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Amnesty International Report 2010 - Pakistan

ISLAMIC REPUBLIC OF PAKISTAN

Head of state: Asif Ali Zardari
Head of government: Yousuf Raza Gilani
Death penalty: retentionist
Population: 180.8 million
Life expectancy: 66.2 years
Under-5 mortality (m/f): 85/94 per 1,000
Adult literacy: 54.2 per cent

Millions of Pakistanis suffered abuses as a result of a sharp escalation in armed conflict between the government and armed groups. Pakistani Taleban and other anti-government groups targeted civilians throughout the country, while security forces used indiscriminate and disproportionate force and carried out suspected extrajudicial executions. In areas controlled by the Pakistani Taleban and allied armed groups, civilians faced severe abuses, including arbitrary arrest and detention; torture and other ill-treatment; a near total absence of due judicial process; stringent restrictions on freedom of expression and assembly; religious and ethnic discrimination; and violence and discrimination against women and girls. Violence against minorities increased, with the government failing to prevent attacks or punish perpetrators. There were no executions, although 276 people were sentenced to death.

Background

Following nationwide protests led by Pakistani lawyers, Iftikhar Chaudhry was reinstated on 16 March as Chief Justice. He had been dismissed from his post in November 2007 by then President Pervez Musharraf. On 31 July, the Supreme Court ruled that President Musharraf had violated the Constitution when he declared emergency rule on 3 November 2007. In August, a criminal case was filed against him for illegally detaining judges of the higher judiciary in 2007. On 16 November, the Supreme Court resumed hearing cases of enforced disappearances that had been interrupted by the 2007 emergency.

Violence in Balochistan escalated in January after Baloch armed groups called off a ceasefire begun in mid-2008. Hostage-taking and unlawful killings by armed groups were countered by violations, including arbitrary arrests and enforced disappearances, by state agents.

Pakistani Taleban and related insurgent groups consolidated their hold in the Federally Administered Tribal Areas (FATA) and expanded their reach into parts of the North West Frontier Province (NWFP), most notably the densely populated Swat valley. The army continued its operations against insurgents, focusing particularly on Swat in April, on Khyber Agency in FATA from September, and on South Waziristan from October. Insurgents killed hundreds of civilians and injured thousands more in attacks across the country, including attacks targeting mosques and schools.

On 13 April, the Pakistani Taleban in Swat forced President Zardari to sign the Nizam-e-Adl (Order of Justice) Regulation. The Regulation formally established courts implementing the Taleban's harsh interpretation of Islamic law in Malakand Division. The peace pact broke down when the Pakistani Taleban continued armed incursions into neighbouring Buner in mid-April. The Taleban's actions, and the resulting army operations that began on 26 April, displaced more than 2 million people, joining some half a million Pakistanis who had already fled their homes as a result of the conflict between the Pakistani Taleban and government security forces. The South Waziristan operation prompted over two thirds of the region's 450,000 population to flee.

Legal, constitutional or institutional developments

The pre-charge detention period for suspects held for interrogation under the Anti-Terrorism Act was extended from 30 to 90 days on 2 October.

On 19 August, the Ministry of Human Rights informed Parliament that of the 11,000 human rights cases registered by it countrywide over the past three years – most of them in Sindh Province – more than 8,000 had not been investigated by the police or had been dismissed.

On 4 August, the National Assembly passed the Domestic Violence (Prevention and Protection) Bill. It lapsed after the Senate failed to pass it and the government did not set up a mediation committee to resolve differences.

President Zardari announced a reform package for FATA in August. It included lifting the ban on political party activities and limited reform of the colonial-era Frontier Crimes Regulation, which deprives FATA residents of most rights afforded under international law and the Pakistani Constitution. Implementation of these reforms remained pending.

On 24 November, Prime Minister Gilani presented comprehensive proposals to reduce the military presence in Balochistan, release Baloch political detainees except those involved in "terrorism", release "disappeared" people and initiate economic uplift programmes. Twenty disappeared people were reportedly released in late November and in December; 89 criminal cases registered against political activists were withdrawn. On 10 December, the Prime Minister reportedly stated that of 992 Baloch victims of enforced disappearance, 262 had already been released and the rest would be released soon.

Insurgency in FATA, NWFP and Balochistan

Insurgents abducted and unlawfully killed thousands of people, including tribal elders, teachers, journalists, other professionals, and internally displaced people returning to their homes. In 87 suicide attacks, 1,299 people were killed and 3,633 injured, many of them civilians. In the past two years, the Taleban destroyed over 200 schools in Swat, including more than 100 girls' schools. According to local officials, these attacks disrupted the education of more than 50,000 pupils from primary to college level.

Taleban groups set up informal Islamic "courts" in areas under their control and "tried" and punished scores of people, particularly women, accused of breaching their harsh interpretation of Islamic law. Punishments included public floggings and executions.

The Pakistani military at times used indiscriminate or excessive force in attacks on suspected Taleban hideouts, leading to high numbers of civilian casualties. Security forces detained family members of suspected insurgents, including children, to force them to surrender.

State-supported but unregulated tribal lashkars (militias), formed by elders in NWFP and designated tribal areas to counter the Taleban and protect tribal villages, detained and in some cases killed Taleban suspects.

Journalists reporting the insurgency in the Northwest and Balochistan were targeted by the government as well as by armed groups, resulting in under-reporting of abuses. At least 10 journalists lost their lives in the course of their work.

- Afghan journalist Janullah Hashimzada was killed on 24 August in Jamrud, Khyber Agency; his colleagues believed that the Taleban were responsible. That same month, the Quetta-based newspaper Asaap closed after security and intelligence personnel were sent to their office to censor their work.
- On 7 July, insurgents in Buner set fire to the house of Behroz Khan, a journalist with Geo TV.

Internally displaced people

In addition to some 500,000 people displaced earlier from FATA as a result of the conflict, more than 2 million people fled the fighting in Swat which began in April (see Afghanistan entry). The government failed to ensure the rights of the displaced – over half of them children – to security, health, food, shelter and education. In October, the security forces harassed Mehsud tribespeople fleeing the fighting in South Waziristan and detained scores of Mehsuds under the collective responsibility clause of the Frontier Crimes Regulation.

Torture and other ill-treatment

Dozens of detainees were tortured to death or killed, and other extrajudicial executions were reported amid widespread impunity for such violations.

- Christian minority member Fanish Masih, aged 19, was found dead on 15 September in Sialkot prison where he had been held in solitary confinement. Prison authorities claimed that he had committed suicide but his relatives reportedly noted bruises consistent with torture on his forehead, arms and legs. Three prison officials were suspended for negligence, but no criminal charges were brought against them.
- More than 250 bodies of suspected militants were reportedly found in Swat after mid-July, some hanging from poles, warning the Taleban of the same fate.

Enforced disappearances

New instances of enforced disappearances were reported. Despite the resumption of Supreme Court hearings of disappearance cases in November, the fate and whereabouts of hundreds of disappeared people remained unknown.

- In October, a district court in Abbottabad declared former President Musharraf a suspect in the case of the alleged abduction of Atiq-ur Rehman, a scientist at the Pakistan Atomic Energy Commission, who disappeared on 25 June 2004.

- On 18 August, the army stated it was holding 900 prisoners arrested in Swat who would be handed over to relevant agencies. Their identity, whereabouts and fate remained unknown.
- On 3 April, three Baloch activists, Ghulam Mohammad Baloch, Lala Muni, and Sher Mohammad Baloch, were abducted by men in civilian clothing from their lawyer's office on the very day that the anti-terrorism court cleared them of charges of causing unrest. They were reportedly taken away in Frontier Corps vehicles. They were found dead on 8 April. Ghulam Mohammad Baloch was a member of a committee to ascertain the identity of some 800 victims of enforced disappearance. The Balochistan High Court set up a judicial inquiry in April, and in September called on the intelligence agencies to assist the investigation of the murders after police had complained about their lack of co-operation.

Zakir Majeed Baloch, a social worker and vice-chairman of the Baloch Students Organization, was according to family members picked up on 8 June by intelligence agency personnel near Mastung, Balochistan. Police refused to register the family's complaint. His fate and whereabouts remain unknown.

Discrimination – religious minorities

Members of religious minorities suffered increasing abuses, including abduction, murder, intimidation, and harassment, as state officials failed to protect them and adequately prosecute perpetrators. The Taliban imposed *jizya*, a tax payable by non-Muslims living under Muslim rule, on Sikhs, Hindus and Christians, or in some cases expelled them outright. Sectarian violence between the Sunni and Shi'a communities increased in Kurram Agency as Sunni Taliban exerted their control.

- At least 14 members of the Ahmadiyya community, including children, were arrested on charges of blasphemy which carries the mandatory death penalty. At least 11 Ahmadis and nine Christians were killed for their faith in separate incidents.
- On 29 January, five Ahmadis, including one minor, were detained on spurious charges of blasphemy in Layyah district, Punjab Province, with no evidence or witnesses to support the charges against them. They were released on bail.
- In Gojra, Punjab, over 1,000 people attacked the Christian quarter on 1 August, burning six people alive, including a seven-year-old child. Seventeen others were injured, one of whom died later. The attack was a response to rumours that Christians had torn pages of the Qur'an in neighbouring Korian. A judicial inquiry, ordered by the Punjab Chief Minister, submitted its findings to Punjab authorities in early September; they were not made public. Of 42 people arrested on charges stemming from the attack in Gojra, 35 were released on bail.

Violence against women and girls

Women continued to be victims of "honour killings", with 960 incidents reported. In September, the Punjab law minister announced that crimes against women would be tried under the Anti-Terrorism Act.

- In NWFP and the tribal areas, Taliban groups closed or burned down girls' schools, forced women to wear a veil and prohibited them from leaving their homes unless accompanied by male relatives. Several women were punished, shot dead or mutilated for alleged "immoral" activities. Legal redress sought for abuses of women's rights remained difficult to obtain.
- On 27 April, Ayman Udas, a Pashtun singer from Peshawar, was shot dead, reportedly by her two brothers who viewed her divorce, remarriage and artistic career as damaging to family honour. No one was arrested.

Children's rights

Child labour, domestic violence, sexual abuse, and forcing girls into marriage to settle disputes continued. The government rarely took action to prevent such abuses or to ensure punishment of the perpetrators. In October, the Sindh Assembly heard that 4,367 child labour victims had been recovered between May 2008 and April 2009 in that province alone and handed over to an NGO for their rehabilitation.

The army on several occasions presented children to the media, stating that they had been found in Taleban camps where they were allegedly trained for suicide missions.

- In August, 11 boys, including three apparently under 10 years old, appeared before journalists in Mingora "visibly traumatized". They said that they had been held in Taleban camps along with hundreds of other boys.

The Juvenile Justice System Ordinance of 2000 remained inadequately implemented. Its provision to detain children separately from adults remained unimplemented.

Death penalty

The Human Rights Commission of Pakistan recorded 276 new death sentences, with 7,700 people remaining under sentence of death. No executions were carried out.

Promises made in 2008 to commute all death sentences to life imprisonment remained unfulfilled. In September, President Zardari called on provincial governments to submit recommendations on commuting the death penalty to prison terms of 24 to 30 years. On 31 August, the Supreme Court suspended an order passed by the Lahore High Court in April under which death sentences would not be imposed on women and juveniles in narcotics cases.

Amnesty International visit/reports

- An Amnesty International delegate visited Pakistan in May.
- Pakistan: Resolve hundreds of Baluch "disappearances" (ASA 33/001/2009)
- Pakistan: Lahore attack shows government must do more to protect civilians (ASA 33/002/2009)
- Pakistan: Government should take concrete action to amend or abolish the blasphemy laws within a year (ASA 33/008/2009)
- Pakistan: Amnesty International welcomes Supreme Court move to hear disappearances cases (ASA 33/011/2009)
- Pakistan: Government must prepare for South Waziristan displacement crisis, 16 October 2009

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