical care are also a problem. Conditions in "A" and "B" cells are markedly better. Class "A" cells are reserved for prominent prisoners who are permitted televisions, servants and special food. [2c] A study by the UK Medical Foundation for the Care of the Victims of Torture stated that individuals are generally badly treated in prison, although not necessarily tortured. This amounted to solitary confinement in a dark and wet cell, inadequate food and repeated interrogations. [40]

5.100 As noted in US Department of State report 2003, Human Rights Watch reports that children were frequently beaten and even tortured while in detention, usually to extract confessions but also to punish or intimidate child detainees or to extort payment from their families for their release. [2d](p6)

5.101 According to a Penal Reform organisation report, vulnerable prisoners in Pakistan, past activities and 2000-2001 project, "...With the help of the European Commission, the 2 year project "Legal Aid for vulnerable prisoners and human rights training for prison officers in Pakistan" (Vulnerable Prisoners Project) was launched. The aim of the project was to identify the problems and needs of vulnerable prisoners – focus was put on juveniles, mentally disordered persons, foreigners, death sentenced prisoners (including children) and minorities and to contribute of the implementation of reforms and activities to improve their conditions of detentions and situation." [71]

5.102 According to the US Department of State report 2003, "There were reports of prison riots. On July 25 [2003], a riot broke out in Sialkot maximum-security prison,

and three judges were taken hostage while inspecting the jail. Police stormed the jail and freed the remaining hostages."...[24](p5)

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Military Service

5.103 Conscription does not exist and has never existed in Pakistan. The 1952 Pakistan Army Act does provide for the possible introduction of compulsory military service but this provision has never been employed as sufficient volunteers have been enlisted.[16](17)

Medical Services

5.104 The HRCP report for 2001 reported that there were 91,823 doctors in the country, which equates to one doctor for every 1,590 people, although HRCP also reported that absenteeism of doctors from work reduced this ratio. HRCP also reported that the network of healthcare centres consists of 876 major hospitals in larger towns, 5,171 basic health units, 531 rural health centres, 856 maternity and child health centres and 4,635 dispensaries. There is on average one hospital bed for every 1,495 people.[57a]

5.105 In the larger cities in Pakistan there are well-reputed hospitals with excellent facilities and well-respected, internationally experienced, medical specialists. In these hospitals most of the doctors have post graduate qualifications from either the UK or US. The Aga Khan hospital in Karachi and the Shifa Hospital in Islamabad are good examples, these are private hospitals where the cost of care, although considerably below the cost in UK, is high for Pakistan.[45]

5.106 According to the US Department of State report 2003, "Health care services, like education, remained seriously inadequate for the nation's children. Children suffered a high rate of preventable childhood diseases. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition." [24](p26)

5.107 It was reported that Pakistan and the United States signed an agreement on 18 August 2003 for \$115.7 million grant-in-aid support to the National Health and Population Strategy and Poverty Reduction Strategy Paper (PRSP). It was reported that this would make healthcare services available especially to women and children. The USAID will work with the ministries of health and population, provincial and district governments and the private sector to improve service delivery in semi-urban and rural areas. [33ba]

5.108 According to the US Department of State report 2003, in October 2003 the Government launched a \$47 million dollar program to combat Aids, however, at year's end it was unclear how the program would be implemented.[24](p22) BBC news reported

on 18 November 2003 that Pakistan had launched a big programme to tackle Aids after denying the country had a problem. [35ev]

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Educational System

5.109 Universal free primary education is a constitutional right, but education is not compulsory. Primary education begins at the age of five and lasts for five years. Secondary education beginning at the age of ten is divided into two stages of three and four years.[1a] According to the US department of State report 2003, "The Government, through its laws and programs, does not demonstrate a strong commitment to children's rights and welfare. There is no federal law on compulsory education, and neither the federal nor provincial governments provide sufficient resources to assure universal education. The education system is in disarray. Studies showed the gross primary enrolment rate for the country was 86.2 percent...A survey in 2001 found that the enrolment rate for girls under 12 was 65% which was less than that of boys (75 percent), but considerably higher than the 1990 figure of 50 percent" ...[2d](p26) An official report, 2001 Economic Survey of Pakistan, issued in June 2001 commented that Pakistan's record on the education front has not been impressive, and blamed the low level of public expenditure as one of the contributing factors. According to official figures the literacy rate in Pakistan is estimated at 49% (male 61.3%, female 36.8%).[41d]

5.110 An estimated 8,000-12,000 madrassas (Islamic religious schools) operate throughout the country. When set up in the 11th century these were a progressive form of education however the curriculum has not kept pace with the changing times and the education they now provide is seen as archaic.[41d] In January 2002 President Musharraf said that these schools had become breeding grounds for intolerance and hatred, and announced plans to regulate the functioning of the schools and the reform of their curriculum.[35as] According to the US Department of State report 2003, "Under the Madrassah Registration Ordinance of 2002 all madrassas (religious schools) were required to register with the Pakistan Madrassah Education Board and provincial boards or else risk being fined or closed. The ordinance was designed to regulate the madrassas, where many poor children are educated, and to combat religious extremism. The madrassas no longer were allowed to accept grants or aid from foreign sources, although madrassas offering courses in science, math, Urdu, and English were eligible for government funds. Madrassas were given 6 months to comply. Over 8,000, out of the approximately 10,000 to 20,000 madrassas in the country, were registered at year's end." [2d](p5) The Government of Pakistan reportedly lacks commitment to the reform of the madrasas. The Ordinance does not envisage any real intervention in the madrasa system because the clergy is opposed to it. Madrasas will instead be asked to submit to regulation voluntarily, and the law proposes no mechanism of enforcement or punishments for violations. [63d]

5.111 In 1999/2000 there was an estimated enrolment figure at middle and secondary schools of six and a half million. There are 26 universities [1a]

6 Human Rights Issues

Overview

6.1 Pakistan has signed and ratified the following international instruments:
International Convention on the Elimination of All Forms of Racial Discrimination
Convention on the Rights of the Child

It has signed but not ratified:

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

It has acceded to:

Convention of the Elimination of All Forms of Discrimination Against Women
[15](p8)

6.2 According to the US Department of State Country Report on Human Rights Practices - 2003 published in February 2004 (USSD 2003) "The Government's human rights record remained poor, although there were some improvements in a few areas, some serious problems remained". [2d](p2)

6.3 The USSD report 2003 further states that "Security Forces committed extra-judicial killings of criminal suspects, and both the police and security forces were responsible for the deaths of a number of individuals associated with political or terrorist groups during the year; however, exact figures were unknown by the year's end". [2d](p3) "Killings between rival political factions and sectarian groups continued to be a problem". [2d](p2) "Sectarian violence and tensions continued to be a problem throughout the country". [2d](p4)

6.4 According to the Human Rights Commission of Pakistan report "State of Human Rights in Pakistan 2002" issued in March 2003 "There were nine major incidents of terrorism, all directed at Western missions, foreigners or Christian places of worship or work...Extra judicial killings increased as compared to the previous year. At least 236 people were killed in such encounters." [57b](p2)

6.5 It further reported in the USSD report 2003 that "Christians have been victims of violence." [2d](p17)

6.6 The USSD report 2003 also comments on the police in Pakistan, stating that "Police abused and raped citizens". [2d](p2) The Government enacted measures to improve the discipline and training of security forces and punished some security force officials who were guilty of abuses; however abuses by security forces remained a problem" [2d](p2) "Police Officers occasionally were transferred or briefly suspended for involvement in extra-judicial killings: however, in general police continued to commit such killings with impunity" [2d](p3). "Prison conditions remained

poor and life threatening, and police arbitrarily arrested and detained citizens". [2d](p2)

6.7 The report further states that "during the year [2003], the Government sporadically permitted several large anti-government demonstrations; however, it prevented other protests and arrested organisers, included for security reasons. The government imposed some limits on freedom of association, religion, and movement. Governmental and societal discrimination against religious minorities, particularly Christians and Ahmadis remained a problem". [2d](p2)

6.8 According to the US Department of State International religious freedom report 2003, "In the autumn of 2001, the Government took steps to curb religious extremism and militancy, imposing some limits on freedom of association, religion, and movement, and banning two of the country's groups known to incite sectarian violence and religious extremism, Lashkar-e-Jhangvi and Sipah-e-Mohammad Pakistan. In January 2002, the Government banned five other groups: Jaish-e-Mohammad, Lashkar-e-Taiba, Sipah-e-Sahaba Pakistan (SSP), Tehrik-e-Jafria and Tehriki-Nifaz-I-Shariat-I-Mohamadi (TNSM). Police raided offices, mosques, and madrassas linked with these groups; announced a ban on fundraising activities; and arrested almost 3,000 party members. Most of those arrested were later released without being charged. During the period covered by this report, most of the banned parties re-named themselves, in order to subvert the ban and continue operations. [2e](p10)

6.9The USSD report 2003 further notes that in 2001, an amendment ordinance to the citizenship law was issued which enabled women married to foreigners to claim citizenship for their children. [2d](p25)

6.10 The USSD report 2003 further reports that "The press was able to publish relatively freely; however, journalists practiced self-censorship, especially on sensitive issues related to the military, and human rights groups continued to report acts of intimidation against journalists by the central Government. Provincial and local governments occasionally arrested journalists and closed newspapers critical of the Government or allegedly accused of printing offensive material". [2d](p2)

6.11 Domestic Violence is also highlighted in the USSD report 2003, which states that "Domestic Violence against women, rape, and abuse of children remained serious problems. The government publicly criticized the practice of "honour killings" but such killings continued. Discrimination against women was widespread, and traditional social and legal constraints generally kept women in a subordinate position in society." [2d](p2)

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Human Rights Groups

6.12 The USSD report 2003 states that "A wide variety of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases, however they are required to be

licensed. Government officials often were cooperative and responsive to their views. Human rights groups reported that they generally had good access to police stations and prisons". [2d](p22) According to the US Department of State report for International Religious Freedom 2003, the government provided protection to human rights lawyers defending those accused of blasphemy following threats and attacks on the lawyers by religious extremists. [2e](p9) According to the US Department of State report 2003 "International observers were permitted to visit the country and travel freely"...[2d](p22)

6.13 According the USSD report 2003 "The Ministry of Human Rights, a department within the Ministry of Law, Justice, Human Rights, and parliamentary Affairs, finalized and began limited implementation of a reform program for jails. However, the department is not viewed as effective by human rights observers, and the situation in the prisons did not improve during the year"... "The independent Human Rights Commission of Pakistan, based in Lahore, although hampered by a shortage of funds, conducted a number of investigations into human rights abuses, visited prisons, and organised several human rights seminars aimed at judicial officials and other government officials." [2d](p22)

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Police

6.14 During 2000 the Government took some steps to reduce police corruption and transferred several senior police officers to other provinces to circumvent their local ties. The Government also deployed army officers to police stations, according to the US Department of State report for 2001. [2b]

6.15 According to the US Department of State report 2002, "There was greater scrutiny by NGOs and the media of police behavior, including prison inspections in the Punjab and Sindh. However, the Citizens Police Liaison Committee (CPLC) reported that no new cases had been filed against police officers during the year. CPLC officials believed that police reforms introduced during 2001 (including increased oversight by elected officials) were responsible for fewer abuses. During the year, 60 Punjab police officers reportedly were punished for various offenses. Cooperation between the CPLC and the police human rights complaint unit resulted in the dismissal of 216 policemen and the demotion of or fines for 1,226 others between November 1998 and July 1999." [2c](p5)

6.17 According to the US Department of State report for International Religious Freedom "003, "The Government also continued to promote human rights awareness in its training of police officers." [2e](p11)

6.18 The USSD 2003 states "Police corruption was widespread". [2d](p7) The report further mentions "The extra-judicial killing of criminal suspects, often while in police custody or in staged encounters occurred. Police officials generally insisted that these deaths occurred during attempts to escape or to resist arrest; however, family members and the press insisted that many of these deaths were staged. Police personnel have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings". [2d](p3) The report further goes on to say "Police also reportedly killed suspected criminals to circumvent or

overcome insufficient evidence, to intimidate witnesses, judicial corruption, and, at times, political pressure. Police personnel continued to torture persons in custody throughout the country". [24] (p3) According to the Amnesty International Report 2003 covering 2002 " The number of criminal suspects killed in so-called "encounters" with the police increased alarmingly. In the first seven months of the year, 73 criminal suspects were killed in Punjab alone. In several cases, relatives claimed that criminal suspects had committed suicide when surrounded by police." [4n](p2)

6.19 The USSD report 2003 states that "Police professionalism was low. At year's end, the comprehensive package of police reforms had not been implemented fully, and many local officials complained that the system had no real control over the police"[24](p3) According to the US Department of State report 2003, "Actions taken to redress police abuses had mixed results." ...[24](p7)

6.20 According to the USSD report 2003 "Special women's police stations have been established in response to numbers of complaints of custodial abuse of women, including rape. Female personnel staffed these stations, but they receive even fewer material and human resources than regular police stations"[24](p5)

6.21 According to the US Department of State report 2003, "The failure of the Government to investigate and punish abusive police officers effectively created a climate of impunity for police abuse. The failure of the Government to prosecute and to punish abusers effectively was widely considered a great obstacle to ending or reducing police abuse." [24](p7)

6.22 According to the US Department of State report 2003, "Police torture and other forms of mistreatment of persons in custody are common. However, there were no confirmed reports of torture of prisoners or detainees because of their religious beliefs during the period covered by this report." [24] (p8)

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Torture

6.23 The USSD report 2003 states that "The Constitution and the Penal Code forbid torture and other cruel, inhuman or degrading treatment; however, security forces regularly tortured, and otherwise abused persons". [24](p5) Human rights observers suggested that because of widespread torture by the police, suspects usually confessed to crimes regardless of their actual culpability; the courts subsequently at times dismissed such confessions." [24] (p4) According to a report published on the website of the Human Rights Commission of Pakistan (accessed March 2004) "The use of police torture was extremely widespread in the country-with both police and prison officials responsible for inflicting it. No official was punished for this crime to the knowledge of the HRC, with such impunity promoting further instances of torture."The report then detailed a number of specific cases of police torture and illegal detention in 2003 and early 2004. [57](p1) The Amnesty International Report 2003 issued October 2003 covering 2002 stated "Torture in police custody continued to be reported; at least 26 people reportedly died as a result" and detailed a number of cases.[4n](p2)

6.24 It is further reported by the USSD 2003, that, "Over the years, there have been allegations that common methods of torture included: Beating; burning with cigarettes; whipping the soles of feet, sexual assault, prolonged isolation; electric shock; denial of food or sleep, hanging upside down; forced spreading of the legs with bar fetters; and public humiliation". [2d](p5)

6.25 A 2001 Medical Foundation for the Care of Victims of Torture Report: A Study of Pakistani Torture Victims Coming to the UK, said on the subject of agents of detention and torture that "...two thirds of the detentions were carried out by police, making them the most frequent perpetrators of arbitrary detention and torture. In all cases except 11, the state authorities were responsible for the detention and torture. The five cases in which members of political parties are cited as the agents of persecution, the abuses were carried out by extremist members of those parties." The figures quoted are out of a total of 90 cases on which they reported.[40]

6.26 According a 2001 Medical Foundation for the Care of Victims of Torture Report "Although Pakistan has ratified a number of human rights treaties, it has not ratified that main ones, i.e., the International Covenants on Civil and Political Rights, and on Social and Cultural Rights, or the UN Convention Against Torture...Pakistan's failure to ratify the human rights treaties has serious consequences for the safe guarding of human rights. The treaties generally afford greater protection than do the provisions of the Constitution, but Pakistani citizens cannot take advantage of them. Ratification of such instruments makes a country more accountable for its human rights practices and encourages domestic compliance." [40]

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Freedom of Speech and Media

6.27 The USSD report 2003 states that " The Constitution provides for freedom of speech and of the press and citizens are generally free to discuss public issues, however some journalists practiced a degree of self-censorship, and human rights groups continued to report acts of intimidation against journalists. The government did not attempt to exercise direct control over views expressed in the print media. Newspaper editorials and commentators increasingly were critical of the Government, however, direct criticism of the military and judiciary was rare. Investigative journalism was rare; instead, the press acts freely to publish charges and counter charges by named and unnamed parties and individuals representing competing political and social interests. Both governmental and non governmental entities sometimes pay for favourable media coverage". [2d](p12)

6.28 The USSD report 2003 further mentions that, "The competitive nature of politics helps to ensure press freedom since the media often serve as a forum within which political parties, commercial, religious, and various other interests vie. Although the press may not criticize Islam as such, debate about the practice of Islam, and criticism of religious leaders and movements, was permissible. The press traditionally avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) loosely controlled press coverage of

military matters. Although many journalists chose to exercise self-censorship regarding the military during the year, the Government permitted significant criticism of retired military officials. President Musharraf was the subject of intense and public criticism during the year". [2d](p13-14)

6.29 According to the US Department of State report 2003, "A vocal private press criticized the President and Government. However violence against and intimidation of journalists was a nationwide problem...The competitive nature of politics helps to ensure press freedom since the media often serve as a forum within which political parties, commercial, religious, and various other interests vie. Although the press may not criticize Islam as such, debate about the practice of Islam, and criticism of religious leaders and movements was permissible...President Musharraf was the subject of intense and public criticism during the year." [2d](p13-14) According to the Human Rights Commission of Pakistan report "State of Human Rights in Pakistan 2002" issued in March 2003 "Journalists across the country complained of increased harassment and intimidation, often by personnel of intelligence agencies. Many also faced police batons. At least four new laws acted to restrict press freedoms and prevent access to information. The publication of at least three newspapers was banned during the year (2002) and the editors of at least three others 'picked up' or booked in criminal cases. [57b](p3)

6.30 The USSD notes in its report that "The broadcast media were mainly government monopolies directed by the Pakistan Broadcasting Corporation and Pakistan Television (PTV), although private cable channels broadcasting from abroad had a growing audience. Geo TV, Indus, and ARY carried live news coverage about the country, and often broke stories hours before PTV. In contrast, domestic news coverage and public affairs programming on PTV and state-run radio were controlled closely by the Government and traditionally reflected its views. One private radio station, one television broadcaster, and a semi-private cable television station were licensed under special contractual arrangements with the Government. The semi private television station, Shalimar Television Network (STN), occasionally rebroadcast PTV news. While the STN routinely censors those segments considered to be socially or sexually offensive, foreign news stories were rarely censored for content. The Ministry of Information exercised some influence over broadcasting through the selective allocation of government advertising budgets. It also monitored advertising on all broadcast media, editing or removing advertisements deemed morally objectionable. Satellite dishes readily were available on the local market and were priced within reach of almost everyone with a television set--well into the lower-middle classes. South Asian satellite channels (usually India-based) have become important sources of news and popular entertainment. The Government shut down Indian channels from cable systems during the year. The MMA government in NWFP pledged to ban satellite and cable television in the province because of its "immoral and un-Islamic content." However, no action had been taken by year's end". [2d](p 13)

6.31 According to the US Department of State report 2003, "In 2002, three ordinances on the press were adopted. The ordinances increased the penalties for defamation, imposed a system of prior authorization for the news media, and created a press council under considerable influence by the Government; however

no information was given as to when the ordinances would enter into force." [2d](p12)
In a Press Release issued in April 2002 "Reporters Without Borders (Reporters Sans Frontieres (RSF) expressed alarm today at a new law that would send journalists to prison for 'ridicule, unjust criticism, dislike, contempt or hatred and called for it to be urgently amended. 'This is a serious threat hanging over the heads of independent and opposition journalists,' said the Reporters Without Borders secretary-general Robert Menard in a letter to information minister Nisar A Memon. 'Every country needs laws that punish incitement to hatred and violence, but this one is so general that it will protect all kinds of abuses.'...He called on the minister to see that the imprisonment clauses were eliminated from the law and to ensure that all political parties got a fair share of air time on the state-owned media." [62a]

6.32 RSF reported "On 26 October (2002), President Musharraf signed into law the ordinance creating a 19-member press council with the job of ensuring that newspapers and news agencies respect the "highest professional and ethical standards" while preserving the freedom of the press. The council was to enforce a new 17 point "ethical code of practice" for the print media, hold inquiries into complaints and recommend the suspension or even permanent closure of publications that refused to comply with its decisions. [62d](p12)

6.33 In their 2003 Annual Report RSF reported that "The defamation ordinance, upping the penalties for journalists and editors found guilty of defamation to a minimum of 50,000 rupees (850 euros) in damages or three months in prison, was signed into law by President Musharraf on 1 October 2002. The ordinance said "publication or circulation of a false statement or representation made orally or in written or visual form which injures the reputation of a person...shall be actionable as defamation." It gave injured parties two months to file complaints, which were to be tried before a district judge with the possibility of appeal to the high court. [62d](p11)

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Journalists

6.34 According to the US Department of State report 2003, "Reports of intimidation, heavy-handed surveillance, and legal action against journalists continued throughout the year." [2d](p13) The Committee to Protect Journalists in its Attacks on the Press in 2002 Pakistan report stated that "Pakistani journalists have long navigated a treacherous course, threatened by militant groups, criminal gangs, political bosses, and powerful intelligence agencies, but the rest of the world scarcely noticed these dangers until the assassination of American reporter Daniel Pearl....However, the Pakistani Press -which includes everything from religious party organs to scandal sheets to sober political journals-largely holds its own under the military government led by Gen. Pervez Musharraf. While self-censorship is widespread, the tenacity of the local media is remarkable. Pakistani journalists have long endured routine surveillance and harassment by state intelligence agencies, especially Inter-Services Intelligence, which the army controls, and these pressures have intensified under Musharraf's rule."...Pearl, the South Asia bureau chief for the U.S.-based Wall Street Journal, was kidnapped and killed in the port city of Karachi while reporting on links between Pakistani militant groups and the as0Qaeda terrorist network. [22](p1)

According to the Reporters Without Borders 2003 Annual Report "The police investigation and trial, from which journalists were barred, resulted in a death sentence for the instigator and life sentences for three accomplices, but many questions remain unanswered." [62d](p 1-2)

6.35 On 11 April 2003, Reporters sans frontiers reported two incidents of attacks on two journalists in South Waziristan tribal areas of northwest Pakistan. "The bomb attack, on 4 April 2003 took place outside the home of Awardeen Mehsood, correspondent of the Urdu language national daily Khabrian and the news agency NNI, in Laddah, the main town of South Waziristan Agency. The explosion damaged the door of the house. It was not claimed by any organisation but it was thought to be linked to his reports about the activities of the Youth Movement, which is pressing for a change in the status of the Tribal Areas." [62b]

6.36 The same report states that, "The other incident concerned Hayatullah Khan, the correspondent of the national Urdu-language daily Ausaf in Mir Ali in North Waziristan. His family has been harassed by military officials as a result of his report about the misuse of army vehicles on Mir Ali". [62b]

6.37 RSF Annual Report 2003 reported that "The Pakistani government restricted access of foreign journalists to the Tribal Areas adjoining Afghanistan for reasons of "security" in September (2002). Foreign journalists henceforth needed a security clearance from the Pakistani army, and any film or video footage shot there, had to be viewed by intelligence officers before it could be broadcast. The authorities accused certain foreign and Pakistani news media of 'biased' reporting on the situation in Tribal Areas. Previously foreign journalists just needed permission from the information office of the authority that administers the Tribal Areas. The new measures coincided with a new army deployment into the region to contain infiltration by al-Qaida or Taliban members." [62d]

6.38 According to a report in Dawn on the Internet on 8 July 2003, "Additional District and Sessions Judge Sardar Irshad on Tuesday convicted a sub-editor of The Frontier Post, Munawar Mohsin, in a blasphemy case and sentenced him to life imprisonment with a fine of Rs50,000. The Judge held Mr Mohsin responsible for publication of a blasphemous letter in the said newspaper on 29 January 2001, which had resulted in violent demonstrations across the country.[33au] According to an RSF press release, "The Government suspended the paper for two months. Blasphemy is punishable by death under Pakistani law but such a sentence has never been applied." [62c]

6.39 As reported by BBC on 17 December 2003, two French journalists were arrested in Pakistan for travelling without permission to the city of Quetta, close to the Afghan border. Journalists are forbidden to visit the area without an official escort. The authorities claimed the two men were in breach of Pakistan's foreigners' act. They were remanded until 24 December 2003. Arrests of foreign reporters in Pakistan are rare. [35eh] Keesings record of world events January 2004 reported that Sindh High Court released the two French journalists who had been sentenced to six months in prison for visa violations. It had initially been reported that the journalists had planed to fabricate a report showing the presence of a training camp for Afghan Talibaan fighters near Quetta. On 30 January 2003 a magistrate charged a

Pakistani journalist and two others with sedition for assisting the French reporters.^[24K] According to BBC news dated 22 December 2003, police said the men had disobeyed strict laws governing the movement of foreigners by visiting Quetta when their permit restricted them to Lahore, Islamabad and Karachi. A Pakistani journalist Khawar Mehdi Rizvi was also arrested alongside the French journalists, he has not been seen or heard of since. The pressure group for journalist Reporters Without Borders had called upon the Pakistani authorities to release the men, the men had also been on a hunger strike in protest at their detention but had ended this prior to their release. ^[35 e]

6.40 Committee to Protect Journalists reported on 3 March 2004 that on 2 March 2004 about 20 rioters broke into offices of the Private Geo television stations and set fire to records and papers. The attack was in retaliation following the shooting on a religious procession of Shiite Muslims in Quetta and a suicide bomber detonating an explosive amongst the crowd. At least 47 people were killed which incited widespread rioting throughout Quetta. On 24 February GEO television broadcast a talk show during which statements were made which offended some members of the Shiite minority. Subsequently on 29 February hundreds of protesters assembled outside the Karachi press club in demonstration of the GEO program.^[68]

6.41 According to an article by BBC news dated 3 December 2003 there has been an increase in violence against journalists in Pakistan according to the New York based Human rights Watch who claim that press freedoms have eroded since Musharraf came to power. In an open letter to the President they highlighted the cases of two journalists who were allegedly threatened and tortured by the Pakistani security forces.^[35es]

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Freedom of Religion

Background and Demography

6.42 According to the US Department of State report for International Religious Freedom, 2003, Pakistan is an Islamic republic in which approximately 96 percent of the population are Muslim. The majority are Sunni Muslim with an estimated 10-15 percent Shia. Figures based on a 1998 census indicate that 96% of the population are Muslim; 1.69% Christian; 2.02% Hindu and 0.35% "other" (including Ahmadis). Religious minority groups believe they are under represented in government census counts. The most recent census estimates numbers of Christians as 2.09 million and numbers of Ahmadis as 286,000. The communities themselves each claim membership of 4 million, estimates for the remaining communities are less contested. Christians live throughout the country although it is estimated that 90% of Christians reside in Punjab where they form the largest religious minority of the province. Approximately 60% of Punjab's Christians live in rural villages. In Sindh and Baluchistan provinces Hindus constitute about 1% of the population. Ahmadis are concentrated in Sindh and Punjab. ^{[2e](p1&2)}

6.43 According to Freedom of Religion report (undated) the majority of the population are Sunni Muslims but there is a large population of Shiite Muslims.

Estimates vary between 15% and 35% of the population with the major concentration of Shiites found in Karachi with pockets in other places in Sindh, Punjab and a couple of places in the North West Frontier Province. Estimates for Ahmadis also vary, with 4 million having been cited. Christians make up approximately 2% of the population.[67](p56)

6.44 According to a BBC report entitled Analysis: Pakistan's religious rift, "Pakistan has never been able to fulfil the dream of its founder, Mohammed Ali Jinnah, of a country in complete religious harmony. He stressed that Pakistan should be secular and tolerant of religious differences." The outbreak of sectarian violence dates back to the 1970's when the country was under the military rule of General Zia-ul-Haq who wanted Pakistan to become a more conservative Islamic country.[35]

6.45 "General Zia actively encouraged Islamic militancy with the backing of the West, to fight a holy war in Afghanistan against communism. Pakistan became home to a number of predominantly Sunni groups that were funded, armed and trained by his regime. At the same time, the climate created by the Iranian revolution encouraged the backing by Iran of a small number of Shia groups in Pakistan. Before long hard liners on both sides acquired arms which have always been easily available and plentiful. Two rival militant groups emerged - the Shia Tehreek-i-Jafria and the Sunni Sipah-e-Sahaba. [35] According to an Amnesty International Report entitled Pakistan Insufficient protection of religious minorities 15 May 2001, "Whereas Zia-ul Haq (1977-88) attempted to use Islam to achieve popular acceptance for his military regime, the present military government has explicitly rejected the use of Islam for political gains. It has, however, not sufficiently and consistently curbed the violence some Islamist groups have resorted to and has retracted some reform proposals under pressure from them." [47](p28)

6.46 According to the US Department of State report for International Religious Freedom 2003, there were no confirmed reports of torture of prisoners or detainees because of their religious beliefs during the period covered by this report.[23](p8)

6.47 As noted in the US Department of State report for International Religious Freedom 2003, "There are a number of NGOs and civic groups that promote interfaith dialogue. In January the Pakistani Catholic Bishops' Commission for Interreligious Dialogue and Ecumenism declared 2003 a National Year of Peace. Accordingly, during the year a number of interreligious meetings, religious festivals, literary courses, and other events centered on peace and dialogue took place. Several Muslim leaders applauded the bishops' initiative. In February the Sacred Heart Church in Lahore hosted a peace service, attended by people of various faiths." [26](p14)

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Policies and Constitutional Provisions

6.48 According to the USSD report on International Religious Freedom 2003, "The Constitution provides for freedom of religion, and states that adequate provisions are to be made for minorities to profess and practice their religions freely; however, in practice the Government imposes limits on freedom of religion. Pakistan is an

Islamic republic; Islam is the state religion. Islam also is a core element of the country's national ideology; the country was created to be a homeland for Muslims, although it was not envisaged by its founders as an Islamic state. Religious freedom is "subject to law, public order, and morality"; accordingly, actions or speech deemed derogatory to Islam or to its Prophet are not protected. In addition, the Constitution requires that laws be consistent with Islam and imposes some elements of Koranic law on both Muslims and religious minorities." [2e](p1)

6.49 As stated in the US Department of State International Religious Freedom report 2003, "...In 1999, the Government removed colonial-era entries for 'sect' from government job application forms to prevent discrimination in hiring. However, the faith of some, particularly of Christians, often can be ascertained from their names." [2e](p14)

6.50 According to the US Department of State report for religious freedom 2003, "The Government does not encourage sectarian violence and during the period covered by this report [2003] specifically condemned it; however, there were instances in which the Government failed to intervene in cases of societal violence directed at minority religious groups." ... [2e](p1)

6.51 According to the USSD report for 2001, the government claims it is committed to protecting the rights of religious minorities. Religious minority communities have stated that the Musharraf administration consulted them for input into some decision-making and also offered cabinet positions to some of their members. [2b]

6.52 The USSD 2003 reported that "Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or to charge persons who commit them". [2d](p17) According to the AI Report Insufficient protection of religious minorities (May 2001) "The apparent motives for bringing blasphemy charges are various: Charges against Ahmadis and Christians appear to have been brought solely because of their membership in these minority groups, i.e. because of their conscientiously held beliefs. Latent or overt hostility against religious minorities is often exacerbated by professional rivalry or quest for economic gain, particularly over land issues." [4f](p2)

6.55 According to the US Department of State International Religious Minorities report 2003, "The lack of an adequate government response contributed to an atmosphere of impunity for acts of violence and intimidation against religious minorities. Parties and groups with religious affiliations have been known to target minority groups." [2e](p1)

6.56 According to the US department of State report for International Religious Freedom 2003, "Missionaries are allowed to operate in the country. Proselytizing (except by Ahmadis) is permitted as long as there is no preaching against Islam and the missionaries acknowledge they are not Muslim." [2e](p6)

6.57As stated by the US Department of State report for Religious Freedom 2003, "While there is no law instituting the death penalty for apostates (those who convert from Islam), social pressure against such an action is so powerful that most such conversions reportedly take place in secret. According to missionaries, police and

other local officials harass villagers and members of the poorer classes who convert. Reprisals and threats of reprisals against suspected converts are common." [2e](p13)

6.58 According to the US Department of State report 2003, "The Constitution safeguards "educational institutions with respect to religion." For example, under the Constitution, no student can be forced to receive religious instruction or to participate in religious worship other than his or her own. The denial of religious instruction for students of any religious community or denomination also is prohibited under the Constitution." [2d](p4)

6.59 As noted by US Department of State International religious freedom report 2003, "Islamiyyat' (Islamic studies) is compulsory for all Muslim students in state-run schools. Although students of other faiths are not required to study Islam, they are not provided with parallel studies in their own religions. In some schools, non-Muslim students may study "ikhlaqiyyat," or Ethics, rather than Islamiyyat. In practice teachers compel many non-Muslim students to complete Islamic studies." [2e](p4)

6.60 According to the US Department of State International Religious Freedom report 2003, "There were no significant changes in the Government's treatment of religious minorities during the period covered by this report. The Government fails in many respects to protect the rights of religious minorities. This is due both to public policy and to the Government's unwillingness to take action against societal forces hostile to those who practice a different faith. The accretion of discriminatory religious legislation has fostered an atmosphere of religious intolerance, which contributes to acts of violence directed against minority Muslim groups, as well as against Christians, Hindus, and members of Muslim offshoot groups, such as Ahmadis and Zikris. The Government does not encourage sectarian violence and during the period covered by this report specifically condemned it; however, there were instances in which the Government failed to intervene in cases of societal violence directed at minority religious groups. The lack of an adequate government response contributed to an atmosphere of impunity for acts of violence and intimidation against religious minorities. Parties and groups with religious affiliations have been known to target minority groups." [2e](p1)

6.61 According to the US Department of State report on International religious freedom 2002, most victims of religious violence in the country are Shia Muslims. Wealthy religious minorities and those who belong to religious groups that do not seek converts report fewer instances of discrimination. [2a] United Nations Economic and Social Council Report, Prevention of Discrimination Against and the Protection of Minorities 14 July 1998 states "President Zia ul-Haq introduced the Hudood (Punishment) Ordinances in 1984, which 'define crimes against Islam' and 'enforce punishment for those who commit such crimes'. In Hudood cases the testimony of a non-Muslim is considered to be worth half that of a Muslim." [7](p 2)

6.62 According to the US Department of State report for International Religious Freedom 2003, "In the autumn of 2001, the Government took steps to curb religious extremism and militancy, imposing some limits on freedom of association, religion, and movement, and banning two of the country's groups known to incite sectarian violence and religious extremism, Lashkar-e-Jhangvi and Sipah-e-Mohammad Pakistan. In January 2002, the Government banned five other groups: Jaish-e-

Mohammed, Lashkar-e-Taiba, Sipah-e-Sahaba Pakistan (SSP), Tehrik-e-Jafria and Tehriki-Nifaz-i-Shariat-i-Mohamadi (TNSM). Police raided offices, mosques, and madrassas linked with these groups; announced a ban on fundraising activities; and arrested almost 3,000 party members. Most of those arrested were later released without being charged. During the period covered by this report, most of the banned parties re-named themselves, in order to subvert the ban and continue operations. Lashkar-e-Jhangvi has become Inteqam-e-Haq ("Revenge for the Truth"), and Sipah-e-Muhammad Pakistan has been re-named Hizbollah. Sipah-e-Sihaba Pakistan is now Millat-e-Islamia, Lashkar-e-Taiba is now Jamaat Al Dawa, and Jaish-e-Muhammad is now Tehrik-ul-Furqaan. Jaish-e-Mohammad chief Maulana Masoud Azhar, who was initially put under house arrest in January 2002, was released approximately 3 months later; then, 6 weeks after the release, he was again put under house arrest; Masoud Azhar was finally released on December 14, 2002 by the Lahore High Court, and has kept a low profile since then. Professor Hafiz Saeed, leader of Jamaat Al Dawa, has been allowed to address rallies and make inflammatory speeches in which he has threatened Westerners resident in the country." [2e](p10)

6.63 As also reported in Dawn the Internet version a Pakistani news publication reported in January 2002 that a further five groups were banned, Jaish-i-Mohammad, Lashkar-i-Taiba, Sipah-i-Sahaba Pakistan, Tehrik-i-Jaferia and Tanzim Nifaz-i-Shariat-i-Mohammadi and Sunni Tehrik was put on the watch list. The report stated "President Gen Pervez Musharraf announced a ban on five extremist groups and put another on the watch list with a view to announcing the ban President Musharraf said that an aim of the ban was cleansing society of terrorism, sectarian violence and intolerance." He also announced a forthcoming ordinance to regulate the functioning of madrassahs (madaris religious schools) some of which, he said were involved in encouraging hatred, violence and terrorism.[33c] Dawn reported on 15 January that in the first four days of the crackdown on extremist religious groups, which followed the ban, over 1,900 religious activists were detained.[33k]

6.64 According to the US Department of State report for International Religious Freedom 2003, "The Government took some positive steps to improve the situation of religious minorities during the period covered by this report [2003]. A 3 year Human Rights Mass Awareness and Education Project, begun by the Government in 2001 with funding from the Asian Development Bank, is ongoing. The Government also continued to promote human rights awareness in its training of police officers." [2e](p11)

6.65 The US State Department report for religious freedom 2003 notes that "There are a number of NGOs and civic groups that promote interfaith dialogue. In January the Pakistani Catholic Bishops' Commission for Interreligious Dialogue and Ecumenism declared 2003 a National Year of Peace. Accordingly, during the year a number of interreligious meetings, religious festivals, literary courses, and other events centered on peace and dialogue took place. Several Muslim leaders applauded the bishops' initiative. In February the Sacred Heart Church in Lahore hosted a peace service, attended by people of various faiths." [2e](p14)

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Voting Rights

6.66 According to the US Department of State International Religious Freedom Report 2003, "In January 2002, the Government eliminated the country's system of separate electorates, which had been a longstanding point of contention between religious minorities and human rights groups on one side and the Government on the other. With the elimination of the separate electorate system, political representation is to be based on geographic constituencies that represent all residents, regardless of religious affiliation. Minority group leaders believe this change may help to make public officials take notice of the concerns and rights of minority groups. Because of their concentrated populations, religious minorities could have significant influence as swing voting blocks in some constituencies. Few non-Muslims are active in the country's mainstream political parties due to limitations on their ability to run for elective office under the previous separate electorate system." [2e](p 6)

6.67 The same report continues, "However, the return of joint electorates eliminated parliamentary and assembly seats reserved for minorities. Some minority leaders complained that these seats should have been retained after the joint electorate system was eliminated. While minorities welcomed the opportunity to be able to elect local representatives to the national and provincial assemblies, it was unlikely that any of the future elected officials would come from minority groups; having reserved seats for the minorities, they believed, would do more to increase their presence in law-making bodies. In August 2002, the Government announced that reserved seats for religious minorities would be restored in the October 2002 elections. Now, non-Muslims vote twice: once for the general candidate, and once for the seat set aside for their particular religion." [2e](p 6)

6.68 According to the text of the legal framework order, the Legal Framework Order 2002 detailed that 10 National Assembly seats would be reserved for non-Muslims. [44e](p3) In the Provincial Assemblies there would be three seats reserved for non-Muslims in Balochistan and NWFP, eight in Punjab and nine in Sindh. [44e](p7) According to an IRIN news report in October 2002 no non-Muslim candidates were contesting the 272 general seats to the national legislature in the October 2002 elections. However some 50 Hindu and Christian candidates were running for office on general seats in the provincial legislatures in southern Sindh and eastern Punjab provinces. [41n]

6.69 According to the US Department of State International Religious Freedom Report 2003, "In May 2002, under increasing pressure from fundamentalist leaders, the Government reinstated a column on the voter registration form that requires Muslims to take an oath accepting the finality of the Prophethood of Mohammed. When joint electorates were restored in January 2002, this oath was removed from voter registration forms, but religious leaders protested heavily because voter lists no longer identified Ahmadis. In June 2002, the Election Commission announced that it would accept objections to Ahmadis who registered to vote as Muslims from members of the public. Voters with objections filed against them are required either to sign an oath swearing to the finality of the prophethood of Mohammed or be registered as non-Muslims on the voter list. In protest, the Ahmadi community

notified the President on September 5, 2002, that they would boycott the October 2002 elections. No Ahmadis are known to have broken the boycott, but there has been no change in the Government's policy as a result." [2e](p6)

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Ahmadis

Introduction

6.70 According to a 1996 report prepared by the Canadian Immigration and Refugee Board there are approximately 10 million Ahmadis worldwide, of whom some 4 million live in Pakistan. There have been estimates which suggest that Ahmadis make up some 2.7% of Pakistan's population, though it is difficult to determine the actual size as Ahmadis generally declare themselves to be Muslims.[12d](p1) According to the US Department of State report for International Religious Freedom 2003, the most recent official census place the number of Ahmadis in the country to be 286,000, however religious minority groups believe that they are underrepresented in government census counts. The Ahmadi community itself claims a membership of approximately four million. They are mainly concentrated in the Punjab and Sindh provinces.[2e](p2)

6.71 According to reports prepared in 1991 and 1996 by the Canadian Immigration and Refugee Board Mirza Ghulam Ahmad Mirza Ghulam Ahmad (1835-1908) founded the Ahmadiyya, a religious sect that calls for the renewal of Islam, in Punjab in 1889. He announced that he was commanded by God to accept bai'at (homage or allegiance paid to a religious leader). He also claimed "under divine direction" that he was both the promised Mahdi (the rightly guided one) and the Promised Messiah in one person whose main function would be the renaissance of Islam.[12a](p1-3), [12d] (p 8)

6.72 According to a 1991 report prepared by the Canadian Immigration and Refugee Board the Koran describes Muhammad as the "seal of the prophets" and thus he is regarded as the last prophet in Islam. However Ghulam Ahmad interpreted this reference in the Koran as meaning that Mohammed was the last law-giving prophet, and he proclaimed himself to be a prophet without a scripture or book of his own but with a mission to rejuvenate Islam.[12a] (p3-4)

6.73 According to a 1991 report prepared by the Canadian Immigration and Refugee Board after Ghulam Ahmad's death in 1908, Nur al-Din was elected to succeed him, and after his death in 1914, Ghulam Ahmad's son Mahmud Ahmad was elected. The leadership has since remained within the founder's family, with Tahir Ahmad (a grandson) elected as Khalifatul Masih IV (fourth Successor of the Messiah) in 1982.[12a] (p 5-7)

Ahmadi Headquarters, Rabwah

6.74 According to a 1991 report prepared by the Canadian Immigration and Refugee Board Quadian became part of India after the 1947 Partition. Mahmud Ahmad, together with most of the Ahmadi residents of Quadian moved first to Lahore in Pakistan, then to a purpose built city 95 miles to the west, called Rabwah. The plan of

the city reflects Ahmadi religious beliefs. In addition to the two central mosques, each of the sixteen quarters has a mosque at its centre, in which according to Islamic tradition all religious, social and cultural activities are held [12a](p12)

Legislative Restrictions

6.75 According to the US Department of State International Religious Freedom Report 2003, "Under the Constitution, the Ahmadi community is defined as non-Muslim because Ahmadis do not believe that Mohammed was the last prophet of Islam; however, most Ahmadis consider themselves Muslims." [2e](p3)

6.76 According to the US Department of State International Religious Freedom report 2003, "Ahmadis suffer from societal harassment and discrimination." [2e](p13) As stated in the US Department of State report 2003, "The Ahmadis are subject to specific restrictions under law." [2d](p15) "The Government does not ban formally the public practice of the Ahmadi faith, but the practice is restricted severely by law... Certain sections of the Penal Code have caused problems for Ahmadis, particularly the provision that forbids Ahmadis from "directly or indirectly" posing as Muslims. Armed with this vague wording, mullahs have brought charges against Ahmadis for using the standard Muslim greeting form and naming their children Mohammed." [2e](p5)

6.77 Article 260 of the Constitution of Pakistan states that:

"(a) "Muslim" means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets, and does not believe in, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him); and

(b) "non- Muslim" means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani Group or the Lahori Group who call themselves 'Ahmadis' or by any other name or a Bahai, and a person belonging to any of the Scheduled Castes. " [3](p3)

Ordinance XX of 1984 provided for prison terms of up to three years and fines for Ahmadis who called themselves Muslims and used Islamic terminology or for preaching or propagating their faith.[4]

6.78 According to the US Department of State International Religious Freedom Report 2003, "In 1986 during the martial law period, another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling "the sacred name of the Holy Prophet Mohammed." In 1991 a court ruled invalid the option of life imprisonment for this offense." Also in 1991 section 295(a) of the Penal Code was amended to increase the maximum punishment for insulting the religion of any class of citizen from two years to 10 years. [2e](p5)

6.79 According to the US Department of State International Religious Freedom Report 2003, "The blasphemy laws were intended to protect both majority and minority faiths from discrimination and abuse; however, in practice these laws frequently are used by rivals and the authorities to threaten, punish, or intimidate religious minorities." The same report also states, "Blasphemy laws often target members of the Ahmadi community. According to Ahmadi sources, 89 Ahmadis were charged formally in criminal cases on a "religious basis" (including blasphemy) in 2002, compared to 70 cases in 2001 and 166 cases in 2000." [2e](p9)

6.80 According to a 1996 report by the US Bureau of Democracy, "According to available information the enforcement of Ordinance XX has been uneven and in many cases has been the result of group pressure (i.e., fundamentalist Muslim clerics) on police authorities, particularly in rural areas, or personal bigotry on the part of the police. While there are credible reports that some Ahmadis have been denied equal protection of the laws (e.g. police indifference to or connivance with harassment of Ahmadis by fundamentalists in Muslim areas). A number of Ahmadis occupy important positions in Pakistani society, particularly in business and the in the professions. Nonetheless popular prejudices against Ahmadis, centering on the widespread belief amongst Pakistani Muslims that Ahmadis are not really true Muslims has increased over the last few years." [13](p4)

See section 6.69 for specific information on Ahmadi voting rights

6.81 According to Human Rights Watch in a letter to General Musharraf dated 10 October 2003, "Information provided by the Ahmadi community and authenticated by HRW indicates that during 2002-3 at least ten Ahmadis were charged under various provisions of the Blasphemy Law." Two were charged with "preaching" and a case was registered against Abdul Nasir and three others for distributing "objectionable literature."... "Four Ahmadis were accused of preparing to build a place of worship. (Ahmadis can be charged under the Blasphemy Law for using the term "mosque" to describe their places of worship.) In 2002 at least three members of the Ahmadi community were convicted under the blasphemy law. One was subsequently acquitted on appeal. However Nasir Ahmed and Allah Rakhio were awarded life imprisonment by an Anti-Terrorist court on charges of "desecrating the Quran" and "demolishing mosque." [21e]

Passport Declaration

6.82 According to the US Department of State International Religious Freedom Report 2003, "The Government designates religion on citizens' passports. To obtain a passport, citizens must declare whether they are Muslim or non-Muslim; Muslims also must affirm that they accept the unqualified finality of the Prophethood of Mohammed, declare that Ahmadis are non-Muslims, and specifically denounce the founder of the Ahmadi movement." [2e](p5)

6.83 According to a Canadian IRB report, updated 1994, there are conflicting reports about the consequences of this requirement. There have been claims that an Ahmadi who signs the passport declaration may be charged with making a false statement by

claiming to be a Muslim. In turn if an Ahmadi ticks the box for religious minorities, he may be ostracised by the Ahmadi community for declaring himself to be a non-Muslim.^[126]

6.84 Most Ahmadis indicate that they are Muslims, signing the passport declaration because they do not want to draw attention to their Ahmadi faith, and also not considering the passport declaration to be religiously binding. These Ahmadis are neither ostracised by the Ahmadi community nor charged with falsely declaring themselves to be Muslims. There is however an alternative view that Ahmadis sign the passport declaration because they regard themselves to be true Muslims. ^[3]

Bai'at

6.85 According to information supplied by the Ahmadiyya Muslim Association UK in 1998 Bai'at is an oath of allegiance, a pledge made by a person who is not an Ahmadi by birth to fulfil certain conditions and abide by the doctrines of Islam. A person born of Ahmadi parents is considered to be an Ahmadi by birth. That person is not required to go through bai'at - unless there has been a change in the Supreme Head of the community in which case all Ahmadis perform bai'at, thus renewing their allegiance to the new Head. Furthermore, there is no objection for an Ahmadi by birth to perform bai'at (however, he or she will not be issued with a Certificate of Bai'at).^[18a]

Current Situation

6.86 The USSD report 2003 states that "Ahmadis suffer from various restrictions of religious freedom and widespread societal discrimination, including violation of their places of worship, being barred from burial in Muslim graveyards, limits on freedom of religion, speech, and assembly, and restrictions on their press. Several Ahmadi mosques remained closed. Ahmadis have been prohibited from holding conferences or gatherings. Ahmadis are prohibited from taking part in the Hajj (the annual Muslim pilgrimage to Mecca). Some popular newspapers publish anti-Ahmadi "conspiracy" stories, which contribute to anti-Ahmadi sentiments in society". ^{[2d](p17)}

6.87 According to the US Department of State International Religious Freedom Report 2003, " Ahmadi individuals and institutions long have been victims of religious violence, much of which is instigated by organized religious extremists. Ahmadi leaders charge that militant Sunni mullahs and their followers sometimes stage marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of between 100 and 200 persons, the mullahs reportedly denounce Ahmadis and their founder, a situation that sometimes leads to violence. The Ahmadis claim that police generally are present during these marches but do not intervene to prevent trouble. In August 2001, a mob destroyed an Ahmadi mosque in Sheikhpura; authorities did not stop the violence and later arrested 28 Ahmadis in connection with civil disorder. The Ahmadis were quickly released, but there have been no steps to prosecute the real offenders or compensate for the loss of the mosque.^{[2e](p12)}

6.88 According to the US Department of State International Religious Freedom Report 2003, " Ahmadis suffer from societal harassment and discrimination. Even the rumor

that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Most Ahmadis are home-schooled or go to private Ahmadi-run schools. Those Ahmadi students in public schools often are subject to abuse by their non-Ahmadi classmates. The quality of teachers assigned to predominately Ahmadi schools by the Government reportedly is poor. In late May 2002, in response to a question from Islamic clerics, President Musharraf denounced Ahmadis as "non-Muslims." [2e] (p13)

6.89 The US Department of State International Religious Freedom Report 2003 (issued October 2003) stated, "Several Ahmadis were killed during the period covered by this report [2003]. On February 25 [2003], Mian Iqbal Ahmed, a lawyer and District President, was killed at his home in Rajanpur by unknown gunmen. On September 1, 2002, Maqsood Ahmed was killed in Faisalabad. Dr. Rashid Ahmed, a medical doctor, was killed at his clinic in Rahim Yar Khan on November 9, 2002. Abdul Waheed was killed on November 14, 2002, in Faisalabad. All of these killings appeared to have been motivated by anti-Ahmadi sentiment." [2e] (p 12)

6.90 The USSD 2003 reports that "In 2002, the Government announced the restoration of a voter registration form that singled out Ahmadis by requiring them to swear they believe in the "finality of Mohammed's prophethood". The Government and anti-Ahmadi religious groups have used this provision extensively to harass Ahmadis". [2d] (p16-17)

Lahori Ahmadis

6.91 According to a Canadian Immigration and Refugee Board report in 1991, internal conflict began to surface during Nur al-Din's khalifat, but the final split occurred over the election of Mahmud Ahmad as Khalifatul Masih II, following Nur al-Din's death in 1914. Leading members of the movement, Muhammad Ali and Kamal ud-Din, left with their followers for Lahore where they established the Ahmadiyya Anjuman Ishaate Islam (Ahmadiyya Association for the Propagation of Islam), with Muhammad Ali as its head. They have since become known as the Lahori Branch and number only approximately 1,000 adherents (while the Ahmadis who follow Ghulam Ahmad's teachings are referred to as the Qadiani Branch), though they refer to themselves as Ahmadis. [12a] (p7-9)

6.92 The same report states that this major doctrinal split between the Lahoris and the Qadianis revolved around Ghulam Ahmad's claim to prophet-hood. The Lahoris' belief in his prophet-hood was increasingly abandoned until his religious status was likened to that of a partial prophet and mujaddid, who had been sent in the fourteenth century of the Islamic calendar to renew Islam. By denying full prophet-hood to Ghulam Ahmad, Lahoris reject another Ahmadi injunction, which stipulates that an Ahmadi is permitted to pray only under the leadership of Ahmadi Imams. [12a] (p 7-9)

6.93 The Canadian Report further states that unlike Qadianis, Lahoris do not prevent their women from marrying non-Ahmadi Muslims. They do however agree with the Qadianis that jihad should not be understood as war-like, but as a spiritual struggle to establish the truth of Islam. They insist that no Muslim can be called kafir (infidel), thus rejecting Ghulam Ahmad's declaration that all non-Ahmadis are kafirs. [12a] (p 8-9)

Khatme Nabuwwat

6.94 According to a Canadian Refugee and Immigration Board 1994 report during British rule the Majlis Tahaffuz Khatme Nabuwwat (Committee to Secure the Finality of Prophethood) was founded under the name Majlis-e-Ahrar. Originally a small Muslim political party, it was opposed to the creation of an independent Islamic state. In the 1970s the group changed its name, apparently to attract orthodox Muslims, and is now commonly known as the Khatme Nabuwwat. [12b] (p 8-9)

6.95 The same report states that mullahs within the organisation have in the past called for the banning of Koranic expressions in Ahmadi places of worship and have reportedly collaborated in the destruction of Ahmadi mosques. The organisation has also gone as far as calling for the banning of the Ahmadi movement and the death of its members. There have been reports that the movement had Saudi Arabian support and expanded its activities beyond Pakistan - notably to the UK [12b] (p 9) According to a 1999 report of the 5th UNHCR Country of Origin Information workshop the organisation is banned in the UK due to its radicalism. The organisation now directs most of its activities from Germany, such as the distribution of leaflets all over Europe telling expatriate Pakistanis and other Muslims that it is their duty to kill Ahmadis. In Pakistan the Khatme Nabuwwat has some very prominent members - including ex-President Rafiq Tarar and National Security Council member Dr Mahmood Ahmad Ghazi. [20b] (p25)

6.96 Following research in February 2001 the Research Directorate of the Canadian Immigration and Refugee Board could find no information on whether the Khatme Nabuwwat makes death threats to Ahmadis or circulates a "hit list" of Ahmadis. However according to information dated 1998 on its own website the organisation has over 40 active offices in Pakistan and elsewhere. [12b] (p1)

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Christians

Introduction

6.97 According to the US Department of State International Religious Freedom report for 2003, "According to the most recent census, taken in 1998, an estimated 1.69 percent are Christian...Official and private estimates of their numbers can differ significantly. The most recent official census estimates place the number of Christians at 2.09 million." However the community itself claims membership of approximately 4 million. More than 90 per cent of the country's Christians live in Punjab, making them the largest religious minority in the province, approximately 60 percent of Punjab's Christians live in rural villages. [2a] (p2) According to correspondence from FCO (1994) one category of Christians are the Goan migrants who are entirely Roman Catholic, live in and around Karachi, are generally well educated, fluent in English and are often members of the professions. The remainder are descendants of low caste Hindus who were converted by western Protestant missionaries. Among these are teachers and nurses and those who work in factories and service industries, but the majority are poorly educated and earn a meagre living. Christians are present in all main urban areas, but they are mainly concentrated in Punjab. [9a]

6.98 According to a UNHCR country of origin workshop report 1999, the situation of Christians is less dramatic than that of the Ahmadis. Although they may face difficulties and resistance from local mullahs and blasphemy charges, the authorities are nonetheless willing and usually able to protect them from harassment, violence and intimidation. Some attacks however have not been prevented and Christians still face many legal and social restrictions.^{[200](p26)} According to the US Department of State report 2003, discrimination in employment is believed to be common and many Christian parents express difficulty in gaining their children admission to government schools and colleges. Christians have difficulty finding jobs other than those of menial labour, although Christian activists say that the employment situation has improved somewhat in the private sector. They also find themselves disproportionately over represented in Pakistan's most oppressed social group - bonded labourers. Fears were also expressed of forced marriages between Muslim men and Christian women, although this is a relatively rare occurrence. Violent reprisals against converts to Christianity also occur. The USSD report 2003 states that "Violent reprisals against suspected converts to Christianity occur, and a general atmosphere of religious intolerance has led to acts of violence against religious minorities."^{[2d](p17-p18)}

6.99 According to the US Department of State report on religious freedom 2003, "While many Christians belong to the poorest socio-economic groups, this may be due more to ethnic and social factors than to religion. These factors also may account for a substantial measure of the discrimination that poor Christians face. Many poor Christians remain in the professions of their low caste Hindu ancestors (most of whom were 'untouchables'). Their position in society, though somewhat better today than in the past, does not reflect major progress despite more than 100 years of consistent missionary aid and development."^{[2e](p13)}

6.100 According to a UNHCR report 1996, The government does not interfere in the practice of Christian worship. Some Christians nonetheless complain that they have been harassed by extremist Muslim groups who assert that proselytisation defames the Prophet Mohammed.^{[13](p5)} There is no law that makes conversion from Islam to Christianity a cognisable offence. However, those that do convert may encounter problems from some elements of society who do not accept the practice. According to an Asian Human Rights Commission publication 1999, one such convert was subsequently implicated in false blasphemy charges in 1991, was denied bail and died of poisoning in jail.^{[30](p7)}

6.101 According to a UNHCR report 1996, Section 295(c) of the Penal Code, which stipulates the death penalty upon conviction of having blasphemed the Prophet Mohammed, has been used to bring blasphemy charges against Christians as well as Ahmadis.^{[13](p5)}

6.102 According to a Canadian IRB question and answer series 1997, on 6 February 1997 in Khanewal and the nearby village of Shantinagar in Punjab, Muslim mobs burnt down twelve Christian churches, injured 50 people and destroyed more than 250 houses, 80 shops and a school. This occurred after a rumour was broadcast on mosque loudspeakers that Christians had desecrated pages of the Koran. In August 1997 it was reported that the federal government had paid approximately US \$735,000

for repairs to damaged churches and buildings in Khanewal and Shantinagar, and also compensation to victims for the violence against Christians in the February 1997 disturbances.[12g] (p14)

6.103 According to a UN report 1998, On 6 May 1998 John Joseph, a Roman Catholic bishop and prominent human rights defender, [71] (p2) shot himself dead in front of a tribunal at Sahiwal, near Faisalabad. The Bishop had committed suicide in protest against the blasphemy laws, especially section 295(c) of the Pakistan Penal Code, under which Ayub Masih, according to a UNHCR background paper dated 1998 [20a] (p23) had been incarcerated in solitary confinement since 14 October 1996 and sentenced to death on 27 April 1998, as noted in a UN report 1998 [7] (p2) The sentence was for allegedly speaking favourably about Salman Rushdie [20a] (p23) According to the US Department of State report for religious Freedom 2003, "On August 15, 2002, the Supreme Court dismissed blasphemy charges filed against Ayub Masih in 1996, stating the charges stemmed from a land dispute between Masih's family and their Muslim neighbors. Masih had been sentenced to death in 1998 and spent 4 years in solitary confinement on death row." [2e] (p19) As reported by BBC on 15 August 2002, in August 2002 the Supreme Court overturned the conviction of Ayub Masih and ordered his immediate release. [35b2]

Current Situation

6.104 According to the USSD report 2003 "Governmental and societal discrimination against religious minorities, particularly Christians and Ahmadis, remained a problem" [2d] (p2) According to the US Department of State report 2003, "Sectarian violence between members of different religious groups received national attention during the year and continued to be a serious problem. Christians, Ahmadis and other religious minorities often were the targets of such violence." [2d] (p17)

6.105 The USSD report 2003 further states that "Christians have been victims of violence. For e.g. in July a Roman Catholic Priest, Father George Ibrahim, was killed by unknown persons in an attack on a Church in Okara District. During the year, police arrested an Islamic militant leader in connection with two attacks in 2002 on Christians in which 11 persons were killed; however in most cases, there were no arrests in connection with past sectarian killings. Numerous such killings remain unresolved" [2d] (p17) According to a BBC news report dated 24 April 2003, in April 2003, the Church of Scotland withdrew its entire missionary presence in Pakistan due to fears of repeated terrorist attacks. [35d]

6.106 According to the US State Department report for 2001, in May 2000 five masked men stopped a factory bus in Ferozwala on which female factory employees were traveling and raped six to eight Christian girls who were passengers; the assailants reportedly spared the two Muslim passengers on the bus. Initially police officials urged the girls to report that they were robbed, and not raped. Following NGO-derived pressure however the cases were registered as rape cases. Three suspects were charged under the Hudood Ordinances. [2b] (p36) According to an Amnesty report dated 2001, there have been observations that the police sought to mediate between the victims and the culprits, regarding an offer of compensation if the charges were dropped. Amnesty International nonetheless reported that the victims appeared set to pursue the matter to the end. [4f] (p15)

6.107 According to the US State Department report for 2001, on 12 March 2000 assailants broke into the Lourdes Convent and attacked Sister Christine, a 78-year-old nun who died in a nearby hospital a few days later. According to the Christian Liberation Front (CLF) the perpetrators of the attack were Muslims who had previously accused Sister Christine of proselytizing. Police officials did not arrest anyone in connection with this attack. [2b](p36)

6.108 According to a BBC news item dated 6 August 2002, on 5 August 2002 at least six people were killed when four gunmen entered the Murree Christian School which is about 70 kilometres north-east of Islamabad. The school has mainly foreign staff and students and it appeared that the attack was aimed at Western interests rather than the Christian minority in Pakistan. [35b4] IRIN reported on 12 August 2002, on 9 August 2002 a missionary hospital in the town of Taxila was the subject of a grenade attack. At least four people were killed and 23 wounded. [41g] According to BBC news dated 14 August 2002, later in the month a number of supporters of banned militant groups Jaish-e-Mohammad and Lashkar-e-Jhangvi, suspected of involvement in the Murree and Taxila, attacks were arrested by police in Punjab. In a speech President Musharraf condemned Islamic militants in the country and called the recent attacks on foreigners and Christians despicable and shameful. He said Pakistan's authorities had a long-term strategy to deal with militant groups. [35b4]

6.109 According to an IRIN news item dated 25 September 2002, and a Dawn news item dated 26 September 2002, on 25 September 2002 a further attack on Christians in Karachi was reported. Gunmen entered the premises of the Church of Pakistan funded Idara-e-Aman-o-Insaf (Committee for Justice and Peace) and shot dead six Pakistani Christians. A seventh died later in hospital and in addition four others were wounded. The attack followed increased security for Christians following local and international pressure. [41i][33a4] According to a BBC news item dated 29 September 2002, a few days later it was reported that tens of thousands of Christians gathered outside a Karachi cathedral to demand better protection for their community. Although police in Karachi had arrested dozens of alleged Muslim extremists in connection with the recent attacks on Christian targets they said that there was no evidence that Islamic militants were responsible for the most recent attack. [35c0]

6.110 According to a BBC news report dated 23 July 2002, four people were arrested in connection with an attack on a Christian Church in October 2001, in which 18 people died. "Unidentified masked gunmen on motorcycles opened fire indiscriminately on worshippers in the church." The attack took place at St Dominic's church in Bhawalpur. As reported by BBC news on 23 July 2002, in July 2002 four people allegedly involved in the attack were arrested, two of those arrested were reported to be members of the banned Sunni organisation Lashkar-e-Jhangvi. [35ca] As reported in Dawn on 18 March 2002, on 17 March 2002 five people were killed and 40 injured in a grenade attack on the Protestant International Church in the diplomatic enclave in Islamabad. The worshippers included the families of diplomats and those killed included two Americans, two Pakistanis and an Afghan. [33j] BBC news reported on 28 March 2002, later in March some 30 people were detained in connection with the attack following overnight raids in Faisalabad. [35an]

6.111 BBC news reported on 7 September 2002, in July 2002 Bishop Samuel

Azariah of the Roman Catholic Church of Pakistan called for the repeal of the death sentence for blasphemy, after Anwar Kenneth, a Pakistani Christian, was sentenced to hang for claiming to be Jesus Christ. His sentence has to be ratified by a higher court and there is no instance of a court upholding the death sentence for blasphemy and carrying it out. [35eb]

6.112 According to the US Department of State report for International Religious Freedom 2003, "Two Christian brothers, Salim and Rashid Maseeh, who had been convicted of blasphemy and sentenced to 35 years' imprisonment in May 2000 by a lower court in Punjab, were acquitted by the Lahore High Court on March 19 and released from jail." [2e](p10)

6.113 According to the Times of India dated 7 January 2004, reported that on 5 January 2004, gunmen shot and killed a Christian clergyman at a railway station in a central city of Pakistan. No-one claimed responsibility with no indication of who the killers were. [69]

6.114 Keesings reported in January 2004 that a car bomb exploded on 15 January 2004 near Holy Trinity church in Karachi, injuring at least 16 people and damaging 18 vehicles. No group claimed responsibility. It was the first attack on Pakistan's Christian minority since December 2002. [24j] According to BBC news article dated 15 January 2004, police received a warning that a bible society near the church would be targeted. No one has claimed responsibility for the attack. In 2002, six attacks on Christian targets left more than 40 people dead, the most brutal being at a Christian society Karachi where 7 people were tied up and shot. [35en]

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Shia and Sunni Muslims - Historical theological differences

6.115 According to World Directory of Minorities, Sunni Muslims regard the Koran (supplemented by the traditions or '*Sunna*' of Mohammed) as the sole source of faith. A Priesthood is not considered necessary to mediate the faith to believers, as the aforementioned interpretation is considered universal and infallible, belonging to the community as a whole. Interpretation of the Koran and Sunna has nonetheless been carried out by jurists and theologians historically. Sunnis consider community consensus based on the Koran and Sunna to be infallible and binding, and that following Mohammed's death in 632 the responsibility of 'Caliph' (or caretaker) for the community passed to members of specific Middle Eastern dynasties. [77](p331)

6.116 World Directory of Minorities states that the fundamental split in Islam occurred shortly after Mohammed's death, when a party (or *Shia*) claimed that Mohammed's cousin (and son-in-law) Ali should immediately have been appointed Caliph. Ali was not appointed Caliph until 656 - the fourth after Mohammed's death - and was subsequently killed in 661 during a struggle within the Muslim community. Shia supporters of Ali remained fervently devoted to their cause, and Ali's younger son Hussein tried to contest Umayyad (the ruling dynasty) supremacy. Hussein and his small party were massacred near Karbala in Southern Iraq in 680, and his death became a powerful symbol of martyrdom and suffering for the Shia community. The Shia placed belief in a succession of imams, whose essential qualification was descent

from Ali. The imams were interpreted as infallible in the interpretation of law and doctrine, and for whom Shias have an almost mystical devotion.[37](p331-332) According to Financial Times, 13 April 2000, every year Shias commemorate the massacre of Imam Hussain.[31b]

Pakistan's Shias

6.117 According to the World Factbook 2002, while the majority of the Muslim population belongs to the Sunni sect, some 20% are Shia.[34] (p4) Shias are generally protected by the government [20b] and are well integrated into Pakistani society, but there have been outbreaks of violence between the two sects, according to a UNHCR report 1997.[13] (p4) As reported by CNN on 4 July 2000, most Sunni Muslims live peacefully with Shia Muslims. However, militants belonging to small but heavily armed sects carry out attacks on each other's places of worship.[32c] A UNHCR report 1997 states that violence also often erupts over perceived slights that individual Shias and Sunnis believe they have experienced from members of the other group.[13](p4)

6.118 According to UNHCR 1997, both Shias and Sunnis have their own social, political and cultural organisations; some of which have been involved in attacks on individuals of the other religious persuasion. Pre-emptive action has been taken by the Pakistani authorities on occasion to detain leaders of one group who they believed were contemplating violent action against members of the other group. The Pakistani Government has been quick to respond to outbursts of sectarian violence, although their action has not effectively curtailed sectarian murders.[13](p4-5)

6.119 According to UNHCR 1997 and South Asia Terrorist Portal accessed 13 September 2002, Shias are not systematically discriminated against by other elements in Pakistani society. They are not an economically disadvantaged group. They are found in all of the professions, in government and in the army. Where Shias have been the targets of Sunni violence, the perpetrators are generally members of extremist Sunni organisations such as Sipah-i-Sahaba-i-Pakistan. This group has been linked to bombings of Shia mosques and gunfire directed at its opponents. The military wing of the Sipah-i-Sahaba is the Lashkar-e-Jhangvi, which is accused of murder, looting and robbery.[13](p5)(49b)

6.120 As reported in the Guardian newspaper on 5 January 1999, at least seventeen people were killed, including three children, and several others wounded after gunmen opened fire on 4 January 1999 on a Shia mosque at Karam Dad Qureshi - a village twenty miles east of Multan, Punjab. The police said that the attack was part of the continuing sectarian violence between militant factions from the Sunni and Shia communities. No group claimed responsibility, and the Sunni extremist group Sipah-i-Sahaba-i-Pakistan denied any involvement.[28a]

6.121 According to the US Department of State report 2001, on 1 March 2001 sectarian rioting in Hangu a small city in NorthWest Frontier Province resulted in ten deaths. Prior to the rioting the Sunni militant group SSP had arranged prayer gatherings throughout the province and SSP activists reportedly left a gathering proceeded to the main shopping area and shot and killed three Shia shopkeepers and a Sunni bystander. On 4 March 2001 12 to 16 people were killed when four men

opened fire in a Shia mosque in Sheikhupura. [2b] As reported by Dawn newspaper on 13 January 2002, SSP was one of the groups banned by General Musharraf. [33c]

6.122 According to a BBC news report dated 26 April 2002, in April 2002 at least 12 women and children were killed and more than 20 injured in a bomb attack during a religious ceremony at a Shia mosque in Bakkar in Punjab province. The device had been planted inside the women's enclosure in the first example of women and children being specifically targeted. Subsequently rioting was reported in the town and a protest rally was held in Islamabad. [35cc] As reported by BBC news on 23 August 2002, in August 2002 police reported the arrest of two members of the militant Sunni group LeJ in connection with this attack. [35ch]

6.123 According to the USSD Report 2003 "The worst religious violence was directed against the country's Shi'a minority, who continued disproportionately to be victims of individual and mass killings. Despite the Government's ban on groups involved in sectarian killings, violence between rival Sunni and Shi'a Muslim groups continued during the year. Many of the victims were Shi'a professionals- doctors and lawyers - who were not politically active or involved with sectarian groups. During the year, at least 100 cases of sectarian violence occurred in the country, most carried out by unidentified gunmen. [2d] [p17]

6.124 According to the US Department of State report 2003, "Several incidents of sectarian violence between Shia and Sunni Muslims typically occur during Muharram, the time when Shia Muslims mourn the death of the Prophet Mohammad's nephew Ali and Ali's son Hussain." [2d] [p17] According to the US Department of State report on Religious Freedom 2003, "Following a wave of sectarian killings between Sunni and Shi'a Muslims (see Section III), the Government arrested between 150 and 250 alleged Sunni and Shi'a militants in Karachi in early 2002. Government officials stated that the arrests and a public call for religious leaders to enforce a code of conduct resulted in a reduction of such killings during the traditionally violent period of Muharram. Shortly after the killing of Shi'as at a mosque in Karachi in February [2003], the Government ordered all places of worship protected. At the time of some religious holidays during this reporting period, the regular army was deployed in sensitive areas to help maintain public order." [2e] [p11]

6.125 BBC news reported on 3 March 2003 that a curfew was in place in Quetta following the suicide bombing and shooting during the Shia Annual festival of Ashura on 2 March 2003. No group claimed responsibility, but Shia leaders suspect Sunni extremists possibly from the outlawed Lashkar-e-Jhangvi group. Home businesses and a mosque used by Sunni Muslims were torched by rioters in retaliation. Another two people died in a shooting incident during a Shia procession in Punjab province. Forty more were injured following clashes between Shias and Sunnis in the town of Phalia. [35ei]

6.126 BBC news reported on 4 July 2003, eleven Shia police cadets were shot dead by motorcycle gunmen on 11 June 2003 in Quetta, capital of Balochistan province. Shias in the city blamed Sunni extremist groups for the attack. [35ei]

6.127 As reported by BBC news on 3 October 2003, in July 2003 fifty Shia worshippers were killed in a mosque in the north-western city of Quetta. Lashkar-e-jhangvi said three of its suicide attackers were responsible.[354d] General Musharraf was swift to condemn the mosque attack, according to a BBC news article dated 4 July 2003.[354d]

6.128 As reported by BBC news on 3 October 2003, on 3 October 2003 gunmen opened fire on a bus carrying about 20 Shia Muslim worshippers to Friday afternoon prayers, killing seven and wounding seven. The bus had been carrying both Sunnis and Shias but the raid occurred after the Sunnis had been dropped off at their mosque. The worshippers were employees of a defense department research body called the Space and Upper Atmospheric Research Organisation.[354d]

6.129 As reported by BBC news on 7 October 2003, rioting broke out in Islamabad by religious students on 7 October 2003 following the funeral of a Sunni militant leader who was murdered on 6 October 2003. Maulana Azam Tariq was among five people killed when the vehicle they were travelling in was attacked by gunmen on the outskirts of the capital. He was head of the militant group Sipah-e-Sahaba. No group has claimed responsibility for the attack. The government ordered an enquiry into the shooting. [354e]

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Freedom of Assembly and Association

6.130 According to the US Department of State report 2003, "The Constitution provides for freedom 'to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order'. However, the [Government] imposed significant restrictions on this right in practice. Rallies and processions on streets roads, and railway stations remained generally prohibited, and provincial and district administrations were given authority to determine the time and place of meeting. Ahmadis have been prohibited from holding any conferences or gatherings since 1984. Throughout the year [2003], the Government occasionally interfered with opposition rallies, which were held by an alliance of political parties. In 2000, the Musharraf Government enacted an ordinance banning all public political gatherings, processions, and strikes held outdoors. The ban was enforced unevenly." [2d](p14-15)

6.131 As reported by BBC news on 7 September 2002, in September 2002 the Government relaxed restrictions on political meetings prior to the October elections, but rallies on main roads and at railway stations remain banned. [354d] HRW reported on 9 October 2002, that the lifting of the restrictions so close to the election left political parties with little opportunity to mount effective campaigns. In addition significant restrictions on the site of political meetings were maintained. Rallies and processions on streets, roads, and railway stations remained prohibited, with provincial and district administrations given the authority to determine the time and place of meetings. [21c] According to US State Department report 2003, the ban was enforced unevenly. [2d](p14)

6.132 According to the US Department of State report 2003, "District mayors occasionally exercised their power under the Criminal Procedures Code to ban

meetings of more than four persons where demonstrations seemed likely to result in violence. During the year [2003] police made preventative arrests of political party organisers prior to announced demonstrations, for example, in July, the district government denied a permit to hold a public meeting in Lahore. After the opposition parties threatened to disrupt a pro-government party's meeting, the Government allowed the rally to occur. The Government generally allowed all Islamist parties to hold rallies and campaign; and, during the year, the government granted rally permits to secular parties.[24](p15)

6.133 The USSD report 2003 mentions that "The Government generally allowed all Islamist parties to hold rallies and campaign; and, during the year, the government granted rally permits to secular parties" [24](p15)

6.134 According to the US Department of State report 2003, "The authorities sometimes prevented leaders of religious political parties from travelling to certain areas if they believed their presence would increase sectarian tensions or cause public violence." [24](p15)

6.135 The USSD report 2003 stated that "Unlike in previous years, there were no reports that the MQM was harassed in its regular political activities." [24](p15)

6.136 As reported by Dawn on 23 March 2001, in March 2001 the government decided not to ban Jihadi groups, instead choosing to regulate them through a 'code of conduct'. The code would ask them not to raise funds in the name of Jihad.[33p] As reported by CNN on 3 October 2001, in October violent protests broke out following the U.S.-led air strikes on Afghanistan, resulting in deaths. In response President Musharraf stated that the government would not tolerate extremist activity. He outlined plans to deploy troops and instructed governors on how to deal with the protests. Musharraf insisted that the protesters were a vocal minority and were not representative of the people.[32p]

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Employment Rights

6.137 According to the US Department of State report 2003, "The Industrial Relations Ordinance (IRO) permits industrial workers to form trade unions subject to restrictions in some employment areas. However, the International Confederation of Free Trade Unions (ICFTU) reported that the IRO only covers companies that employ 50 or more persons, and that companies sometimes subdivided their workforces into artificial subsidiaries (while keeping them all on the same premises) to evade the IRO. The Essential Services Maintenance Act (ESMA) covers the state administration, government services and state enterprises, such as oil and gas production, electricity generation and transmission, the state owned airline, the national railroad, and ports. Workers in these sectors are allowed to form unions. However, the ESMA sharply restricts normal union activities, usually prohibiting, for example, the right to strike in affected organizations." ... [24](p27)

6.138 As noted in the US Department of State report 2003, "According to government estimates, union members make up approximately 10 percent of the industrial labor

force and 3 percent of the total estimated work force. Unions claimed that the number of union members was underestimated." [2d(p28)]

6.139 The US Department of State reported in 2003, "Legally required conciliation proceedings and cooling-off periods constrain the right to strike, as does the Government's authority to ban any strike which may cause "serious hardship to the community" or prejudice the national interest. The Government also may ban a strike that has continued for 30 days. The rare strikes that did occur were generally short and illegal. Police do not hesitate to crack down on worker demonstrations. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates criminal penalties for offenders. Under the Industrial Relations Ordinance of 2002, courts only may impose fines for violations of this provision; imprisonment no longer is permitted. The level of fines has been increased. The law does not protect leaders of illegal strikes. There were no strikes during the year, and some labor leaders attribute this to the ban on strikes by large unions, such as Pakistan Railways and Pakistan International Airways (PIA)." [2d](p28)

6.140 As noted in the US Department of State report 2003, "The Constitution and the law prohibit slavery, however in remote areas of rural Sindh, bonded agricultural labor and debt slavery have a long history."... "The Government has adopted laws and promulgated policies to protect children from exploitation in the workplace, however, enforcement of child labor was lax and child labour was a serious problem." [2d](p29)

6.141 The US Department of State report 2003 notes that, "The Government has undertaken joint projects with various international organizations to address the child labour problem. While results generally are positive, the numbers of children involved are only in the low thousands in total." [2d](p30)

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People Trafficking

6.142 The USSD reports that "The law prohibits trafficking in persons; however, trafficking in persons, especially in women, is a serious problem. The law prohibits the trafficking of women under age 21 into the country for sexual purposes or kidnapping. The Constitution prohibits slavery and forced labor. The Government has done little to stem the flow of women trafficked into the country or to help victims of trafficking. The Government does not provide direct assistance to victims but does provide legal assistance and funding for NGOs that assist victims" [2d](p31)

Freedom of Movement

Travel

6.143 According to the US Department of state report 2003, "The law provides for these rights; however, the Government limited them in practice. The Government at times prevented political party leaders and religious leaders from traveling to certain parts of the country (see Section 2.b.). Travel to Israel is prohibited by law. Government employees and students must obtain "no objection" certificates before traveling abroad, although this requirement rarely was enforced against students".

[2d] (p18)

6.144 According to the Government of Pakistan website accessed 24 April 2002, passports for those over 18 years of age can be obtained via district passport offices without the signature of another adult. Proof of identity is provided by two copies of the National Identity card which must be provided by both men and women applying for a passport.[44a]

See Passport declaration section 6.82- 6.84 for Ahmadis

6.145 According to the US Department of State report 2003, "Citizens regularly exercised the right to emigrate. However, an Exit Control List (ECL) which was made public but was revised constantly, was used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption, or other offences. According to the Government there were approximately 352 names on the ECL. No judicial action was required to add a name to the ECL, those named have the right to appeal to the Secretary of Interior, and if refused, to the Advocate General of the senior judiciary. In practice, courts have directed the Government to lift restrictions on some politicians on the ECL." [2d] (p18)

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Internal Relocation (Refuge within Pakistan)

6.146 According to a UNHCR Country of Origin report 1999, groups with a limited internal flight alternative are women and mixed (inter-religious and inter-caste) couples. Many flee from rural areas to the cities if their economic circumstances permit, but even there they may not be safe from their families or religious extremists. For Ahmadis and Christians (including converts) there is also a high likelihood that an internal flight alternative may also be ruled out. Political activists however usually do have the option of moving to another part of the country, unless they are of high prominence. [20b] (p28)

6 B Human Rights - Specific Groups

Ethnic Groups

Mohajirs

6.147 According to UNHCR Pakistan Profile 1993, Mohajirs were the Urdu-speaking Muslims who had migrated to Pakistan from north-central India in the years immediately following the creation of Pakistan in 1947. The term also applies to their descendants. The urbanised Mohajirs were instrumental in the movement to create Pakistan and continued to have a significant impact on the early political development of the new country. While Mohajirs dominated the government and political institutions, the armed forces remained under the control of native Punjabis.[3]

6.148 UNHCR Pakistan Profile 1993 state that, Mohajirs were successful in Sindh's trade, commerce and banking industries and became the country's leading capitalists

and industrialists in the early 1970s. This, together with government measures which had been designed to ease their settlement into Pakistan, alienated the region's other ethnic groups.^[3]

6.149 According to UNHCR Pakistan Profile 1993, as a result of the settlement of some 7 million Mohajirs, the province of Sindh experienced profound social and economic changes which created rivalry and clashes between the Mohajirs and the native Sindhis over political influence, employment opportunities and other questions involving socio-economic status.^[3]

Formation of MQM

6.150 As reported by Amnesty International in 1996, the All Pakistan Mohajir Student Organisation was founded in 1978^[4a] to counter the rising ethnic militancy of Sindhi students against the Mohajirs, according to UNHCR Pakistan Profile 1993.^[3] The Mohajir Qaumi Movement (MQM) was formed in March 1984^[3] through the union of Karachi University student groups, and began to dominate the political scene in urban Sindh after a huge rally on the Karachi University campus in August 1986, as noted by UNHCR Pakistan Profile 1993.^[3] It is a nationalist movement which seeks official recognition of Mohajirs as the fifth ethnic/national group of Pakistan (the others are Punjabis, Sindhis, Baluchis and Pathans), according to UNHCR Pakistan profile 1993.^[3]

6.151 According to Amnesty International Human rights crisis in Karachi 1996, "The earliest political organisation of Mohajirs, the All Pakistan Mohajir Student Organization founded in 1978 by Altaf Hussain, evolved in to the MQM in 1984. The MQM, led by Altaf Hussain, meanwhile consolidated its hold on the Mohajir community." (4a)(p3)

6.152 According to Amnesty International their report of 1996, the party won municipal elections in Karachi and Hyderabad in 1987, and repeated its success in national elections in 1988 and 1990.^{[4a](p3)} According to Amnesty International in a report Human rights crisis in Karachi 1996, the MQM formed part of the national coalition government headed by the PPP, which was in power between December 1988 and August 1990.^{[4a](p3)} However the MQM broke away in October 1989, alleging that the PPP had not kept its electoral promises to improve the situation for Mohajirs, according to a UNHCR report 1996.^[13] As reported by Amnesty International in 1996 it switched its support to the Islamic Democratic Alliance of Nawaz Sharif.^{[4a](p3)}

6.153 As noted by Amnesty International in a 1996 report, in the October 1990 elections, the MQM again emerged as the third strongest party in the country. It entered an alliance with the Pakistan Muslim League (Nawaz) both at the federal level and in Sindh.^{[4a](p3-4)} The party changed its name to the Muttahida Qaumi (National) Movement in July 1997, but kept the acronym MQM, as noted by the Canadian IRB in 1997.^{[12g)(piii)}

6.154 According to the US Department of State report 2003, the MQM can now be described as an urban Sindh-based political party that in the past demonstrated a willingness to use violence to further its aims. The movement continues to claim that

police specifically targeted its adherents for extra-judicial killings.^{[20](p3)} According to a UNHCR country of origin workshop report 1999, in the past MQM activists may have faced persecution by the authorities, although quite often they were prosecuted for violent attacks on political opponents or were under serious criminal charges. They have nonetheless usually had the opportunity to flee to other parts of the country and pass unrecognised. ^{[20b](p27)}

6.155 The US Department of State report 2003, reported that hundreds of MQM activists have been arrested over the last four years, and several dozen remained in custody at year's end; some of these activists were being held without charge. Two factions of the MQM split have been fighting each other for several years; according to observers, most of those arrested were picked up for violent crimes. The main wing of the MQM is now part of the ruling coalition in the national and Sindh provincial government; and those currently held in detention all appear to be violent persons from the minority wing of the party. According to MQM officials, police have arrested more than 700 MQM officials during the past 4 years. ^{[24](p8)}

Violence in Sindh

6.156 According to a UNHCR report 1993, during the late 1980s and early 1990s there was escalating crime and ethnic and political violence in Sindh. This included the MQM, which was frequently involved in confrontations with groups representing ethnic Sindhis. There was political violence between the MQM and the PPP, which reached a peak in early 1990. The Government responded with mass arrests, clean-up operations such as 'Operation Blue Fox' (also known as 'Operation Clean-up') launched in June 1992, and emergency legislative measures.^[3]

6.157 As noted by the Canadian IRB in a question and answer series 1996, the MQM alleged that it was being specifically targeted by the army operation. On 19 June 1992 police and army forces raided MQM offices in Karachi with the assistance of the dissident MQM Haqiqi group. The MQM faction under Altaf Hussain was regarded as a criminal organisation and this view was supported by the army's claims to have uncovered MQM torture cells and arms caches.^[12a] According to UNHCR Pakistan profile 1993, over the following months MQM (Altaf) activists were arrested and the top leadership went into exile. Altaf Hussain was already in the United Kingdom when "Operation Blue Fox" was launched. It is claimed that thousands of ordinary MQM supporters were subjected to arbitrary arrest and ill treatment.^{[3][12a]}

6.158 According to a UNHCR report 1996, the army withdrew from Sindh on 30 November 1994.^[13] In Karachi there were frequent killings in clashes between armed ethnic, sectarian and criminal groups, as well as vendetta killings between the two MQM factions while the security forces attempted to restore law and order. The Human Rights Commission of Pakistan, amongst others, expressed its concerns about the numbers of deaths in the custody of the police and other law enforcement personnel, and also about deliberate and arbitrary killings both by government agencies and militant groups. It is alleged that Prime Minister Benazir Bhutto authorised the police to use "ruthlessness" where necessary to eliminate lawlessness and that they failed to ensure adherence to lawful procedures.^[12a]

6.159 According to a UNHCR report 1996, in January 1995 the MQM (A) opened talks with the Sindh provincial government, who accepted two of the MQM's ten demands, including the ending of jail trials for imprisoned MQM members - trials would henceforth be held in open court.^[13] However the situation continued to deteriorate in 1995 with violent clashes between both MQM factions and government forces, and between various militant Shia and Sunni groups. Following an escalation of killings in February 1995 and the killing of two American staff at the US Consulate on 8 March 1995, the security forces began a crackdown and hundreds of suspected militants were arrested. Violence diminished but erupted again in May 1995. It is reported that government control effectively collapsed in many areas of Karachi.^[12e]

6.160 According to a UNHCR report 1996, in June 1995, 10,000 to 12,000 paramilitary Rangers and 1,500 Frontier Constabulary personnel were posted to Karachi to reinforce the city's police force, which had been hard hit by the militants' attacks on police stations and targeted killings of police personnel. On this occasion arrests were targeted instead of the earlier mass arrests. However there were later reports that mass round-ups and military style siege-and-search operations were still being used. There were also reports that the rangers and the police were involved in human rights abuses.^[12e]

6.161 According to a UNHCR report 1996, within weeks it was claimed that the inner circle of the MQM had been broken, key activists arrested and lines of communication shut down. The PPP government unleashed an anti-MQM propaganda campaign, alleging further discoveries of MQM torture chambers, execution sites and arms caches. Violence had declined by mid-August 1995 and the MQM entered into negotiations with the national government on 11 July 1995. The talks collapsed in late September without agreement on any issue. Nevertheless during early 1996 it was reported that the law and order situation was better than at any time during the previous two years.^[12e]

6.162 According to a Reuters report 18 May (year unspecified), following the Provincial elections of February 1997, the MQM allied itself with the PML (Nawaz) and the two parties formed a coalition government in the province. The Haqiqi faction failed to win a single seat. After a few months of peace there was an escalation of violence between the two MQM factions, resulting in a police crackdown.^[6a]

6.163 According to South China Morning post, 7 July 1997, nevertheless in May 1997 violence returned to Karachi with political and revenge killings, mostly involving battles between the MQM and the dissident Haqiqi faction. It was also claimed that scores of people had been murdered on suspicion of being police informers, allegedly by MQM militants who had emerged from hiding. This placed a strain on the Provincial government alliance between the MQM and the PML. An MQM leader denied that the party was involved in killings and accused the intelligence services of conspiring against the movement.^[5c]

6.164 South China Morning post reported on 30 June 1997, in June 1997, the Prime Minister set up a commission to investigate alleged extra-judicial killings of MQM activists by the police and security forces in Karachi under the government of Benazir

Bhutto. The commission was to be headed by a senior Supreme Court judge. The announcement came after a meeting of MQM leaders with the Prime Minister.^[35] Amnesty International reported in 1999, that the Senate Committee investigating the fate of 28 members of the MQM, who "disappeared" around 1995, submitted its report to the Senate in April 1998. In March of that year the Interior Minister had told the Committee that 30 MQM workers had been arrested and killed near Islamabad under the previous government. The Chief Justice of the Sindh High Court in April 1998 asked the Interior Ministry for clarification, but no further steps were known to have taken place.^{[41] (p.3)}

6.165 Reuters reported on 27 August 1998, following numerous threats to pull out of the coalition, the MQM resigned on 26 August 1998 from its 19-month alliance with the PML in Sindh. The MQM accused Nawaz Sharif and his provincial government of failing to honour an agreement on which basis the alliance was originally formed. The party also claimed that some 215 MQM activists have been killed since February 1997 without any trace of the killers, and that none of the party's jailed workers had been released. They also alleged that fake cases registered against them by the previous government had not been withdrawn. The MQM also accused the country's intelligence agencies and paramilitary forces of the extra-judicial killing of its activists and backing its opponents.^[42]

6.166 According to a Reuters report dated 16 December 1999, in December 1999 the military established talks with exiled MQM leader Altaf Hussain. It was reported that the new Musharraf military administration (following the coup of October 1999) was taking long-term measures to remove the sense of deprivation in Sindh, and MQM members there were also contacted. Matters such as the MQM's position, reservations, demands made during previous governments and cases made against them were reportedly discussed.^[43]

6.167 According to Dawn newspaper dated 25 March 2001, in March 2001 an anti-terrorism court acquitted a former MQM politician and three other party activists who were accused of murdering a policeman during an ambush in July 1999. The judge also acquitted six accused who had absconded and cited improper investigation on the part of the police.^[33] Dawn reported on 28 August 2001, in the same month five other leaders and workers of the MQM were also acquitted in a murder and arson case registered in 1994.^[33]

Current Situation

6.168 According to US Department of State report 2003, "Hundreds of MQM activists have been arrested over the last four years, and several dozen remained in custody at year's end; some of these activists were being held without charge. Two factions of the MQM split have been fighting each other for several years; according to observers, most of those arrested were picked up for violent crimes. The main wing of the MQM is now part of the ruling coalition in the national and Sindh provincial government; and those currently held in detention all appear to be violent persons from the minority wing of the party. According to MQM officials, police have arrested more than 700 MQM officials during the past 4 years." ^{[24] (p.8)}

6.169 According to the US Department of State report 2003, "In the intra-Mohajir violence in Karachi, victims sometimes first were held and tortured by opposing groups (or, as the Muttahida Quami Movement (MQM) - Altaf alleges, by security forces). Bodies of these victims, often mutilated, generally were dumped in the street soon after the victims were abducted; however, the incidence of such crimes decreased greatly during the year." [2d](p4)

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Women

Legal Provisions

Background

6.170 Section 25 of Chapter I Part II of the Constitution states that all citizens are equal before the law and are entitled to equal protection of the law. The section also states that there shall be no discrimination on the basis of sex alone. [46b]

6.171 Pakistan has signed and ratified the following international instruments:

Convention of the Political Rights of Women

Slavery Convention of 1926 as amended

Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. [15]

6.172 As stated in an Amnesty International report 1997, Pakistan also ratified the United Nations' Convention on the Elimination of All Forms of Discrimination against Women in March 1996. However, according to Amnesty International, reservations were inserted whereby nothing in the Convention which came into conflict with the Constitution or Sharia Law would apply. [4c](p1-2) Pakistan has also signed, but not ratified, the Convention on the Nationality of Married Women. [15]

6.173 As reported by Amnesty International in Pakistan: Insufficient protection of women April 2002, in April 2000 an amendment to the Citizenship Act of 1951 was promulgated which enabled women of Pakistani descent to claim Pakistan nationality for their children born to foreign husbands. Previously only children whose fathers were Pakistani nationals could have Pakistani nationality. Some inequalities still persist: foreign women can acquire Pakistani citizenship through marriage with Pakistani men, but Pakistani nationality is not extended to foreign husbands of Pakistani women. [4h](p8)

Discriminatory Legislation

6.174 According to Asian Development Bank, Country Briefing paper, Women in Pakistan July 2000, during the late 1970's a series of discriminatory laws were introduced as part of a process of Islamization. [50](p10) According to the USSD Report

2003 "All consensual extramarital sexual relations are considered violations of the Hudood Ordinances, and carry Hadd (Koranic) or Tazir (secular) punishments. Accordingly, if a woman cannot prove the absence of consent, there was a risk that she may be charged with a violation of the Hudood ordinances for fornication or adultery. The Hadd—or maximum punishment for this offense—was public flogging or stoning; however, for Hadd punishments to apply, especially stringent rules of evidence were followed. Hadd punishments were mandatory if evidentiary requirements were met; for sexual offenses, four adult male Muslims must witness the act or the alleged perpetrator must confess. For non-Muslims or in cases where all of the 4 male witnesses were not Muslim, the punishment was less severe. The testimony of four female witnesses, or that of the victim alone, was insufficient to impose Hadd punishments; therefore, even if a man rapes a woman in the presence of several women, he cannot be subjected to the Hadd punishment. If Hadd punishment requirements were not met, the accused may be sentenced to a lesser class of penalties (Tazir); in practice most rape cases were tried at this level. Under Tazir a rapist may be sentenced to up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there was no distinction between Muslim and non-Muslim offenders. According to AI, men accused of rape sometimes were acquitted and released, while their victims were held on adultery charges." [2d](p23)

6.175 According to Asian Development Bank, Country Briefing paper, Women in Pakistan July 2000, The Law of Evidence promulgated in 1984 denigrated women by reducing the value of the testimony of two women to equal one man in financial transactions." [50](p11) In a Human Rights Watch report dated 1999, in addition the code further states that in other matters the court "may" accept the testimony of one man or one woman. The inclusion of may whilst providing for the admissibility of women's evidence does not guarantee it will be admitted or given equal status to that of men. [21a](p2)

6.176 According to Asian Development Bank, Country Briefing paper, Women in Pakistan July 2000, acts of domestic violence are not explicitly prohibited by law but will mainly fall under the Qisas and Diyat Ordinance of 1990. These are Islamic criminal laws dealing with murder, attempted murder and the crime of causing bodily hurt. Police and judges have tended to treat domestic violence as private or family matters, and were reluctant to take action in such cases. [21a](p4) According to the US Department of State report 2003, "Thus, it was difficult for women to obtain relief from the justice system in cases of domestic violence." [2c](p22) According to Asian Development Bank, Country Briefing paper, Women in Pakistan July 2000, domestic cases coming before criminal courts may be punished by Qisas (retribution) or Diyat (compensation). The victim or heir has the right to determine whether to exact retribution or compensation or to pardon the accused. If the victim or heir waives retribution or compensation Tazir or discretionary punishment in the form of imprisonment can be applied. This is determined by judges who decide whether to punish and the extent of the punishment. [21a](p4) According to the US Department of State report 2003 and According to Asian Development Bank, Country Briefing paper, Women in Pakistan July 2000, these laws are particularly damaging when applied to domestic violence as Qisas and Diyat cannot be invoked where the victim is a direct lineal descendant of the perpetrator. [21a](p4) [2d](p22)

6.177 As stated in an Amnesty International report Pakistan Insufficient protection of women 2002, the Interior Minister, General (Rtrd.) Moinuddin Haider, admitted the discriminatory nature of some laws in Pakistan in October 2000, when he said that all discriminatory laws against women should be repealed or amended to remove discrimination against women. In November 2000 Chief Justice Saeed uz Zaman Siddiqui told a convention of women lawyers in Islamabad that the laws and procedures in Pakistan were in need of urgent reform to halt the discrimination against women and said the Pakistan Law Commission was currently engaged in this task.[41](p9)

6.178 However according to a BBC news article dated 31 March 2004, "A long-awaited bill on women's rights has been presented before Pakistan's National Assembly. ...It seeks to abolish laws discriminating against women, including the Islamic Hudood ordinance, which opponents say fails to separate rape from adultery." The bill was presented by an opposition MP from the PPP...An official commission set up by the government recommended that the Hudood ordinance should be repealed and President Pervez Musharraf backs the move." A woman from the governing party said that if successful they would have enough support to pass a new law giving equal rights to women."[35e1]

National Commission on the Status of Women

6.179 As stated in an Amnesty International report; Pakistan Insufficient protection of women 2002, a National Commission on the Status of Women was set up by Ordinance on 17 July 2000, constituted on 16 August 2000, and finally began work at the beginning of September 2000. The Commission does not have enforcement powers with regard to its recommendations or judicial powers to stop violations. The Commission was headed by the North West Frontier Province Minister for Women, Development, and Population Welfare, Dr Shaheen Sardar Ali, who stated many times that operational plans were being developed to curb violence against women, including honour killings, domestic violence and sexual harassment. Criticism has been levelled at the Commission due to its lack of authority for enforcement or implementation of its recommendations.[41](p9-9) According to Human Rights Watch report 2002, "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 by way of setting forth concrete recommendations." [215](p4) According to Dawn newspaper 17 May 2002, in May 2002 the Commission announced that it had set up a special committee to review the controversial Hudood Ordinance. Justice Majida Rizvi, who became the Chairperson from 8 March 2002, said that the Commission had completed a review of the Citizenship Act and made recommendations to remove discriminatory language.[33a-c]

Family Law

6.180 There is no uniform family law for all Pakistanis: for each religious community a separate set of laws apply. As noted in The Muslim Family Laws Ordinance 1961, the legislation which applies to Muslim citizens is the Muslim Family Law Ordinance, 1961.[51](p1)(23) As noted in the Dissolution of Muslim Marriages Act 1939, In addition to the Muslim Family Laws Ordinance of 1961, the Dissolution of Muslim Marriages Act 1929 lays down the grounds on which a woman may divorce her husband. The Muslim Family Law Ordinance of 1961 only applies to Muslim citizens of Pakistan; the

Dissolution of Muslim Marriages Act 1929 applies to all Muslims in Pakistan, whether or not they are citizens of Pakistan.[52](p1)(23) As stated in an Amnesty International report Pakistan Insufficient protection of women 2002, by law the minimum age for marriage is 16 for girls and 18 for boys.[44](p21) According to the USSD "Civil marriages do not exist, marriages were performed and registered according to one's religion".[2c](p12) However Amnesty International reported in 2002, that court marriages do take place, but inadequate records are kept of these.[44] According to a pamphlet Divorce Among Muslims in Pakistan (undated) Polygamy is permitted but the Muslim Family Law Ordinance places some constraints on this, requiring a husband to apply to the local Union Council for permission and notify his existing wife of additional wives. [23](p11-12) As stated in Emory Law School website, these requirements are backed up by penal sanctions for contracting a polygamous marriage without prior permission. [55a](p3) However according to Emory law school website, difficulties in enforcing the application process and a reluctance of the judiciary to apply the penalties have been reported.[55a]

6.181 According to the US Department of State report 2003, "Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of their rights, and often the laws were not observed. One NGO reported that legal literacy is constrained by the lack of laws printed in local languages. No action was taken on the 2002 judicial reforms which planned to publish laws in Urdu, which is understood by the majority of citizens.[2d](p25)

6.182 According to a BBC news report dated 19 December 2003, "Pakistan's Supreme Court has declared that adult Muslim women can marry anyone of their free will. The ruling overturns an earlier verdict by a high court that described such a marriage without the permission of a father or brother as invalid...The controversy over the right of a woman to marry someone of her choice started when, in 1997, the Lahore High Court re-opened an issue already settled by the country's Islamic Sharia court. In 1991 the Federal Sharia court declared that a Muslim adult woman was well within her right to marry of her free will, with or without the consent of her father or guardian, known in the Islamic laws as Wali. However, the Lahore high court, in two separate decisions in 1997, declared that unless a woman had the permission of the Wali, her marriage would be invalid. As the affected couples challenged the decision in the Supreme Court, a human rights campaigner, Asma Jahangir, argued that the Lahore court's verdict virtually gave license to the police to arrest couples on false charges." The high court decision was overturned and it was declared that an adult Muslim woman does not require the permission of a Wali and was allowed to marry of her free will. The move has been welcomed by human rights groups in the country, who say the decision will go a long way towards giving women their due rights.[35e9]

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The Position of Women In Society

Background

6.183 The USSD report 2003 states that "Significant barriers to the advancement of women begin at birth. In general female children are less valued and cared for than male children".[2d](p24) According to Asian Development Bank, Country Briefing paper,

Women in Pakistan July 2000, it is estimated that 60% of the population is illiterate and that women form 60% of the illiterate population.^{[50](p2)} Figures for 1998 indicate a female literacy rate of 32.6% compared to 56.5% for males.^{[50](p3)} The USSD report 2003, notes that "In some areas of rural Sindh and Baluchistan female literacy rates are 2% or less".^{[24](p25)} The USSD states further "Although a small number of women study and teach in universities, postgraduate employment opportunities for women remain largely limited to teaching, medical services and the law. However an increasing number of women are entering the commercial and public sectors".^{[24](p25)}

6.184 In 1999 Human Rights Watch reported that the situation of women in Pakistan varies considerably depending on geographical location and class. Women fare better in urban areas and middle and upper class sections of society, where there are greater opportunities for higher education and for paid and professional work, and women's social mobility is somewhat less restricted.^{[21a](p1 Background)} These comments were echoed in a report dated July 2000 prepared for the Asian Development Bank which reported on the considerable diversity in the status of women across classes, regions and the rural/urban divide. This report attributed these differences to uneven socio-economic development and the impact of tribal, feudal, and capitalist social formations on women's lives. While recognising that generally women were subordinate to men in Pakistani society, the report also confirmed that women belonging to the upper and middle classes have increasingly greater access to education and employment opportunities and can assume greater control of their lives.^{[50](p1)}

6.185 According to the Guardian newspaper dated 1 August 2000, in Baluchistan for example, it is traditional for women to stay at home. In the poorer villages they are unlikely to go out alone, or even vote without their husband's consent. These traditions are however by no means universal. In the large cosmopolitan cities such as Lahore, Karachi or Islamabad a woman wearing a burqa would be a rarity, with most women following Islamic custom by wearing a headscarf.^[28c]

6.186 In a report, issued in April 2002, Amnesty International stated that whilst the Musharraf Government had acknowledged that women in Pakistan are disadvantaged and discriminated against, and made a range of commitments to ensure the adequate protection of women's rights, the record of achievements is uneven. Some improvements have been introduced largely at the state level, and some courts have made progressive rulings, however women's rights continue to be insufficiently protected.^{[44](p4)}

6.187 In a report issued in August 2002, on the tribal justice system, Amnesty International reported that women do not as a rule have access to the tribal justice system. Women handed over as part of compensation agreements to settle revenge killings of "honour" crimes are not consulted, tribal leaders supporting this practice have argued that handing over women to settle a dispute produces blood bonds which make for lasting peace.^[44]

Domestic Violence

6.188 According to the US Department of State report 2003, "Domestic violence was a widespread and serious problem. Human rights groups estimated that a large

number of women were victims of domestic violence at the hands of their husbands, in-laws, or other relatives. According to the HRCP, one out of every two women was the victim of mental or physical violence. The National Commission on the Status of Women reported in 2001 that violence against women "has been described as the most pervasive violation of human rights" in the country and it called for legislation clearly stating that domestic violence against women is a criminal offence. Husbands were known to kill their wives even for trivial offenses, and often newly married women were abused and harassed by their in-laws. While abusers may be charged with assault, cases rarely were filed. Police usually returned battered women to their abusive family members. Women were reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their relatives. Relatives also were reluctant to report abuse to protect the reputation of the family. There are no specific laws pertaining to domestic violence, except for the Qisas and Diyat ordinances, which rarely were invoked and may privatize the crime. However, Qisas and Diyat cannot be invoked where the victim was a direct lineal descendant of the perpetrator. Police and judges tended to see domestic violence as a family problem, and were reluctant to take action in such cases. Thus, it was difficult for women to obtain relief from the justice system in cases of domestic violence." [24](p22) As noted by Amnesty International in their 2002 report, a study by the Punjab Women Development and Social Welfare Department released in October 2001 said that some 42% of women accepted violence as part of their fate, and over 50% of the perpetrators of the violence were male relatives. [44] (p16)

6.189 The USSD 2003 report states that "During the year, the press reported on hundreds of incidents of violence against women, and drew attention to the killings of married women by relatives over dowry or other family-related disputes. Most of the victims were burned to death, allegedly in kitchen-stove accidents; some women reportedly were burned with acid. For example, in December, Mohammed Sajid was convicted of attacking and blinding his 17-year-old fiancée with acid in Punjab. The court sentenced Sajid to seven years in jail and ruled that Sajid be blinded by acid in a public setting. Police said the defendant was likely to appeal his conviction and sentence. During the year [2003], in Punjab, 99 burn cases were reported. Human rights monitors asserted that many cases were not reported by hospitals and that, even when they were, the police were reluctant to investigate or file charges. Furthermore, human rights monitors agree that most "stove deaths" in fact are killings based upon a suspicion of an illicit sexual relationship or upon dowry demands. Increased media coverage of cases of wife burnings, spousal abuse, spousal killing, and rape has helped to raise awareness about violence against women". [24](p23)

6.190 According to the US Department of State report 2003, "The Government has criticized the violence against women and has opened some crisis centers for women. In 2002, the Crisis Center for Women in Distress helped 89 women through legal and medical referrals, counseling from trained psychologists, and a hotline for women in distress." [24](p23)

Honour Killings

6.191 According to an Amnesty International report: Pakistan: Insufficient protection of

women 2002, the tradition of killing those suspected of illicit sexual relations in so-called "honour killings", in order to restore tribal or family honour, applies equally to offending men and women, however women are far more likely to be killed than men.^[41] (p29) As reported by BBC news on 21 April 2000, speaking in April 2000 General Musharraf condemned the practice of honour killings saying that, "killing in the name of honour is murder and will be treated as such".^[35c] However no immediate action took place to prove this commitment, according to Amnesty International in a 2002 report.^[41]

6.192 As cited in IRIN news 11 march 2002, a spokesperson for the Progressive Women's Association, a women's NGO in Pakistan, stated in March 2002 that in 2000 the organisation had reported 295 cases of burning; of these 33% were pregnant, 68% under 18 and 60% killed in the name of honour by a family member. Conviction rates were however low at only 2%.^[41e]

6.193 Amnesty International reported in April 2002 that the possibility of extracting compensation from a potential male victim has added another layer of fake "honour" crimes. In these cases husbands level charges of illicit relations between their wife and a rich man in the village, the killer then takes money to pardon the suspected man, gets rid of a wife or sister by killing her and additionally saves her share of property.^{[41](p25-26)}

6.194 The HRCP reported in December 2002 that at least 461 women had been killed by family members in "honour killings" in 2002 – an increase of 25 percent over the previous year. It was also noted that the practice appeared to be spreading to new areas where no previous reports had been made.^[64] (p6) According to a report by Refugee Women's Resource Project updated 1 March 2002, most perpetrators of honour killings are women's brothers, followed by their husbands.^{[64](p17)}

6.195 According to the USSD report 2003 "There were numerous reports of women killed or mutilated by male relatives who suspected them of adultery. It is estimated that at least 631 women were killed as a result of honor killings, known as "karo/kari" (or adulterer/adulteress) in Sindh, during the year. Approximately 102 honor killings took place in Punjab according to the HRCP. The problem was believed to be even more extensive in rural Sindh and Baluchistan, where "karo/kari" killings were common. Tribal custom among the Baluch and the Pathans sanctions such killings. The National Commission on the Status of Women has rejected the concept of "honor" as a mitigating circumstance in a murder case and recommended that such killings be treated as simple murder. Women who were the victims of rape may become the victims of their families' vengeance against the victims' "defilement."^{[2d](p24)}

6.196 According to Dawn newspaper, it was reported on 11 September 2003, a woman and her four daughters were murdered in Muridke in August 2003 in what police described as an honour killing, allegedly by an uncle of the four sisters because he doubted their modesty.^[33aw]

6.197 As reported by Dawn newspaper on 11 September 2003, the Human Rights Commission of Pakistan has condemned the killing of innocent women in tribal feuds and termed it against the customs and traditions. During a meeting of the provincial chapter of the Human Rights Commission of Pakistan in April 2003 it was reported that

more than 30 people had been killed in tribal clashes during the previous month at the confluence of Sindh and Balochistan provinces. [33ax]

6.198 According to a BBC news item dated 31 March 2004, "The so-called honour killings are widely practiced in rural parts of Sindh, Punjab and the North West Frontier Province, and in almost all cases the murderer is pardoned by family members under the controversial Islamic laws of Qisas and Diyat." [35e1]

6.199 According to the US Department of State report 2003, "The Government has criticized the violence against women and has opened some crisis centers for women. In 2002, the Crisis Center for Women in Distress helped 89 women through legal and medical referrals, counseling from trained psychologists, and a hotline for women in distress." [2d][p23]

6.200 IRIN news reported on 22 January 2004 Pakistani human rights groups welcomed General Musharraf's intervention in the case of Shaista Almani, who was facing the threat of an "honour killing" for marrying outside her tribal group. Musharraf intervened by ordering the provincial government of Sindh to take all possible measures to ensure the woman's safety and provide suitable employment. The move followed action by civil rights groups, media and political parties, who highlighted her case and appealed to the government for protection. This was the second time within two months that the President had intervened in an honour killing case. A programme coordinator at the Aurat Foundation, an NGO working for women's rights told IRIN that the positive sign was that all the forces of civil society had rallied against the potential crime and played a constructive role showing that things were slowly getting changed. Those fighting to promote women's rights in Pakistan saw the presidential intervention to curtail honour killings as part of a broader trend to prioritise women's issues, particularly at legislative level. An officer at the Aurat foundation stated that "At present, there are several initiatives being taken at the provincial as well as national legislative assemblies to amend the existing anti-women laws and adopt legislation against the honour killing and Jirga system." [411]

6.201 As reported by the Times on 21 January 2004, President Musharraf had sworn to protect a 22 year old woman who had been condemned to death and pursued by tribesmen for marrying against their wishes. It was the second time in two months that Musharraf had taken action against honour killings. In November 2003 he ordered an investigation into the death of a young woman who had been strangled by her father. [30e] Combating crime against women has become a priority for the Government as it tries to project Pakistan as a modern Muslim state. Tough laws were introduced to halt honour killings which during 2003 had claimed more than 700 lives of women in backward tribal regions, with most being killed by their own families. In the case where the President intervened the couple fled in fear and appeared in court seeking protection from a mob surrounding the building. She was put into the custody of a social welfare organisation, her groom divorced her to avoid bloodshed. She was forced to return to the relative safety of Karachi. [30e]

6.202 IRIN further reported on 22 January 2004 that a resolution moved by a parliamentarian from the ruling alliance is due to come before the national assembly for debate at its next session dealing specifically with honour killing. Human rights activists thought it would go some way towards combating the crime. In another progressive step, in December the highest court empowered women to marry of their own free will

without the approval of their parent or guardian.[41]

6.203 As reported by IRIN on 28 January 2004, a landmark resolution was adopted by the southwestern province of Balochistan's provincial assembly. It urged the federal government to produce laws to protect women from honour killings...."According to rights activists, more than 1,200 women fell prey to honour killings across the country, out of a total of nearly 4,000 cases of violence against women reported in 2003." [41m]

Rape

6.204 According to the USSD Report 2003 "Marital rape is not a crime. The Hudood Ordinances abolished punishment for raping one's wife. Marriage registration (nikah) sometimes occurs years before a marriage is consummated (rukhsati). The nikah (unconsummated) marriage is regarded as a formal marital relationship, and thus a woman or girl cannot be raped by a man to whom her marriage is registered, even if the marriage has not yet been entered into formally". [2d](p 24)

6.205 The USSD Report 2003 further states that "Rape was a pervasive problem. It is estimated that less than one third of all rapes are reported to police. The law provides for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remain low. Police rarely respond to and sometimes are implicated in these attacks". [2d](p23) According to IRIN news dated 20 August 2002, in July 2002 the gang-rape of a girl in a remote region of Jatoi in Punjab province was reported and attracted international attention. 'The rape was reported to have been ordered by a tribal jirga (village council) as a means of punishing her brother. The authorities acted on this matter arresting 13 people accused of the rape and providing police protection for the family of the victim.[41k] The BBC further reported on 8 July 2002, the police arrested one of their own officers for failing to prevent the rape, after the Supreme Court strongly criticised the police, saying that the crime could not have been committed without police knowledge.[35dv] As reported by the BBC on 1 September 2002, the case was referred to an anti-terrorism court which found six men guilty and sentenced them to death by hanging.[35cm]

6.206 Human Rights Watch in a report dated April 1999 noted that in the early years of the Zina Ordinance it was not uncommon for female victims in rape cases who had not proved their case, to be prosecuted for adultery or fornication. However such cases were far less frequent in the late 1990's and some courts have specifically ruled that a woman's failure to prove an allegation of rape does not constitute prima facie evidence of her participation in illicit consensual sex.[21a](p3-4)

6.207 As reported by BBC on 31 March 2004, "According to Pakistan's independent human rights commission, in most cases of rape where a victim is unable to produce four male witnesses as required by law, she is charged with adultery." [35ef]

6.208 The USSD notes in its 2003 report that "Women also face problems in the collection of evidence: doctors tasked to examine rape victims often believe that the victims are lying; they are inadequately trained and equipped for the collection of forensic evidence pertaining to rape; that they do not testify very effectively in court; they tend to focus on the virginity status of the victim; and, due either to an

inadequate understanding of the need for prompt medical evaluations or to inadequate resources, they often delay the medical examinations for many days or even weeks, making any evidence that they collect of dubious utility. Medical examiners and police personnel sometimes are abusive physically or verbally during these exams, especially in cases where a woman is charged with adultery or fornication (for which an exam may be requested) and does not wish to be examined (such women, despite the fact that by law they should not be examined without their consent, have been examined, and even have been beaten for their refusal to be examined). Police and doctors often do not know that a woman must consent to this type of exam before it can be performed, and judges may not inform women of their right to decline. If they report rape to the police, women's cases often are delayed or mishandled, and police or the alleged perpetrators frequently harassed women to drop the case. Police sometimes accept bribes from the accused rapist to get the victim to drop a case; however, in other cases, police will request bribes from the victim to pursue the case against the accused rapist. Police tend to investigate the cases poorly, and may not inform women of the need for a medical exam or may stall or block women's attempts to obtain one. [2d] (p23 - 24)

6.209 According to a BBC news article dated 21 August 2002, in August 2002 Pakistan's highest Islamic court issued a key ruling that women forced into adultery should not face legal proceedings under Islamic Sharia law or the country's penal code. [35c2] As reported by the BBC on 6 June 2002, the ruling was made in connection with the case of Zafran Bibi, who went to the police to register a case of rape but instead was charged with having an adulterous affair. A court in the conservative town of Kohat found her guilty of adultery and sentenced her to death by stoning. This sentence was set aside by the Federal Sharia court in June 2002 who ordered her immediate acquittal. [35c3] The BBC reported on 21 August 2002, The ruling stated that no woman should be punished for the fact that she had been part of an act that had been carried out forcibly. It also ruled that pregnancy, in the absence of other evidence to show that adultery had taken place, did not provide grounds for punishment under Sharia law. [35c2] According to an IRIN news item dated 30 December 2003, progress had been made regarding the August 2002 case above. The case paved the way to a new approach and later the National Commission on the Status of Women formed a committee to review the relevant laws on the status and rights of women. [41n]

Assistance Available to Women

6.210 According to Amnesty International in a 2002 report, shelters for women at risk continue to be inadequate in number and the kind of support they offer. [4h] (p53) According to their website (accessed in 2002), the organisation Lawyers for Human Rights and Legal Aid in conjunction with UNICEF has set up Madadgaar which can be contacted by a hotline and provides legal aid and advice and has links with shelters for women. [53]

6.211 According to the US Department of State report 2001, a crisis centre for women in distress was opened in Rawalpindi by the Progressive Women's Association. After several years of lobbying the Government, in 1997 the Government opened a centre in Islamabad with the assistance of the PWA and other

local NGO's. The centre offers legal and medical referrals from volunteer doctors and lawyers, counseling from trained psychologists and a hotline for women in distress.[2b](p29) The USSD Report 2003 notes that The Government has criticized the violence against women and has opened some crisis centers for women. In 2002, the Crisis Center for Women in Distress helped 89 women through legal and medical referrals, counseling from trained psychologists, and a hotline for women in distress"[2d](p23) As noted by Amnesty in a 2002 report, six Women Crisis Centres were set up by the Government in late 1999 in different parts of the country in Islamabad, Vehari, Lahore, Sahiwal, Karachi and Peshawar. Within six months of their opening 780 women had approached them seeking legal aid, looking for shelter and medical help.[4h](p53)

6.212 According to Amnesty in their 2002 report, the state-run shelters (Darul Amans), some of which are severely overcrowded, have been described by women's groups as constituting virtual prisons where women are deprived of freedom of movement. Staff at these frequently advise women to accept reconciliation and return.[4h](p53) According to the Daily Dawn newspaper dated 29 September 2002, A speaker at a seminar on "Legal and Shelter Facilities for Destitute Children and Women" in September 2001 said that in Karachi, a city of over 10 million people, there were only two shelters for destitute children and women, a Darul Aman and one run by the Edhi Foundation (a national and international NGO)(as stated on the Edhi foundation website). In the country as a whole it was stated that there are 13 Darul Amans, three Edhi Centres and certain other privately-managed shelter houses not thought to be sufficient in number.[33ad](54)

6.213 According to the US Department of State report 2003 Women's organizations operate primarily in urban centers. Many concentrate on educating women about existing legal rights. Other groups concentrate on providing legal aid to poor women in prison who may not be able to afford an attorney.[2d](p25)

6.214 With regard to victims of trafficking the US Department of State report 2003 cites that, "The Government sponsored shelters and training programs for actual and potential trafficking victims. There were 276 detention centers where women were sheltered and given access to medical treatment, limited legal representation, and some vocational training. The Government provided temporary residence status to foreign trafficking victims; however, police often treated victims of trafficking as criminals. The Government does not provide specialized training to assist trafficking victims. Very few NGOs deal specifically with trafficking; however, many local and provincial NGOs provide shelter to victims of trafficking and women and children at risk of trafficking." [2d](p32)

Marriage

6.215 According to a UNHCR country of origin workshop report 1999, The class and caste system is a pervasive aspect of Pakistani society. Inter-caste marriages can cause problems, with mixed couples sometimes running a high risk of being killed. Although the legal system is designed to protect such individuals, police and the judiciary (particularly at the local level) may be unwilling or unable to offer effective protection from societal persecution.[29b](p20)

6.216 According to a report by Amnesty International in 1998, several judgements have stated that adult Muslim women have the right to marry men of their own choice, irrespective of their father's consent. There are nonetheless many instances of young women running away to marry men of their own choice, and subsequently living in fear of their male relatives' revenge for the woman's perceived disobedience and for "dishonouring" the family.^{[42](p1)} As reported by Amnesty International in a new release dated 15 April 1999, on 6 April 1999, a woman seeking divorce was shot dead in her lawyer's office. The lawyer was also fired at but not injured, and a colleague was abducted by the perpetrators but eventually released.^{[43](p1)} As reported in the Financial Times on 5 August 1999, the issue gained widespread publicity following the killing.^[31a] Amnesty International reported in April 2002 that women who chose to get married in court against the will of their parents may be charged with their husbands for extramarital relations. Court marriages can be difficult to prove as courts do not maintain mandatory records of marriages.^{[41](p29)} The USSD Report 2003 states that "Civil marriages do not exist; marriages are performed and registered according to one's religion".^{[2d](p12)}

6.217 According to the US Department of State report 2003, "In December [2003], the Supreme Court upheld in 1997 the federal Shariat Court's ruling that a Muslim woman can marry without the consent of her walli (guardian- usually her father). However, in practice, social custom dictates that couples are to marry at the direction of family elders." ...^{[2d](p25)} IRIN news reported on 30 December 2003 that with regard to the Supreme Court's landmark ruling that an adult female was entitled to marry any man of her free will on reaching the age of 18 without prior consent of her father or guardian and that an attestation by the couple was sufficient proof of marriage. Human rights groups hailed it as of great significance in Pakistan's legal history saying that it would have a positive impact on the status of women.^[41c]

6.218 IRIN news reported on 22 January 2004 that in December the highest court in the country empowered women to marry of their own free will without the approval of their parent or legal guardian.^[41c] As reported by BBC news on 19 December 2003, "The ruling overturns an earlier verdict by a high court that described such a marriage without the permission of a father or brother as invalid." A human rights campaigner claimed that more than 250 women were in jail for marrying without parental consent. The verdict has been welcomed by human rights groups who say the decision will go along way towards giving women their due rights.^[35e]

6.219 According to the US Department of State report 2003, "While the Government does not generally interfere with the right to marry, the Government on occasions assisted influential families to prevent marriages they opposed. The Government also failed to prosecute vigorously cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members." ^{[2d](p12)} As reported by BBC on 24 January 2001, in a significant ruling in January 2001 however, a Punjab court ruled in favour of a woman who claimed to have been forcibly married to her cousin three years previously. The woman stated that she feared for her life if she was sent back to her husband's house and court officials took her to a refuge for women. It was nonetheless unclear whether this ruling would set a precedent for similar cases.^[35c]

6.220 According to an Amnesty International report 2002, there continue to be reports of the very early age at marriage of girls, despite the legal age being 16.^{[4h](p21)} IRIN news reported on 25 July 2002, in July 2002 girls of 14 and 15 had been married to men of 77 and 55 years old as part of a compensation package to save four murder convicts on death row. It was reported that the Supreme Court had asked the local judiciary for details of the case.^[4i] According to Amnesty International's 2002 report, other traditional practices also persist. A form of marriage specific to Pakistan takes place in rural Sindh where girls and women are married to the Koran, which is motivated by property issues and deprives girls of their inheritance rights.^{[4h](p22)} The USSD report 2003 states that "The practice of a woman 'marrying the Koran' still was accepted widely if the family cannot arrange a suitable marriage or wants to keep the family wealth intact. A woman "married to the Koran" is forbidden to have any contact with males more than 14 years of age, including her immediate family members".^{[2d](p25)} According to Amnesty International's 2002 report, the practice of watta-satta involves a brother and sister cross-marrying another pair of siblings. It involves a mutual exchange of property and does away with the need for a dowry. When relations of one couple encounter difficulties, the other couple is often negatively affected as well.^{[4h](p23)}

6.221 According to the US Department of State report 2003, "Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of their rights, and often laws are not observed. One NGO reported that legal literacy is constrained by the lack of laws printed in local languages. No action was taken on the 2002 judicial reforms which planned to publish laws in Urdu, which is understood by the majority of citizens."^{[2d](p25)} "A husband is legally bound to maintain his wife until 3 months after divorce. A father is legally bound to maintain his children until they reach the age of 14 for males or 16 for females. However the legal process is so complicated and lengthy that it can take years for the children to get maintenance."^{[2d](p25)}

Treatment of Women in Detention

6.222 According to the USSD Report 2003 "Special women's police stations have been established in response to complaints of custodial abuse of women, including rape. Female personnel staffed these stations, but they receive even fewer material and human resources than regular police stations. Efforts to raise funds for the stations during the year achieved minimal results. According to the Government's National Commission on the Status of Women, the stations did not function independently or fulfil their purpose. Despite court orders and regulations that only female officers may interrogate female suspects, women continued to be detained overnight at regular police stations and abused by male officers. Instances of abuse of women in prisons are less frequent than in police stations."^{[2d](p5)}

6.223 The report further states that "Female detainees and prisoners were held separately from male detainees and prisoners. According to the Progressive Women's Association, there were approximately 2,765 women in jail nationwide at the end of 2002. Pretrial detainees often are not segregated from convicted criminals".^{[2d](p6)} According to Amnesty International in a 2002 report, most jails in Pakistan, including special women's jails, are overcrowded with the vast majority of

detainees awaiting or undergoing trial. Amnesty International reported in April 2002 that physical abuse continues to be rife in custodial institutions in Pakistan and women have been subjected to all the forms of torture and ill-treatment which men suffer in custody. These include beating, kicking, electric shock and hanging upside down; in addition women are subjected to gender-specific abuses including sexual harassment, public undressing and parading, and rape. [41](p34-35) Disciplinary action is known to have been taken in some cases, for example in October 2000 a district and sessions judge in Gujranwala recommended stern treatment against jail staff responsible for ill-treatment. [41](p35)

Political Representation

6.224 According to an Asian Development Bank country briefing paper 2000, The Constitution of Pakistan places no restriction on women's participation in politics, nevertheless their presence in the political parties as well as in the political structure at the local, provincial and national levels remains insignificant due to cultural and structural barriers." [50](p12)

6.225 According to the US Department of State report 2003, "There were 73 women in the 342-seat National Assembly; there was one woman in the Cabinet; and none in the Supreme Court. During 2001, the Government set aside one-third of the seats in the local council elections for female candidates. In 2002, the NRB enacted electoral reforms that include the tripling of National Assembly seats reserved for women. According to the Election Commission, 2,621 women competed for 1,867 reserved seats at the district level in 2001. In some districts, social and religious conservatives prevented women from becoming candidates; however, in several districts, female candidates were elected unopposed. Women participate in large numbers in elections, although some are dissuaded from voting by family, religious, and social customs. In districts of the NWFP and southern Punjab's tribal areas, conservative religious leaders lobbied successfully to prevent women from contesting elections or casting ballots. According to press reports, female voters were threatened and their families intimidated from voting and running for office. In 2002, the MMA coalition of religious parties declared that the families of women who voted in NWFP would be fined. Prime Minister Jamali has one female minister and one female special advisor. Provincial chief ministers also have named women to serve in their cabinets. [24](p21)

6.226 According to BBC news in an article dated 16 August 2002, At elections on 10 October 2002, 60 seats were reserved for women in the 342 seat National Assembly. [35-cf] The USSD observes in its 2003 report that " Prime Minister Jamali has one female minister and one female special advisor. Provincial chief ministers also have named women to serve in their cabinets". [24](p21)

Property and Inheritance Rights

6.227 According to an Asian Development Bank country briefing paper 2000, "Despite women's legal rights to own and inherit property from their families, there are very few women who have access and control over their resources." [50](p9) As reported in the US Department of State report 2003, in inheritance cases, women generally do

not receive or are pressed to surrender the share of the inheritance they are legally due. [2d] (p25)

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Children

6.228 Pakistan has signed and ratified the following international instruments:

- Convention of the Rights of the Child
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. [15]
- In September 2001 Pakistan signed but has not ratified Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as stated by UNHCR in the Status of Ratification as at 8 February 2002. [29]

6.229 The USSD reports that "The Government through its laws and programs, does not demonstrate a strong commitment to children's rights and welfare. There is no federal law on compulsory education and neither the federal nor provincial governments provide sufficient resources to assure universal education. The education system is in disarray. Studies showed the gross primary enrolment rate for the country was 86.2 percent. According to the World Bank, more than a third of the nation's 10-year-olds have never attended school. According to the U.S. Agency for International Development, boys average less than two years of attendance, girls less than one". [2d] (p26)

6.230 The USSD report 2003 further states that "The Constitution prohibits the employment of children under age 14 years and in factories, mines and other hazardous occupations. The Employment of Children Act prohibits the employment of children under age 14 in certain occupations and regulates their conditions of work. Under this law, no child is allowed to work overtime or at night. Penalties for the violation of the act include fines of up to \$300 (PKR 20,000) or 1 year in prison. As of year's end, no one had ever received the maximum penalty. Child labor was common and resulted from a combination of severe poverty, employer greed, and inadequate enforcement of laws intended to control it. The Government has not committed funds to combat child labor". [2d] (p29)

6.231 As stated in the US Department of State report 2003, "The HRCP reported that in the majority of child abuse cases, children were abused by acquaintances. Trafficking in children is a serious problem. Child prostitution involving boys and girls is known to exist but rarely is discussed. All forms of prostitution were illegal and a person who abducted a child under the age of 10 and committed sexual assault may be sentenced to death. [2c] (p28)

6.232 As noted in the US Department of State report 2003, "According to press

reports there are several madrassahs (Islamic religious schools) where children are confined illegally and kept in unhealthy conditions. Sexual abuse of boys is widely believed to occur at some madrassahs." [2d](p26) As noted in the Freedom House Survey 2003, In June 2002 the government attempted to extend some measure of control over the Madrasan network, requiring all Madrasans to register with the authorities, as well as provide details of sources of foreign funding and of foreign students and teachers, within six months or face closure.[64](p6) However the US Department of State report 2003, further reported that "In 2002, The Government announced a ordinance regulating madrassas under a voluntary program that included the setting up of model schools, the setting of teacher training standards, and the standardization of the curricula in participating schools to include general education subjects. A board was to enforce the regulations, oversee participating schools, and control all internal and external funding of participating schools. Religious clerics objected to any government regulation of the madrassas, and as a result, the Government failed to enforce most of the requirements. The Ministry of Education claimed that 8,000 madrassas were registered with the Government at year's end." [2d](p26)

6.234 According to the USSD 2003, "Children sometimes were kidnapped to be used as forced labour, for ransom, or to seek revenge against an enemy. In rural areas it is a traditional practice for poor parents to give children to rich landlords in exchange for money or land according to human rights advocates. These children were frequently abused by the landlords and held as bonded laborers for life". [2d](p26) The USSD in its 2003 report states that "Landlords have also been known to pay impoverished parents for the 'virginity' of their daughters, whom they then rape". [2d](p26-27)

6.235 According to US Department of State report 2003, "The Government assisted underage children and has rescued some kidnapped victims. During the year [2003] the Pakistan Foundation helped to repatriate 30 minor children who were trafficked to the Middle East to work. The establishment of crime circle in FIA to deal with child trafficking has produced a significant increase in apprehended traffickers." [2dc](p32)

6.236 According to Freedom House Survey report 2003, "Despite some initiatives, enforcement of child labour laws continue to be inadequate. Both male and female children also continue to be subjected to prostitution, custodial and sexual abuse and trafficking." [64](p6)

6.237 According to the US Department of State report 2003, "There are few facilities for convicted prisoners under 21 years of age, and children frequently were incarcerated along with the general prison population. Children offenders often were kept in separate barracks in adult prisons; however, to keep the children separated, most of the time they were confined to their barracks. Many children in prison were born to female inmates who were sexually abused by prison guards. The Juvenile Justice System Ordinance (JJSO) was passed in 2000 to protect the rights of children; however, according to AI, an estimated 4,500 children were held in the nation's prisons, of which 3,000 were awaiting trial. Imprisoned children often spent long periods of time in prison awaiting trial or a hearing before a magistrate, often in violation of the law. Children were subject to the same delays and inefficiencies in the justice system as were adults. HRW reported that children frequently were

beaten and even tortured while in detention; usually this was done to extract confessions, but it was done also to punish or intimidate child detainees or to extort payment from their families for their release." (2d)(p6)

6.238 As reported by the US Department of State report 2003, "Courts also may order that children be sent to reform schools or various types of residential facilities, many designed to provide vocational or other training. There were two facilities—one in Karachi and one in Bahawalpur—that serve as reform schools for juvenile offenders. Juvenile offenders and, in some cases, homeless and destitute children, may be sent to these residential facilities, for terms not to exceed the amount of time until they reach majority. Conditions in these institutions reportedly were poor, similar to those found in jails. Abuse and torture of the children in such institutions was a problem. Educational facilities in these institutions often were inadequate. Extortion on the part of the staff at such institutions reportedly was widespread; parents of inmates often were required to pay lower level staff members to visit their children or bring them food. Drug trafficking by guards and other staff also was a problem; some children reportedly developed drug habits while in these institutions and were supplied drugs by their guards." (2d)(p6)

6.239 Amnesty International reported that, in May 1999, 50 children were on death row in Pakistan. (4m) The Independent newspaper reported on 19 November 1999, the most recent case in Pakistan was Shamun Masih - executed on 30 September 1997 for armed robbery and murder. He was 14 at the time of the offence. (10b) According to the USSD Report 2003 " On 1 July 2000, the government passed the Juvenile Justice System Ordinance. The ordinance abolishes the death penalty for minors under 18 years of age, mandates that the Government provide children with legal assistance, prohibits children from being tried for crimes with adults, and prohibits the proceedings of juvenile courts from being published". (2d)(p27)

6.240 According to the US Department of State report 2003, "Health care services, like education, remained seriously inadequate for the nation's children. Children suffered a high rate of preventable childhood diseases. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition. Public health administration suffers from poor management, lack of accountability, unreliable or falsified statistics, and lack of cooperation among agencies. In 2001, 30 million children under the age of 5 were targeted for polio vaccinations. According to the Extended Program for Immunizations, 27 million children were successfully vaccinated. Only 83 cases of polio were reported in November 2002." (2d)(p26)

Child Care Arrangements

6.241 It was reported in the Dawn newspaper on 29 September 2001, that in Karachi there are only two shelters for destitute children, one of these was the government run Darul Aman and the other run by the Edhi foundation. In the country as a whole there were 13 Darul Amans and three Edhi centres together with certain other privately-managed shelter houses.(33a-d) According an article in the Dawn on 14 January 2002, In January 2002 the Ministry of Social Welfare and Women Development organised a workshop to formulate a national policy on orphan children. A research study funded by

Unicef reported on the running of 55 institutions run by a number of organisations.^[33am] According to SOS Home page, SOS Children's Villages of Pakistan a private social welfare organisation runs a number of homes for orphaned, abandoned, and destitute children.^[56] According to FCO correspondence dated October 2002, there are no state orphanages in Pakistan. Private ones tend to be linked to the madrassah system and there are also some Christian orphanages. The government has some facilities for disabled children in the day care set up but there are no special orphanages for disabled children.^[94]

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Homosexuals

6.242 According to FCO correspondence dated February 2002, homosexuality is widely practised in Pakistan although there are no statistics available to quantify this.^[9c] According to the ILGA world legal survey 1999, Section 377 of the Penal Code makes criminal carnal knowledge of any man against the order of nature, with a penalty of two years to life imprisonment and the possibility of corporal punishment of 100 lashes.^[25] UNHCR reported in a background paper in 1998, that homosexuality is considered immoral^{[20a][p26]} but is tolerated in many parts of the country. It is disapproved of and would be considered unlawful and unislamic by most Pakistanis, as noted by the FCO in correspondence dated February 2002.^[9c] Known homosexuals are said to become social outcasts, according to the UNHCR report 1998.^{[20a][p26]} According to FCO correspondence dated February 2002, whilst it would be possible to have homosexual relations discretely it would be extremely difficult to live openly as a homosexual couple although much would depend on the social position of the couple and the attitude of the families.^[9c]

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6 C Human Rights - Other Issues

Afghan Refugees

6.243 According to the US Department of State report 2003, "The law does not provide for the granting of refugee or asylum status in accordance with the 1951 UN Convention Relating to the Status of Refugees or its 1967 Protocol, nor has the Government adopted domestic legislation concerning the treatment of refugees or the granting of asylum status. The Government generally cooperated with the office of the UN High Commissioner for Refugees (UNHCR). The Government provided temporary protection to many persons during the year. Temporary protection has been provided to refugees from Afghanistan since 1979. According to the U.S. Committee for Refugees, approximately 1.5 million Afghan refugees remained in country at year's end. There also were many unregistered Afghans in urban areas throughout the country, including in Peshawar, Quetta, Islamabad, Rawalpindi, and Lahore. In March, representatives of the Government, the Government of Afghanistan, and UNHCR signed a tripartite repatriation agreement providing for the return of Afghan refugees from the country. By year's end, 2.5 million Afghan refugees had been repatriated with UNHCR assistance since March 2002. During the year, some refugees from Afghanistan voluntarily repatriated themselves."^{[2d][p18]}

6.244 The US Department of State report 2003 further adds that, "Many Afghan refugees continued to live and work in the country, and were self-supporting and lived outside of refugee camps, usually in urban or semi-urban areas. This resulted in some hostility among local communities whose residents resent the economic competition and believe that the refugees contribute to high crime rates. Conditions for refugees outside of the camps often were worse than for those in the camps. Refugees outside the camps also faced harassment by the police, especially in Peshawar, Islamabad, and Rawalpindi. Single women, female-headed households, and children who work on the streets faced particular security problems." [24] (p18)

6.245 According to the US Department of State report 2003, "Most refugee camps were well established, and living conditions resembled those in neighboring villages, even though most direct assistance to the camps ended in the early 1990's. During the year, the Government and UNHCR announced the consolidation and closing of camps near the Khyber Pass in the NWFP and camps in the Balochistan province." [25] (p18)

6.246 It was reported by the BBC on 10 March 2002, after the events of 11 September 2001 an estimated 250,000 Afghans fled to Pakistan. Following the fall of the Taliban whilst refugees continued to flee mostly from food shortages, large numbers were returning home, an estimated 250,000 had returned since November. [35b] IRIN news reported on 4 February 2002 that in February 2002 UNHCR emphasised that peace within Afghanistan was the overriding factor in motivating refugees to return and estimated that in January 2002, 107,000 had returned from Pakistan. [41] Assisted repatriation from Pakistan began in March 2002 with about 5,800 returning in the first three days, according to a UNHCR update dated 5 March 2002. [20d] By early April a total of 160,000 had returned to Afghanistan from Pakistan under the assisted repatriation scheme, according to a UNHCR news item dated 3 April 2002. [20e] It was similarly reported in the US Department of State report 2003, "The Government cooperated with UNHCR to support voluntary repatriations to rural areas of Afghanistan considered to be safe. In 2002, UNHCR started a voluntary repatriation program and opened centers throughout both the country and Afghanistan and offered financial and other assistance to repatriating refugees." [24] (p19)

6.247 According to a UNHCR update dated 10 September 2002, In September 2002 the Pakistan government which had estimated the population of Afghan refugees as 3.4 million reported that this had fallen to only 1.8 million following the repatriation to Afghanistan. In Islamabad a population of Afghans estimated to have been 150,000 had fallen to a figure of just under 30,000. Other cities like Peshwar have seen their Afghan population similarly reduced. [20f]

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"Azad" Kashmir

Introduction

6.248 According to correspondence from FCO dated May 1993, the princely state of Jammu and Kashmir was formed in 1846 when the British administration allowed the

Hindu Chief of Jammu to purchase the Muslim territories of Kashmir and Gilgit. At independence in 1947 the Maharajah of Kashmir tried to preserve Kashmiri autonomy by opting for neither Pakistan nor India. A revolt among the Muslims of his western territories led the Maharajah to sign an instrument of accession to India on 26 October 1947.^[96]

6.249 The FCO stated that Indian forces were immediately sent to the State. The Indian Prime Minister Nehru announced that once law and order had been established he was prepared to hold 'a referendum under international auspices like the United Nations' to determine the wishes of the Kashmiri people on their future. Pakistan army units became involved by May 1948.^[96]

6.250 According to the FCO in their 1993 correspondence, the UN Security Council passed a number of resolutions calling for the withdrawal of Pakistani forces and most of the Indian forces, and for a plebiscite under UN auspices. A cease-fire came into effect on 1 January 1949 and in July India and Pakistan agreed a cease-fire line. A UN Military Observer Group has been in place monitoring this line (redefined as the "Line of Control" after the 1971 war) ever since.^[96]

6.251 According to the BBC who reported on 26 May 1999, since 1989 there has been a growing and often violent separatist movement fighting for the independence of Kashmir. Both India and Pakistan however reject the so-called "Third Option" of Kashmiri independence.^[354] The BBC reported on 28 May 1999, Pakistan argues that Kashmiris should be allowed to vote in a referendum on their future.^[354]

6.252 As stated by UNHCR in 1997, "Relocation within Pakistan is a viable option for any Kashmiri having Pakistani citizenship. Nearly all residents of "Azad" Kashmir (meaning 'Free Kashmir') are Pakistani citizens and may live wherever they wish in Pakistan. The holding of Kashmiri political opinion would not normally cause any problems for a Pakistani Kashmiri in Pakistan."^[13]

1965 and 1971 Wars

6.253 According to the FCO, the status of Kashmir has remained a sensitive issue between India and Pakistan, with the majority of the population unreconciled to be part of India. The two countries went to war over the issue in 1965 and 1971. Under the peace agreement signed at Simla in July 1972, both sides agreed "to settle their differences by peaceful means through bilateral negotiations or by other peaceful means mutually agreed on between them", and they committed themselves to a final settlement of the problem.^[96]

6.254 As cited by the FCO in correspondence dated 1993, the Indians have since held that by this agreement, Pakistan is precluded from invoking the United Nations resolutions in an effort to resolve problems with India. Pakistan does not accept this interpretation, and regularly calls for a peaceful settlement "on the basis of the UN resolutions and in the spirit of the Simla Agreement".^[96]

Line of Control

6.255 The FCO stated in correspondence in 1993, the princely state was divided into three. The Northern Areas and "Azad" Kashmir to the west of the Line of Control enjoy different degrees of autonomy from Pakistan. The area to the east of the Line of Control (Ladakh, the Kashmir valley and most of Jammu) became the Indian State of Jammu and Kashmir. On the Indian side Muslims form about 80% of the population in the Kashmir valley, while Hindus are in the majority in Jammu (about 65%).^[96]

6.256 The Line of Control runs over 700km of forested hills and inhospitable terrain. Villages are split and mountains bisected in some places. In some parts Pakistani and Indian troops face each other less than a hundred metres apart, whereas in others peaks of over 5,000 meters separate them.^[95]

6.257 BBC news reported on 25 November 2003 that a cease-fire had been implemented along the informal border dividing Indian and Pakistani administered Kashmir. The two countries ordered troops to halt firing along the de facto border or LoC from midnight 23 November 2003. This followed India's acceptance of Pakistan's offer of a cease-fire along the LoC stating it would extend to the disputed Siachen glacier area. Full diplomatic ties and some transport links had been resumed between the two sides.

Elections

6.258 Reuters reported on 3 July 1996, that elections were held in "Azad" Kashmir for the legislative assembly on 30 June 1996. The "Azad" Jammu and Kashmir People's Party won a two-thirds majority of the 40 seats up for election. The "Azad" Jammu and Kashmir Muslim Conference, the PML and Independents each won a small number of seats. The Muslim Conference (AJKMC), who had controlled the state since the previous elections in June 1991, claimed that the polls had been rigged and refused to concede defeat. The People's Party and the state election commission rejected these charges.^[94] In July 2001 however the AJKMC once again assumed power with the swearing in of Sardar Sikander Hayat as Prime Minister, as reported by BBC on 25 July 2001. ^[39]

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Government

6.259 The FCO stated in correspondence that, "Azad" Kashmir is broadly responsible for its own internal administration. The Ministry of Kashmir Affairs and Northern Affairs in Islamabad provides a linkage between the Government of Pakistan and that of "Azad" Kashmir. Pakistan is responsible for defence, external affairs, foreign trade, aid and currency.^[96] The territory also has a President, as stated by Dawn newspaper on 17 July 2000.^[33]

6.260 The FCO advise that, overall control of "Azad" Kashmir lies with the Pakistani Government in Islamabad, but there is considerable local control vested in the Kashmiri authorities in Muzaffarabad, the capital of "Azad" Kashmir.^[96]

6.261 According to the FCO in correspondence dated May 1993, "Azad" Kashmir has five administrative districts: Muzaffarabad, Poonch, Bagh, Mirpur and Kotli. It has a parliamentary form of government with a President as Head of State, a legislature

consisting of the "Azad" Jammu and Kashmir Council (upper house) and the Legislative Assembly (lower house), an executive represented by a Prime Minister and a Council of Ministers. "Azad" Kashmir also has its own Supreme Court and High Court. The political parties operating in "Azad" Kashmir are separate from, but allied to, the parties in Pakistan.[96]

6.262 As reported by the Canadian IRB in 1994, according to a Jammu and Kashmir Liberation Front source, fair treatment in "Azad" Kashmir courts depends on the situation. However, the same source states that in general one has a better chance of finding fair judicial recourse in "Azad" Kashmir than in most areas of Pakistan - except when the charges relate to national security issues.[127](p4)

6.263 CNN stated on 14 January 2000, following Pakistan's military coup of October 12 1999, "Azad" Kashmir's government continued to function - in contrast to the other four provinces of Pakistan which had small-scale administrations appointed by the new military regime. The former "Azad" Kashmir Prime Minister, Sultan Mahmood dissolved his Cabinet in January 2000, offering no explanation for this. Unnamed Kashmiri officials however claimed that the military rulers had pressed Mahmood to reduce the size of his Cabinet, which included sixteen ministers.[326] The Dawn newspaper reported on 17 July 2000 that in July 2000 the speaker of the legislative assembly for "Azad" Kashmir expressed his view that the National Accountability Bureau's jurisdiction should be extended to the territory, and that this would not clash with the constitution. Sultan Mahmood nonetheless dismissed reports that the NAB's jurisdiction was being extended to "Azad" Kashmir. He stated that the AJK government had plans to introduce its own law on the pattern of the NAB ordinance.[333]

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1998 - 2000

6.264 According to a UNHCR background paper dated 1998, Tensions increased in 1998 when India conducted five underground nuclear tests on the Pakistani border in May 1998, escalating a strategic arms race in the region.[263](p10) However, on 21 February 1999 the Pakistani and Indian Prime Ministers met at the "Lahore Declaration", and vowed to take steps to reduce "the risk of accidental or unauthorized use of nuclear weapons", as reported by the Independent on 22 February 1999.[193]

6.265 Reuters reported on 14 April 1999, on 11 April 1999 India test-fired a long-range version of its nuclear-capable Agni missile. Pakistan responded by test-firing its Ghauri-II long-range missile on 14 April 1999.[61] The Times reported on 27 May 1999, In early May 1999 independent observers claimed that an unusually large number of armed fighters moved from Pakistan into the high altitude passes on the Indian side of the Line of Control in Kashmir. On 26 May 1999 India launched two waves of air-strikes in Kashmir to dislodge the 400 reportedly Pakistani-backed Muslim guerrillas (who because of their commanding position were able to cut off the vital Srinagar-Kargil Leh highway).[303] According to Reuters news briefing dated 11 July 1999, following two months of bitter hostilities, Pakistan announced on 11 July 1999 that it had agreed with India on a plan for the infiltrators to withdraw. The agreement came exactly one week after Nawaz Sharif had travelled to Washington to talk with the US President Bill Clinton, and agreed to take "concrete steps" to end the fighting.[61]

6.266 It was reported by BBC news on 16 February 2001, Pakistan nonetheless signaled a shift in its Kashmir policy in February 2001. Instead of calling for a solution to the dispute with UN resolutions dating from 1948, the emphasis is leaning towards self-determination. This position connects with Pakistan's recognition of the All Parties Hurriyat Conference as the true representatives of the Kashmiri people and to agree with any solution that gained their support.[351]

6.267 As reported by BBC on 16 February 2001, tensions were also reportedly emerging between the Hurriyat Conference and the United Jihad Council - the umbrella group responsible for the militant organisations fighting in Kashmir. Militant leaders criticised Pakistan's recognition of the Hurriyat Conference, as the Hurriyat does not represent some militant groups. There were also signs that the Musharraf regime wanted to reduce the role of militant groups operating in Kashmir.[351]

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2001 – 2002

6.268 As reported by the BBC on 16 October 2001, tensions rose sharply in October 2001 after India attacked 11 Pakistani positions along the LOC. A Pakistani spokesman said that one woman had been killed and 25 other civilians injured and called on India to put a stop to "state sponsored terrorism". The casualties were denied in Delhi where defence officials claimed the casualties were 11 Islamic guerillas.[359] A BBC news article dated 29 December 2001 reported that a military build up on the border continued and was described as the biggest for 15 years, it was reported that the two countries were closer to war than they had been for 30 years. Tensions escalated further after an attack on the Indian parliament on 13 December 2001 which India blamed on Pakistan sponsored terrorists. Shelling continued in Kashmir and 19 Indian soldiers were killed accidentally when laying landmines.[359]

6.269 The BBC reported on 31 December 2001 that in late December India expressed satisfaction that Pakistan had started rounding up members of the more violent Kashmir groups. India gave Pakistan a list of its most wanted terrorists, the names were not made public but they included members of four groups involved in the struggle in Kashmir.[359] According to a BBC news article dated 23 January 2002, in January 2002 President Musharraf banned a number of groups including two, Lashkar-e-Toiba and Jaish-e-Mohammad who send fighters to Kashmir. The decision to ban the two militant groups met with mixed reaction in Pakistan; some arguing that Pakistan should continue to exert all possible pressure to force the Indians out, and others arguing that the Indians will never leave and Pakistan should look for compromise. These events had seen the mobilisation by India and Pakistan of thousands of troops in Kashmir and along their international borders but by the end of January 2002 there were indications that the risk of all out war had receded and tensions had been diffused.[359]

6.270 The BBC reported on 15 May 2002, on 14 May 2002 an attack on an army base at Kaluchak in Indian administered Kashmir left more than thirty people dead. No

organisation claimed responsibility for this attack, but Indian officials suspected the Pakistan-based separatist militant groups LeT and JeM.^[35c] Keesings reported in May 2002 that following the attack tension between India and Pakistan increased and on 18 May 2002 India requested the return of Pakistan's High Commissioner to India.^[24e] Also in May 2002 a leading moderate politician Abdul Ghani Lone was shot and killed while speaking at a rally in the city of Srinagar. An Indian Minister blamed the Pakistani Government, but they condemned the attack and described it as a setback to the peace process, as reported by BBC on 21 May 2002.^[35c] The Dawn newspaper stated on 22 May 2002, that on 20 May 2002 Pakistan warned that any cross-border action by India would provoke retaliation.^[33a] According to Keesings news digest May 2003, across the LoC exchanges of artillery and small arms intensified causing dozens of deaths mostly among civilians in border villages. In particular on 30 May 2002 at least 28 people, all but three of whom were civilians, were killed on either side of the LoC by heavy shelling.^[24e]

6.271 Keesings reported in July 2002 that international concerns over India's and Pakistan's capacities for waging nuclear war were higher than at any time since May 1998. International leaders from the UK, the US and Russia urged restraint on both sides and sent representatives to visit Islamabad and New Delhi in attempts to defuse the tension. At the end of May 2002 Pakistan conducted a series of three ballistic missile test launches, but officials insisted the tests were routine and had no connection with the Kashmir crisis.^[24e]

6.272 As reported by Keesings in June 2002, during June 2002 tension on the border reduced, largely as a result of international pressure. Shelling across the LoC was reportedly reduced although there continued to be civilian casualties on both sides.^[24e] As reported by BBC on 6 August 2002, on 13 July 2002 an attack took place in a shanty town near Jammu. It was reported that eight militants disguised as holy men entered the Qasim Nagar slum area, firstly throwing grenades and then firing. At least 27 Hindu civilians were killed. Officials in Indian-administered Kashmir said they suspected the Pakistani-based LeT and JeM.^[35c] The BBC reported on 23 July 2002, attacks by militant Islamic groups were reported to have stepped up in July 2002 and a grenade attack on a crowded market in Rajouri killed one and injured at least 18 others.^[35d] As reported by BBC on 6 August 2002 and 9 September 2001 respectively, attacks suspected to have been undertaken by Islamic militants continued in August and September 2002.^{[35c][35e]}

6.273 As reported by BBC news on 9 September 2001, in September 2001 a sudden increase in militant violence in Indian-administered Kashmir was reported prior to state legislative elections in Indian-administered Kashmir. Hindus were targeted although Muslims too were killed. It was reported that at least eight people had been killed.^[35e] As reported by BBC on 17 October 2002, on 17 October 2002 an easing of tension between India and Pakistan was reported as they both stated their intention to withdraw hundreds of thousands of troops from along both sides of the border. The move was welcomed by the international community but is unlikely to lead to immediate peace talks. ^[35c]

Current Situation

6.274 According to the US Department of State report 2003, "Tension along the Line of Control between Pakistan and Indian-held Kashmir was high during the year [2003], and there was shelling in several sectors; however, in November [2003], the country and India announced a cease-fire. By all accounts, the ceasefire continued at year's end".[2d](p4

6.275 The BBC reported on 10 April 2003, militant violence had intensified in Indian-administered Kashmir in 2003. In March 2003, twenty four Kashmiri Hindus were shot dead in Nadimarg village. In April 2003 the Police arrested a militant member of Lashkar-e Toiba, the banned Pakistani militant group, who was suspected of planning the massacre. [35d1] The BBC reported on 25 April 2003, on 25 April 2003, suspected Islamic militants carried out a suicide raid on a security camp in Bandipur in Indian-administered Kashmir, which left four dead. The militants are said to belong to Al-Madina Regiment. [35d1] On 29 April 2003, eleven militants and six army soldiers were killed in a four-hour gun battle in mountainous forest of Bharat in the east of Jammu, as reported by BBC on 29 April 2003. [35d1] According to a BBC news item dated 29 April 2003, in an effort to make progress over Kashmir, on 29 April 2003, Pakistan's Prime Minister Jamali invited his Indian counterpart Atel Behari Vajpayee to Islamabad for negotiations. [35d1]

6.276 BBC news reported on 25 November 2003 that a ceasefire had been implemented along the informal border dividing Indian and Pakistani administered Kashmir. The two countries ordered troops to halt firing along the de facto border or LoC from midnight 23 November 2003. This followed India's acceptance of Pakistan's offer of a cease-fire along the LoC stating it would extend to the disputed Siachen glacier area. Full diplomatic ties and some transport links had been resumed between the two sides. [35e1] According to BBC news dated 19 December 2003, the US and the UN welcomed Pakistan's historic offer to put aside its demand for a referendum in Kashmir. Islamabad's long-standing position has been that a referendum should decide the fate of the disputed territory. President Musharraf's offer capped a series of peace moves by both sides since the cease fire was imposed along the Kashmir border. [35e1]

6.277 As reported by the Guardian on 6 January 2004, two years after coming to the brink of war, India and Pakistan announced peace talks on a number of divisive matters including Kashmir. The leaders met on 5 January at a summit. On 1 January talks were underway to reopen Kashmir highway.[28d]

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Northern Areas

6.278 According to the US Department of State report 2003, the Northern Areas comprise Hunza, Gilit and Baltistan,[2d](p21) and are administered by Pakistan - although they are not legally part of it. Following the 1949 cease-fire with India, Pakistan retained control of one third of the state of Jammu and Kashmir and India two-thirds. Of Pakistan's third, one strip established a separate administration and became known as "Azad" (free) Kashmir. The larger strategically important area to the north however - through which the Indus River runs - was taken under the direct administration of the

government of Pakistan. At the time of Pakistan's independence the region's princes were willing to join Pakistan but their accession has never been accepted, causing great disappointment to the one million Muslim inhabitants, according to a BBC news item dated 15 August 2001. [352]

6.279 According to the BBC in an article date 15 August 2001, unlike Pakistan's other four provinces, the Northern Areas population have therefore had no political representation or status under Pakistan's constitution. Their affairs are under the control of a non-elected minister for the Northern Areas who is selected by the federal government.[352] The US Department of State report 2003 notes that an appointed civil servant administers these areas, (Hunza, Gilit and Baltistan), an elected Northern Area Council serves in an advisory capacity with no authority to change laws or to raise or spend revenue." [2d] (p21)

6.280 The BBC reported on 15 August 2001 that the Pakistani viewpoint was that India could interpret accession of the Northern Areas as validation of the current status quo. The fear is that India could view this as an indication that Pakistan was prepared to accept the cease-fire line as an international border and that the UN resolutions (requiring a plebiscite to be held throughout the state) would no longer be relevant. Resentment among the local population remains and an independence movement for the Northern Areas has been gaining adherents.[352]

Treatment of Non-Governmental Organisations (NGO's)

6.281 According to US Department of State report 2003, "A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, they are required to be licensed. Government officials often were cooperative and responsive to their views. Human rights groups reported that they generally had good access to police stations and prisons." International observers were permitted to visit the country and travel freely. Several international organizations, focused on refugee relief, maintained permanent offices in the country, although some reported difficulty in securing visas for their foreign staff. [2d] (p21-22)

6.282 The US Department of State report 2003 stated "The independent Human Rights Commission of Pakistan, based in Lahore, although hampered by a shortage of funds, conducted a number of investigations into human rights abuses, visited prisons, and organized several human rights seminars aimed at judicial officials and other government officials." [2d] (p22)

6.283 According to Freedom House Survey report 2003, "The military regime generally tolerates the work of NGO's. However in recent years Islamic fundamentalists have issued death threats against prominent human rights defenders and against female NGO activists who work in rural areas." [64] (p4)

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ANNEX A: CHRONOLOGY OF EVENTS

[35c]

1906 - Muslim League founded as forum for Indian Muslim separatism.

1940 - Muslim League endorses idea of separate nation for India's Muslims.

1947 - Muslim state of East and West Pakistan created out of partition of India at the end of British rule. Hundreds of thousands die in widespread communal violence and millions are made homeless.

1948 - Muhammed Ali Jinnah, the first governor general of Pakistan, dies.

1948 - First war with India over disputed territory of Kashmir.

Military rule

1951 - Jinnah's successor Liaquat Ali Khan is assassinated.

1956 - Constitution proclaims Pakistan an Islamic republic.

1958 - Martial law declared and General Ayyub Khan takes over.

1960 - General Ayyub Khan becomes president.

War and secession

1965 - Second war with India over Kashmir.

1969 - General Ayub Khan resigns and General Yahya Khan takes over.

1970 - Victory in general elections in East Pakistan for breakaway Awami League, leading to rising tension with West Pakistan.

1971 - East Pakistan attempts to secede, leading to civil war. India intervenes in support of East Pakistan which eventually breaks away to become Bangladesh.

1972 - Simla peace agreement with India sets new frontline in Kashmir.

1973 - Zulfikar Ali Bhutto becomes prime minister.

Zia takes charge

1977 - Riots erupt over allegations of vote rigging by Zulfikar Ali Bhutto's Pakistan People's Party (PPP). General Zia ul-Haq stages military coup.

1978 - General Zia becomes president.

1979 - Zulfikar Ali Bhutto hanged.

1980 - US pledges military assistance to Pakistan following Soviet intervention in Afghanistan.

1985 - Martial law and political parties ban lifted.

1986 - Zulfikar Ali Bhutto's daughter Benazir returns from exile to lead PPP in campaign for fresh elections.

1988 August - General Zia, the US ambassador and top Pakistan army officials die in mysterious air crash.

Bhutto comeback

1988 November - Benazir Bhutto's PPP wins general election.

1990 - Benazir Bhutto dismissed as prime minister on charges of incompetence and corruption.

1991 - Prime Minister Nawaz Sharif begins economic liberalisation programme. Islamic Shariah law formally incorporated into legal code.

1992 - Government launches campaign to stamp out violence by Urdu-speaking supporters of the Mohajir Quami Movement.

1993 - President Khan and Prime Minister Sharif both resign under pressure from military. General election brings Benazir Bhutto back to power.

Politics and corruption

1996 - President Leghari dismisses Bhutto government amid corruption allegations.

1997 - Nawaz Sharif returns as prime minister after his Pakistan Muslim League party wins elections.

1998 - Pakistan conducts its own nuclear tests after India explodes several devices.

1999 April - Benazir Bhutto and her husband convicted of corruption and given jail sentences. Benazir stays out of the country.

1999 October - Prime Minister Nawaz Sharif overthrown in military coup led by General Pervez Musharraf. Coup is widely condemned, Pakistan is suspended from Commonwealth.

2000 April - Nawaz Sharif sentenced to life imprisonment on hijacking and terrorism charges.

2000 December - Nawaz Sharif goes into exile in Saudi Arabia after being pardoned by military authorities.

2001 June - General Musharraf names himself President while remaining head of the army.

2001 July - First meeting between President Musharraf and Indian Prime Minister Vajpayee for two years ends without a breakthrough or joint statement due to differences on Kashmir.

2001 August - President Musharraf cracks down on religious extremists and outlaws two groups, Sipah-I-Mohammad and Lashkar-I-Jhangvi.^[35aa]

2001 September - Pakistan swings behind U.S in its fight against terrorism supporting attacks on Afghanistan. Some U.S. sanctions lifted.

Kashmir Tensions

2001 October - India fires on Pakistani posts in heaviest firing along the line of control for almost a year.

2001 December - India imposes sanctions against Pakistan to force it to take action against two Kashmir militant groups. Pakistan retaliates with similar sanctions. Indian and Pakistani troops mass along the border amid mounting fears of a looming war.

2002 January - President Musharraf bans five militant groups (Jaish-e-Mohammad, Lashkar-e-Toiba, Sipah-e-Sahaba, Tehrik-I-Jafria-I-Pakistani, Tehrik-Nifaz-e-Shariat-e-Mohammadi) and takes steps to curb religious extremism.^[33c] Controversial electoral law restricting voting right of minorities abolished. Musharraf announces that elections will be held in October 2002.

2002 April - Musharraf held a referendum for voters to vote for him as President for another five years. Official figures show a turnout of 70% with a 98% majority. The referendum is criticised as unconstitutional and fraught with irregularities.^{[33a][35av]}

2002 May - Two suicide attacks in Karachi claim 26 lives including 11 French technicians. Tensions increase again between Indian and Pakistan over Kashmir following attack on Indian Army camp.^[24e] Pakistan test fires missiles. Musharraf tells nation that Pakistan does not want war but is ready to respond with full force if attacked.

2002 June - Britain and America maintain diplomatic offensive to avert war, urge their citizens to leave India and Pakistan.

2002 July - Election date announced-elections for lower house of parliament to take place on 10 October 2002.^[35ba]

2002 August - President Musharraf grants himself sweeping new powers, including the right to dismiss an elected parliament. Opposition forces accuse Musharraf of perpetuating dictatorship.

2002 September - Security stepped up to coincide with 11 September 2001 anniversary in the wake of a number of attacks on western and Christian targets.[35c4]

2002 October - In transition from Military to Civilian government, elections took place on 10 October 2002 to elect representatives to the National and Provincial assemblies.[35c4] Results showed that no one party had an overall majority although the PML(Q) allied to President Musharraf won most seats.[35c4] EU observers and HRW voiced criticism over the election process.[21c][19c]

2003

2003 January-- By-elections for National Assembly

2003 February - The elections to the Senate took place.

The Ruling party wins most seats in voting to the upper house [35d4]

2003 April – Calls for Musharraf to give up military command [24f]

2003 April 29 – Police captured 6 allegedly senior members of the al-Qaida network in raids in Karachi.[24f]

2003 May – Arrest of militant linked to Pearl murder [24g]

2003 May -India says it will restore full diplomatic ties with Pakistan, appointing a new ambassador to Islamabad.[32f]

2003 June – North West Frontier Province votes to introduce Sharia law.[35d4]The Provincial legislature of North-West Frontier Province (NWFP), dominated by the Islamist six-party coalition Mutahida Majlis-I-Amal (MMA-United Council for Action), unanimously passed a bill to implement sharia (Islamic law) in the province. The bill gave sharia precedence over secular provincial law. Proposed restricting the rights of women and harmonising the educational and financial systems with the Koran.[24h]

2003 30 June - A court in Karachi sentenced to death, three men for conspiracy in a suicide bombing in Karachi in May 2002. The police stated that two of the defendants were members of the banned militant organisations Harakat-e-Jihad-e-Islami and Harakat-ul-Mujaheddin.[24g]

2003 June – Pakistan envoy arrives in India as Pakistan's new high commissioner prepares to take up post in Delhi. The warming of relations between India and Pakistan began in April 2003 when India's Prime Minister offered what he said was the "hand of friendship" to Pakistan.[35d4]

2003 August – Bhutto and Mr Zardari sentenced in Switzerland to a six month suspended jail term and fined \$ 50,000 each.[35d4] Benazir files an appeal against the

Swiss verdict.[33at]

2003 September – Pakistan freed 16 Indian Sikhs in a goodwill gesture to India following a thaw in relations.[33ay]

2003 October – Seven die in Pakistan bus attack when gunmen open fire on a bus carrying Shia Muslim worshippers in Karachi.[35du]

2003 October – Pakistan carries out two separate missile tests.[35ea]

2003 November – Ceasefire declared in Kashmir on LoC [35et]

2003 December – 2 attempts on the Presidents life, militants blamed [35eo]

2004 January – Peace talks between India and Pakistan [38d]

2004 January – Pakistan church blast injures 11 in Karachi [35en]

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ANNEX B: POLITICAL PARTIES AND MILITANT GROUPS

AWAMI NATIONAL PARTY (People's National Party)

Formed 1986 by merger of National Democratic Party, Awami Tehrik (People's Movement) and Mazdoor Kissan (Labourers' and Peasants' Party). Federalist and Socialist, led by Khan Abdul Wali Khan.^[1a]

BALUCHISTAN NATIONAL MOVEMENT

Based in Quetta, led by Abdul Hayee Baluch.^[1a]

HARKAT-UL-MUJAHIDEEN

Kashmiri militant group, and also an international Islamic brigade. Composed mainly of Afghans, Pakistanis and even some Arabs.^{[35o][49a]}

HIZBUL MUJAHIDEEN (HM)

One of the most powerful Kashmiri militant groups set up in 1990 in Kashmir, favouring integration of Kashmir into Pakistan. Their supreme commander is Syed Salahuddin who lives in Pakistan.^[35i] HM has strong links with the Jamiaat-I Islami (JI) of Pakistan and most of the members of the HM are from the "Islami Jamiaat Talabe", the student wing of the JI. ^[55b] In July 2000, the Commander Abdul Majid Dar announced a three-month cease-fire against the Indian security forces, a pronouncement that created divisions and controversy among the militants. Eighteen months after the announcement, the leader of HM Mr Salahuddin removed Mr Dar from his position. ^[35dh]

Tension has been rising between the two rival factions of HM. The leader of one faction, the former commander Abdul Majid Dar, was killed by unknown assailants in March 2003. His supporters have accused Syed Salahuddin, the head of another faction of the group, over the killing. ^[35dh] On 3 April 2003, Saif-ul-Islam, the Chief Commander of HM was killed in a gun-battle between militants and Indian forces in Kashmir. ^[35e]

HURRIYAT (FREEDOM) CONFERENCE

Umbrella organisation, campaigns peacefully for an end to India's presence in Kashmir. Made up of at least twenty-three constituent groups including trade unions and religious and political organisations.^[35o] The All Parties Hurriyat Conference formally split on 15 September 2003 when pro-freedom members appointed former APHC chairman Syed Ali Geelani the new head.^[33bb]

IMAMIA

Organisation affiliated to the Tehreek-e-Jaferia (TJP) Shia organisation (see below). The Imamia Students Organisation and the Imamia Organisation are reported to play an active role in TJP activities.^[49d]

Islami Tehrik-I-Pakistan (formerly Tehrik-I-Jafria Pakistan)

President Musharraf banned this group in November 2003.

JAMAAT-i-ISLAMI (JIP) (aka JAMAAT-i-ISLAMI PAKISTAN) (Islamic Assembly)
Founded 1941. Seeks establishment of Islamic (Sunni) order; rightwing, led by Amir Qazi Hussain Ahmad.^[11] Qazi Hussain Ahmad detained in April 2002 apparently to prevent a march he was organising against the referendum to extend Musharraf's term as President.^[356]

JAMIAT-i-ULEMA- i-ISLAM (JUI)

Founded 1950; advocates adoption of constitution in accordance with Sunni teachings. Led by Maulana Fazlur Rehman.^[14] As a consequence of the USA's pursuit of Osama bin Laden and his Taliban hosts in Afghanistan, the party called on its 500,000 members for clashes with the security forces following government support for a U.S. military build up in the region. In a threat of all-out civil war, the secretary-general of the party threatened to fight the U.S. and its supporters if an attack on Afghanistan materialised.^[14b] Despite a poor showing in the last general election (gaining only two seats in the senate and four in the national assembly) the JUI is still relatively powerful in the tribal areas that cover Pakistan's frontier with Afghanistan. Its structure has parallels with that of the Taliban, consisting of a loose grouping of Islamic scholars and religious figures.^[14b] The JUI leader was charged with treason after calling on his followers to attack members of Pakistan's armed forces.^[35a]

JAMIAT-i-ULEMA- i-PAKISTAN (JUP)

Founded 1948; advocates progressive Sunni Islamic principles and enforcement of Islamic laws in Pakistan. ^[11]

JAMIAT-ul-FURQAN (also known as Tanzeem-ul-Furqan)

An Islamic group banned in November 2003, this group was linked to the murder of US journalist Daniel Pearl. According to a BBC news item dated 20 November 2003, it was thought the group was banned for involvement in extremist politics and spreading religious hatred. The action was taken under the anti-terrorism law and no specific reason was given by the government for banning this and other groups. ^[356] This was a splinter faction of the outlawed Jaish-e-Mohammad group. Abdul Jabbar was the leader of Jamiat-ul-Furqan. ^[72]

JAMIAT-ul-ANSAR, formerly known as Harkat-ul-Mujahideen

A little known group banned in November 2003 under the anti-terrorism law by President Musharraf. ^[356] It is involved in the freedom struggle in Indian Occupied Kashmir. ^[72]

JAMMU AND KASHMIR LIBERATION FRONT (JKLF)

Was one of the most active militant groups, but today appears to have a dwindling membership and less military power. ^[356]^[49]

JEAY SINDH QAUMI MAHAZ (JSQM)

A partner of the MQM (A), the JSQM's interest is the inhabitants of the Sindh province. ^[33]

KHATME NABUWWAT (Committee to Secure the Finality of Prophethood)

Originally a small Muslim political party, adopted name in 1970's apparently to attract orthodox Muslims. Has called for the banning of the Ahmadi movement and the killing of its members.[12b]

Khudam-ul-Islam (formerly Jaish-e-Mohammed – JeM)

Was banned in November 2003 by President Musharraf along with 5 other groups.[24]

MUTTAHIDA QAUMI MOVEMENT (MQM) (United National Movement)

Founded 1978 as the All Pakistan Mohajir Students Organisation; became Mohajir Qaumi Movement in 1984; renamed as Muttahida Qaumi Movement in 1997. Represents interests of Urdu-speaking Mohajir Muslims who migrated from India at partition in 1947. Seeks the designation of Mohajir as the fifth nationality (after Sindhi, Punjabi, Pathan and Balochi). Split into two factions in 1992: MQM (Altaf) headed by Altaf Hussain and the smaller MQM (Haqiqi)[1a][49g][49h]

PAKISTAN MUSLIM LEAGUE (PML)

The PML was established in 1962 and has long been beset by factional rivalries and divisions. By 1995 the largest faction was the PML(Nawaz) or PML(N) lead by Nawaz Sharif. In 1993 elections the PML(N) won 73 seats in the National Assembly and formed the core of the opposition. The PML(J) Junejo group lead by Hamid Nasir Chatto won six seats and joined in coalition with the PPP-led government. Since Nawaz Sharif's trial, conviction and exile effective leadership of the PML(N) has passed to Javed Hashmi as acting president. Recently a PML(Q) (Quaid I Azam), leader Mian Azhar, has emerged to offer broad support to President Musharraf's government.[26] In May 2001 Pir Pagara leader of the PML(Functional) was reported to have written to the heads of nine groups in an effort to unite the various factions of the party.[33ag] The PML student organisation is the **Muslim Student Federation (MSF)** [20a]

PAKISTAN PEOPLE'S PARTY (PPPP)

Founded 1967 by Zulfikar Ali Bhutto. Advocates Islamic socialism, democracy and non-aligned foreign policy. Chaired by Benazir Bhutto; main power base in Sindh - the Bhutto's homeland. **People's Student Federation** is PPP student organization; **People's Youth Organization** is PPP youth organization. Party became an amalgamation of socialists and conservatives, to be dominated by the latter.[20a] PPP (Parliamentarians) set up in early August 2002 under leader Makhdoom Amin Fahim-a tactical move to avoid PPP disqualification from contesting October 2002 elections under one symbol, as leader Benazir Bhutto is not legally allowed to hold any office. Now called PPP Parliamentarians.[33ah]

Pakistan People's Party (Shaheed Bhutto Group) Karachi. Formed 1995 as a breakaway faction of the PPP, Chair: Ghinwa Bhutto; Sec-Gen: Dr Mubashir Hasan [1b]

Pakistan People's Party (Sherpao Group) Peshawar; breakaway faction of the PPP; President Altaf Sherpao [1b]

TEHRIK-I-INSAAF (Movement for Justice)

Founded 1996, led by Imran Khan. Based in Lahore.[1a]

UNITED JIHAD COUNCIL

Umbrella group of fourteen militant groups based in "Azad" Kashmir.[35f]

JAISH-E-MOHAMMAD

Meaning "Army of Mohammad". Formed recently by an Islamic cleric, Maulana Massod Azhar, who was released from an Indian jail in December 1999 following the hijack of an Indian airliner.[35e] One of five extremist groups banned by President Musharraf in January 2002.[33e] Khuddam-ul-Islam formerly known as Jaish-e-Mohammed – JeM was banned in November 2003 by President Musharraf.[24 f]

Jamaat-ud-Dawa

(Thought by some to be a new identity for the Kashmiri armed separatist group Lashkar-i-Toiba – LiT, this group escaped a ban when President Musharraf banned 6 further groups in November 2003 [24f]

LASHKAR-e-TOIBA (LASHKAR-E-TOYEBA)

Meaning "Army of the Pure". Armed and violent Kashmiri militant group, based in the Punjab and numbering approximately 300 activists. Advocates Islamic rule over all parts of India, and engages in suicide attacks. Has been linked with numerous killings.[35m] Made up predominantly of non-Kashmiri fighters, and is thought to embrace a rigid form of Sunni Islam.[35e] One of five extremist groups banned by President Musharraf in January 2002.[33e]

LASHKAR-I-JHANGVI

Military wing of the Sipah-i-Sahaba-i-Pakistan.[10b] A Sunni-Deobandi terrorist outfit.[49b] One of the most violent religious groups in Pakistan, believed to be responsible for killing scores of Shia Muslims.[32e] The group was outlawed by General Musharraf in August 2001, following a reported crackdown on religious extremists.[35aa] Members of the group were suspected of involvement in two bombs targeting foreigners in Karachi in May and June 2002. Founder/leader Riaz Basra was killed by police in Punjab in May 2002. Akram Lahori is believed to be the new head of the organisation.[35bn][49b] Reported to have links with Taliban in Afghanistan and Al Qaeda terrorist group.[49b]

SIPAH-I-MOHAMMAD

Shia militant organisation formed as a reaction to Sunni violence.[20b] General Musharraf outlawed the group in August 2001, following a reported crackdown on religious extremists.[35aa] Leader Ghulam Raza Naqvi currently in prison.[49c]

TEHRIK-NIFAZ-E-SHARIAT-E-MOHAMMADI(TNSM)

Militant Islamic movement which waged an armed struggle in the mid-1990's for the introduction of an orthodox Islamic system in Malakand NWFP.[38] Leader Maulana Sufi Mohammad led hundreds of tribal young men into Afghanistan in late 2001 to fight alongside the Taliban.[35b] One of five extremist groups banned by President Musharraf in January 2002.[33e]

TEHRIK-I-JAFRIA-I-PAKISTAN (TJP)

Founded 1987 as political party. Shia extremist; leader Allama Sajid Ali Naqvi.[1a] Prominent Shia terrorist group involved in anti-SSP campaigns, violence, and

killings.^[49] One of five extremist groups banned by President Musharraf in January 2002.^[33] **Islami Tehrik-i-Pakistan** which was formerly known as Tehrik-i-Jafria-i-Pakistan was banned in November 2003 by President Musharraf.^[24]

SIPAH-I-SAHABA-I-PAKISTAN (SSP)

Founded in 1984 as the Anjuman Sipah-i-Sahaba-i-Pakistan at a time of growing anti-Ahmadi sentiment. Have always been strongly anti-Ahmadi, but more recently have turned to harassing and attacking Shia Muslims.^[20] Military wing is the Lashkar Jhangvi.^[18] One of five extremist groups banned by President Musharraf in January 2002.^[33] Maulana Azam Tariq current head, SSP is considered the most powerful extremist group in the country.^[49] Sipah-e-Sahaba has strongholds in southern districts of the populous central province of Punjab and the port city of Karachi.^[35] **Millat-i-Islamia Pakistan** formerly known as SSP was banned by President Musharraf in November 2003.^[24]

Tanzeem-e-Nifaz-e- Shariat-e-Mohammed

Founded by Maulana Sufi Mohammad this radical Sunni Muslim group is banned. The founder was a follower of Saudi Arabia's Wahabi school of thought. The group has engaged in violent agitation for the enforcement of Islamic laws in its stronghold of Malakhand in northwestern Pakistan. In October 2002 Sufi Mohammad crossed into Afghanistan with thousands of followers to help the Taleban fight the US led forces, returning after the collapse of the Taleban. Sufi Mohammad is currently under detention following his return.^[35]

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ANNEX C: PROMINENT PEOPLE

A. THE GOVERNMENT: [33ap] (as at October 2003)

• President	General Pervez Musharraf
• Prime Minister	Mir Zafarullah Khan Jamali
• Foreign Affairs (Law, Justice and Human Rights)	Mian Khursheed Mehmood Kasuri (PML-Q)
• Minister of Commerce	Humayoon Akhtar Khan (PML-Q)
• Education Minister	Zubaida Jalal (PML-Q)
• Health Minister	Mohammad Nasir Khan (PML-Q)
• Industries & Production	Liaqat Ali Jatoi (PML-Q)
• Information & media	Sheikh Rashid Ahamd (PML-Q)
• Labour, Manpower, Overseas Pakistanis	Abdul Sattar Laleka (PML-Q)
• Railways	Ghaus Bakhsh Khan Sherapo (PPP-S)
• Water and Power	Aftab Ahmad Khan Sherpao (PPP-S)
• Defence Minister	Rao Sidandar Iqbal (PPP forward bloc)
• Interior & Narcotic Control	Makhdoom Syed Faisal Saleh Hayat (PPP forward bloc)
• Petroleum and Natural Resources	Chaudhry Norez Shakoore Khan (PPP forward bloc)
• Information Technology & Tele-communication	Awais Ahmad Khan Leghari (National Alliance)
• Food, Agriculture	Sardar Yar Mohammad Rind (National Alliance)

The seven ministers of state are:

Khalid Ahmad Khan Lund, Rais Munir Ahmad, Hamid Hayat Khan Hiraj, Tahir Iqbal, Sikandar Hayat Khan Bosan, Habibullah Waraich and Raza Hyat Hiraj. [33ap]

B. Others:

AZHAR, Mian Mohammad

Newly elected leader of the PML following Nawaz Sharif's exile to Saudi Arabia. Had been openly critical of Nawaz Sharif's government. [35u]

BHUTTO, Benazir

Born in 1953 in the province of Sindh and educated at Harvard and Oxford, Ms Bhutto gained credibility from her father's high profile, even though she was initially a reluctant convert to politics. Ms Bhutto was imprisoned just before her father's death in 1979, after he was imprisoned and charged with murder by General Zia-ul-Haq in 1977. She spent most of her five-year jail term in solitary confinement. During stints out of prison for medical treatment, Ms Bhutto set up a Pakistan People's Party office in London, and began a campaign against General Zia. She returned to Pakistan in

1986, attracting huge crowds to political rallies. After Zia's death in 1988, she became one of the first democratically elected female prime ministers in an Islamic country. She has twice been prime minister of Pakistan, from 1988 to 1990 and from 1993 to 1996. On both occasions she was dismissed from office by the president for alleged corruption. She has steadfastly denied the corruption charges against her, which she says are politically motivated and left Pakistan in 1999 to live abroad shortly after her conviction.^[35w] In April 2001 the Supreme Court nonetheless set the corruption convictions for her and husband Asif Zardari aside, citing bias on the part of the original trial judge and ordered a retrial.^[33t] In August 2003 a Swiss judge found Benazir Bhutto and her husband, guilty of money laundering. They were both sentenced to a six month suspended jail term and fined \$50,000. They were accused of illegally depositing millions of dollars in Swiss accounts, both deny the charges.^[35d] Benazir Bhutto challenged the verdict and filed an appeal.^[33at]

BHUTTO, Zulfikar Ali

Former leader of PPP. Won a majority of the National Assembly seats for West Pakistan in December 1970 elections. Following the 1971 civil war (culminating in the creation of Bangladesh from East Pakistan) Bhutto became president of Pakistan in December 1971. After new Constitution was adopted in August 1973, Bhutto became executive Prime Minister. Was re-elected in March 1977, but deposed in a military coup in July. Found guilty of instigating the murder of PPP dissident, and was executed in April 1979.^[1a]

JINNAH, Muhammad Ali

Leader of Muslim League and popularly known as Quaid-i-Azam ("Great Leader"). Became first Governor-General of Pakistan when country created in August 1947, but died the following year.^[1a]

HUSSAIN, Altaf

Founder member and leader of Muttahida Qaumi Movement (MQM). Has been in the UK since 1992 after he and other leaders were declared wanted criminals following violence within the MQM, and the imposition of a curfew on MQM controlled areas of Karachi. In 1994 he was sentenced in absentia to 27 years' imprisonment on charges of terrorism.^[1a]

MUSHARRAF, Pervez

Appointed Army Chief of Staff on October 1998 by Prime Minister Nawaz Sharif. Overthrew Sharif's government in the October 1999 military coup and became the country's 'Chief Executive'. Was born in New Delhi in 1943, and his family migrated to Pakistan in 1947 after the sub-continent was divided following British rule. Grew up in Karachi, and joined the army in 1964, fighting in the 1965 and 1971 wars with India.^[14a]

SHARIF, Mohammad Nawaz

Groomed for power by late General Zia; led Islamic Democratic Alliance to victory in 1990 elections and appointed Prime Minister. Dismissed April 1993 following political crisis; accused by president of maladministration, nepotism and corruption. Sharif's government was restored to power after Supreme Court ruled president's order had been unconstitutional. Sharif's faction of Muslim League failed to win sufficient seats in 1993 elections, but party swept to power in 1997 elections, after which Sharif became

prime minister once again. Had been a Punjab provincial minister in 1981; Chief Minister in 1985.^[6] Overthrown in the military coup of 12th October 1999, and sentenced to life imprisonment on charges of hijacking and terrorism on 6th April 2000.^[35e]

UL-HAQ, MOHAMMAD ZIA

General and Army Chief of Staff, appointed Chief Martial Law Administrator following July 1977 coup. Became president in 1978 and postponed indefinitely the expected elections. Zia pursued a policy of "Islamisation" of country's institutions, which was confirmed in the December 1984 referendum. Martial law repealed in December 1985 and Constitution restored. Zia remained president. Killed in air crash on 17 August 1988.^[1a]

ZARDARI, Asif Ali

Benazir Bhutto's husband. Arrested following dismissal of PPP government in 1990 on charges of extortion, kidnapping and financial irregularities; later acquitted. In July 1996 appointed as Minister of Investment in Benazir's cabinet, which drew much criticism. Arrested following dismissal of government in 1996, and charged with the murder of his brother-in-law, Murtaza Bhutto, as well as illicit shipment of a container of antiques to the couple's Surrey mansion. Elected Senator as PPP nominee while in prison during 1997.^[6a] Pleading not guilty in October 1998 to Ehtesab Commission's charges of corruption in October 1998.^[6b] He and Benazir convicted of corruption on 15 April 1999 and sentenced to five years' imprisonment and disqualified from holding public office for up to ten years.^[24b] Appealed to the Supreme Court on 10 May 1999. It was alleged by police on 18 May 1999 that Zardari attempted suicide by cutting his throat on glass. However, Zardari's lawyers claimed that it was a fabrication to cover up the fact that he had been tortured. The following day he was taken to hospital. Nawaz Sharif reportedly ordered a judicial inquiry into Zardari's injuries.^[24c] In April 2001 the Supreme Court set the corruption convictions for Zardari and Benazir Bhutto aside, citing bias on the part of the original trial judge and ordered a retrial.^[33] In August 2003 a Swiss judge found Benazir Bhutto and her husband, guilty of money laundering. They were both sentenced to a six month suspended jail term and fined \$50,000. They were accused of illegally depositing millions of dollars in Swiss accounts, both deny the charges.^[35d] According to Keesings record of world events for November 2003, a court in Geneva, Switzerland upheld an appeal by Benazir Bhutto and her husband Asif Ali Zardari against their convictions. The six month suspended sentence and financial penalties were quashed. However, the dossier was sent on to Geneva's chief prosecutor to decide whether to refer the case to a higher court. ^[24]

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