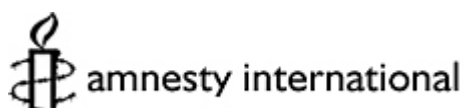


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Amnesty International Report 2009 - Pakistan

Head of state: Asif Ali Zardari (replaced Pervez Musharraf in September)
Head of government: Yousuf Raza Gilani (replaced caretaker prime minister Muhammadmian Soomro in March)
Death penalty: retentionist
Population: 167 million
Life expectancy: 64.6 years

Under-5 mortality (m/f:) 89/99 per 1,000
Adult literacy: 49.9 per cent

A civilian government was elected in February. The new government released prisoners detained during the November 2007 state of emergency but failed to fulfil many of its promises to ensure human rights protection. Torture, deaths in custody, attacks on minorities, enforced disappearances, "honour" killings and domestic violence persisted. After the new government announced that it would commute death sentences to life imprisonment, it executed at least 16 people; at least 36 were executed throughout the year. Violence in the tribal areas bordering Afghanistan spilled over into other areas of Pakistan, as members of the Pakistani Taliban took hostages, targeted and killed civilians, and committed acts of violence against women and girls.

Background

Following general elections on 18 February, a civilian government took office on 31 March. However, the ruling coalition began to split when the parties could not reach agreement on how to reinstate the judges who had been unlawfully dismissed during the state of emergency in November 2007. President Musharraf resigned in August under threat of impeachment for violation of the constitution and misconduct. On 6 September, Asif Ali Zardari, Benazir Bhutto's widower and Pakistan People's Party leader, was elected President.

The majority of the deposed judges resumed office after taking a new oath. The lawyers' movement objected stating that reappointment, under a new oath, amounted to endorsing the illegal imposition of the emergency and dismissal of judges in November 2007.

Faced with an escalation of armed attacks, including suicide bombings, the new government vacillated between military operations and accommodating tribal armed groups and Pakistani Taliban. On 22 October, both houses of parliament unanimously passed a resolution urging the government to replace military operations with civilian law in border areas with Afghanistan and to initiate dialogue with Taliban who are willing to forgo violence. On 9 December, President Zardari stated that 1,400 civilians, 600 security personnel and 600 militants were killed in military operations in the border areas over the past five years.

The Afghan and US governments repeatedly called on Pakistan to destroy bases from which the Taliban launch attacks in Afghanistan. Despite strong protest from Pakistan, US forces operating in Afghanistan increasingly fired missiles across the border into Pakistan.

India-Pakistan relations deteriorated after allegations by the Indian authorities that the November Mumbai attacks had been carried out by people or groups based in Pakistan.

Legal and constitutional developments

Despite some positive efforts, Pakistan's new civilian government failed to fulfil many of its promises to protect human rights. In March, the government released scores of political activists detained during the state of emergency and freed judges held under illegal house arrest. In April, Pakistan ratified the International Covenant on Economic, Social and Cultural Rights and signed the International Covenant on Civil and Political Rights as well as the UN Convention against Torture. In May, the government announced that Pakistan would accede to the International Convention on the Protection of all Persons from Enforced Disappearance but it did not do so by year end.

In November, a separate Human Rights Ministry was established. On 15 October, the cabinet approved a draft bill to set up a national human rights commission but parliament did not pass it by year end.

Arbitrary arrests and detentions

Police continued holding detainees for long periods of time without bringing them before a magistrate as required by law.

In the wake of attacks in November on civilian targets in Mumbai, India, the UN Security Council imposed sanctions against the organization Jamaat-ud-Dawa and its leaders, leading to the detention of hundreds of its workers under preventive detention legislation in December.

Torture and other ill-treatment

Law enforcement and security agencies routinely used torture and other ill-treatment, including beating, prolonged standing, hanging by the ankles and rape. Several deaths in custody were reported.

Enforced disappearances

In April, Law Minister Farooq Naik promised the government would trace all people subjected to enforced disappearance. According to the government's own figures, 1,102 people have disappeared in Balochistan province alone. In May, the government set up two committees to trace disappeared people. In June, the government stated that 43 disappeared persons had been traced in Balochistan, and had either been released or detained in an official place of detention. Petitions relating to hundreds of cases of disappearances remained pending before the Supreme Court.

On 21 November, Human Rights Minister Mumtaz Alam Gilani announced that a new law was being prepared to facilitate the recovery of disappeared people and stated that his ministry had 567 documented cases of enforced disappearance.

On 25 November, the Senate Standing Committee on Interior reportedly acknowledged that intelligence agencies maintained "countless hidden torture cells" across the country. Despite these initiatives, new cases of enforced disappearance were reported.

- Aafia Siddiqui, a neuroscientist, and her three small children were reportedly apprehended in Karachi by Pakistani intelligence in March 2003. However, according to US sources she was not apprehended until 17 July 2008 along with her 11-year-old son Mohammed Ahmed by Afghan police in Ghazni, Afghanistan. According to the US government, US officials shot her allegedly in self-defence as they took custody of her from Afghan officials on 18 July. She was transferred to a detention facility in New York, and charged with the attempted murder of US officials and employees in September, charges unrelated to the previous suggestion that she had allegedly collaborated with al-Qa'ida. Her son was returned to his family in Pakistan. US authorities repeatedly stated that her other children were not in their custody. Her fate and whereabouts between 2003 and July 2008 and that of her two younger children remained unclear. In December, a US federal court ordered further psychiatric evaluation of her competence to stand trial and postponed hearings to 23 February 2009.
- On 22 September, Dr Abdur Razaq was apprehended in Rawalpindi on his return from hospital. His wife filed a habeas corpus petition in the Islamabad High Court. On 7 November, state representatives denied any knowledge of his whereabouts. On 17 December, the court's chief justice Sardar Mohammad Aslam reportedly said that "everyone knows where the missing people are", ordering that the doctor be brought to court forthwith. By year end, his whereabouts remained unknown. His lawyer said that the doctor may have been disappeared for treating "terrorists".

Violations in the course of counter- insurgency

Pakistani security forces deployed in the tribal areas bordering Pakistan and adjacent areas of the North West Frontier Province (Swat) killed and injured civilians during operations against tribal armed groups and Pakistani Taleban.

- On 19 October during an operation against Pakistani and foreign fighters, fighter jets bombed a village in Swat. Local residents reported that 47 people, including many civilians, were killed.

The government's operations displaced hundreds of thousands of people. Many internally displaced persons remained without access to humanitarian assistance or adequate protection by the government. Some 20,000 Pakistanis crossed the border to seek refuge in Afghanistan.

Abuses by armed groups

Armed groups, many of them explicitly pro-Taleban, committed serious human rights abuses, including direct attacks on civilians, indiscriminate attacks, abduction, hostage-taking, torture and other ill-treatment, and killing captives.

- In October, a Taleban suicide bomber killed more than 80 unarmed civilians and wounded almost 100 at a peace council in Orakzai Agency who were drawing up a strategy to decrease violence in the area.

Pakistani Taleban took dozens of hostages including an Afghan and an Iranian diplomat,

a Pakistani and a Canadian journalist, and a Polish engineer. The Afghan diplomat was later released but the others remained missing.

In September, the Swat chapter of the Tehrik-e-Taliban Pakistan (the Pakistani Taliban) took several foreigners hostage to force the release of their 136 jailed associates.

Local Taliban unlawfully assumed judicial functions and "tried" and "convicted" people they accused of having transgressed Islamic law or spying for the government. Dozens of people were unlawfully killed after such "trials".

- On 27 June, two Afghans were unlawfully killed in front of thousands of onlookers in Bajaur Agency after a council found them guilty of "spying" for US forces.

Violence against women and girls

Women and girls suffered human rights violations at the hands of the state and, in the absence of appropriate government action, in the community, including "honour" killings, forced marriages, rape and domestic violence. The Protection from Harassment at the Workplace Bill, approved by the cabinet in November, and the Domestic Violence (Prevention and Protection) Bill, submitted to the Ministry of Women Development in August, remained pending.

- On 13 July, a girl, aged 16, and two women, aged 18 and 20, were reportedly abducted and taken in a car bearing a government number plate to Babakot, Jaffarabad district, Balochistan province, where they were killed apparently for wanting to marry men of their choice. A post-mortem examination revealed that two of the young women had died of head injuries inflicted with a blunt weapon. The third body was not found. A Baloch senator defended the killing as "tribal custom"; locally influential figures reportedly hampered the police investigation.

Girls were also handed over in marriage to settle disputes.

- In October, three girls aged between 12 and 14 years, were forced into marriage by a jirga (informal tribal council) in Drighpur, Shikarpur district, Sindh province, to settle a dispute over an "honour" killing which had taken place two months earlier. No one was arrested.

Threats by Pakistani Taliban prevented thousands of women from voting in the February elections.

Discrimination – religious minorities

The government failed to adequately protect religious minorities against widespread discrimination, harassment and targeted violence.

- In September, two Ahmadi men, Abdul Manan Siddiqui, a doctor from Mirpurkhas, Sindh, and a 75-year-old trader, Sheikh Mohammad Yousaf from Nawabshah, Sindh, were shot dead by unknown persons days after a private TV channel had aired a contributor's call to kill apostates and blasphemers as a religious duty. No investigation was known to have been initiated.

Seventy-six people were charged with blasphemy in 25 registered cases, including 17 people charged under section 295C Pakistan Penal Code (PPC) which carries the death sentence for insulting the name of the prophet Muhammad.

- In June, 16 Ahmadis were charged with blasphemy in Nankana Sadar, Punjab, for allegedly taking down a poster that negatively depicted their religious leader.

Children's rights

Recruitment of children by armed groups, trafficking of children, domestic violence against children, in particular girls, continued. According to the NGO Sahil, 992 children, 304 boys and 688 girls, were subjected to sexual abuse between January and June.

In July, authorities in Swat discovered Pakistani Taleban had recruited 26 boys aged between 13 and 18 for training.

Death penalty

At least 236 people were reportedly sentenced to death, mostly for murder. The total number of prisoners under sentence of death was at least 7,000.

On 21 June, Prime Minister Yousuf Raza Gilani announced that death sentences would be commuted to life imprisonment. However, President Zardari issued an ordinance in November that extended the death penalty to cyber crimes causing death.

At least 36 people were executed during the year, including 16 after the commutation announcement.

In December, Pakistan voted against a UN General Assembly resolution calling for a worldwide moratorium on executions.

Amnesty International reports

- Pakistan: Repairing the damage – ensuring robust human rights safeguards (1 March 2008)
- Pakistan: Denying the undeniable – Enforced disappearances in Pakistan (23 July 2008)

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