Pakistan (38)

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Soiled Hands:

The Pakistan Army's Repression of the Punjab Farmers' Movement

Map 1: Pakistan – Provinces

Map 2: Punjab – Districts

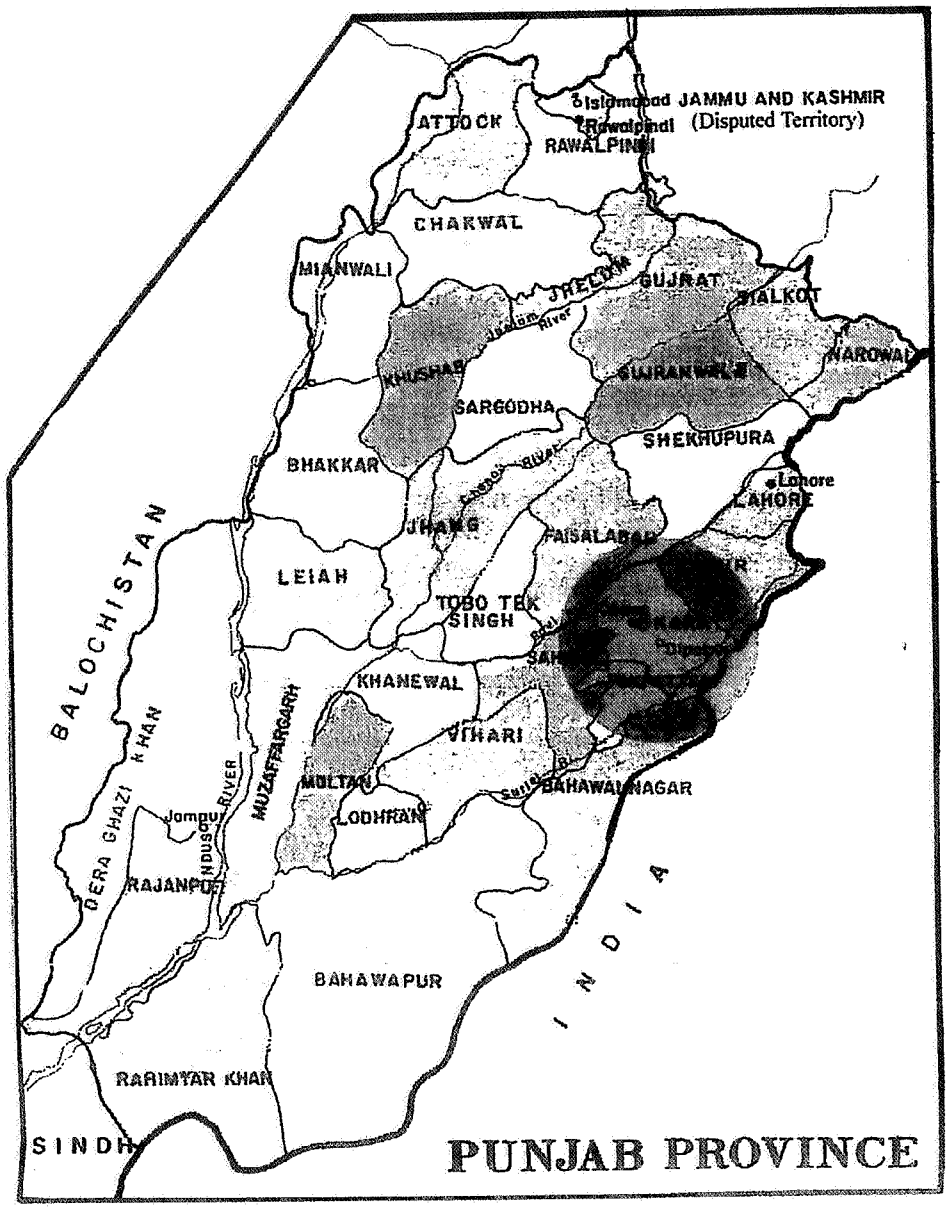

Table 1: Population Distribution across Okara District

(Population measured in Thousands of Persons)

Tehsil Name	Urban Population	Rural Population	Total
Dipalpur	210	821	1031
Okara	272	590	862
Renala Khurd	32	307	339
Total	514	1718	2232

I. Summary

> We were produced before Major Tahir Malik. He asked why we had not made the contract payments. We answered that we had no money. They took us to the torture cell and *Jallad* ["tormentor"] Munir started thrashing us with a leather whip. He made us all strip naked and whipped us till we bled. Major Tahir Malik would personally supervise the whippings, abuse us, laugh at us, and punch us.... We were produced before officers again in the morning. They would insist that we pay the contract money. Upon our refusal, it would begin again.
>
> —Interview with Mohammad Iqbal, Okara, October 23, 2003

> They snatched our milk and our bicycles. Gomi, the informer, took away the milk and bicycles. They blindfolded us and took us to Rangers Headquarters. As soon as we got there, they started beating us with sticks. After a while we even stopped crying or screaming... There were sixteen [adult] farmers [already present when] we arrived there. [We saw them being] beaten badly with a flat leather whip by Munir "Jallad" and Inspector Aashiq Ali in the presence of Major Tahir Malik. The farmers were bleeding and crying in pain. Some were weeping out of fear and sitting with their heads bowed.
>
> —Interview with Abid Ali, age ten, Okara, October 24, 2003

Approximately 68,000 acres of state-owned agricultural land in Punjab are now the site of the most significant popular protest movement that Pakistan has witnessed in recent times. Spread out over ten districts, this land is tilled by the almost one million descendants of migrants settled in the area by the British Raj a century ago.

The problems in the affected districts result from a straightforward disagreement. Traditionally, farmers have been sharecroppers, handing over part of their produce as rent to the military, which acts as landlord through military-run farms. In 2000, the military unilaterally tried to change the rules, demanding that the farmers sign new rental contracts requiring them to pay rent in cash. The farmers have refused, fearing that cash rents would, when times were lean, place them at risk of being evicted from land that their families have lived on for generations. Instead, as the situation has grown more polarized, they have begun demanding outright ownership of the land.

This dispute—over some of Pakistan's most fertile land—has led to an extraordinarily tense standoff between the Pakistani army, paramilitary and police forces, and the tenant farmers. Since 2002, tenant farmers resisting efforts by the military to undercut their legal rights to the land—especially those from the movement's epicenter in the Okara district, where the military claims to own at least 17,000 acres and where farmers are in direct confrontation with military authorities—have been subjected to a campaign of killings, arbitrary arrest and detention, torture, "forced divorces," and summary dismissals from employment. Twice, paramilitary forces literally besieged villages in the area of dispute, preventing people, food and public services from entering or leaving for extended periods of time.

Based on over one hundred interviews with tenant farmers, their children, and some of the alleged perpetrators in Okara district, this report details the abuses committed by Pakistani security forces in the course of the dispute. Particularly egregious violations include claims of widespread torture including that of children. Human Rights Watch interviewed thirty children, among many more, who claimed to have been beaten and tortured by paramilitary forces in the course of the dispute.

The emergence and persistence of such a movement remains particularly unusual in the Pakistani context and the lengths the military has gone to crush the farmers' movement highlights just how important the land is to the military. However, given the massive scope of the Pakistan Army's economic interests, it would be misleading to suggest that it is avoiding a compromise for purely economic reasons. The Pakistan Army is one of the largest and quite possibly the largest landholder in the country. Urban land is publicly used by the military to dispense patronage to civilians and perks to its own officers. Similarly, agricultural land is a resonant and enduring symbol of the powerful status of the military.

The army likely fears the potential knock-on effects of a compromise in Okara for its land operations nationwide and the damage that any compromise might do to its status as Pakistan's most powerful and feared institution. The army's evident fear is that such a revolt, if allowed to fester or be accommodated, may lead to a reworking of the patron-client relationships carefully nurtured by the military establishment between itself and traditional landed elites, between itself and the tenant farmers and, between the traditional landed elites and peasant farmers.

The location of the dispute is also problematic for the Pakistan Army. The Punjab is the power-base of the military. It has traditionally drawn the overwhelming majority of its rank and file from the province and particularly from the districts that are now offering

resistance. Historically, the army has viewed the area as its backyard and the local people as subservient allies, given the latter's role as laborers in a military-dominated economy. Hence, many in the military are outraged that peasant farmers would dare to revolt against any tenancy system that it saw fit to impose upon them.

This is a dispute that both sides believe they cannot afford to lose. For the Pakistani military establishment, control of land is essential for maintaining its position within the Pakistani political structure — it believes that it cannot allow tenant farmers to challenge this position. For tenant farmers, access to land is often the difference between economic survival and abject poverty, between a full belly and hunger, between a viable future and complete marginalization.

The armed group responsible for most of the abuses against the farmers is the Pakistan Rangers, a paramilitary force normally used for border security. In some cases the Rangers have been assisted by the police in perpetrating abuses. Though the Pakistan Rangers are nominally under the jurisdiction of Pakistan's federal interior ministry, they draw their cadres from military personnel and work in close conjunction with, and often at the behest of, the Pakistan Army.

The Rangers have set up "torture cells"—a term commonly used in Pakistan by officials and citizens alike to describe areas within detention centers that are used for coercive interrogations of suspects—to coerce the tenant farmers into signing the tenancy agreements. Schools in the affected areas have periodically closed down as the Rangers have targeted children for kidnapping and torture. In several cases, Pakistani security forces have targeted the sons-in-law of tenants who refused to consent to the new contracts, torturing them until they agreed to divorce their wives. Divorce, though sanctioned by Islam, remains taboo in much of Pakistan. The objective of such "forced divorces" is thus to publicly shame the fathers-in-law (divorce is deeply frowned upon in rural Pakistani society and it is the reputation of the bride's father and his family that suffers most when a couple divorces).

In many instances, employees at military farms who are related to farmers who have refused to sign the new contracts have been barred from work until their relatives signed. They have been threatened with arrest and torture if they attempted to go to work. And many who have persisted in going to work have been illegally detained and tortured as punishment for not forcing their relatives into signing. In many cases, such individuals have been fired from employment. Relatives of farmers were issued "show-cause" notices from their state employers warning of disciplinary action if they did not convince the tenants to cooperate. Some of these employees were subsequently fired.

In sum, much of the violence—unprecedented and now routine in this dispute—appears to be aimed at intimidating farmers into compliance or silence.

The dispute reached its peak between May 5, 2003 and June 12, 2003, when Okara Military Farms—and the 150,000 people who live in eighteen villages there—were besieged for over a month by police and the Pakistan Rangers. The siege, which involved the imposition of a curfew, severe restrictions on movement within and into the district, and the disconnection of water, electricity and telephone lines, ended only when farmers were forced to sign contracts.

In an interview with Human Rights Watch, Federal Interior Minister Faisal Saleh Hyat "categorically" denied that the Pakistan Rangers have "ever been involved in human rights violations in Okara." The interior minister added that the farmers were simply "greedy" and that local "NGOs [non-governmental organizations] have acted as trouble-makers in the dispute." When Human Rights Watch noted that there was clear evidence of the Rangers' involvement in serious human rights violations, he responded: "I don't agree that the Rangers can commit abuses. They are an extremely well-trained and professional force. There are no rogue elements in the Pakistan Rangers." At the end of the discussion, he acknowledged that discipline was not perfect within the Rangers, but claimed that: "The occasional case of indiscipline has nothing to do with Okara."

In a separate meeting, however, Punjab Chief Minister Pervaiz Ilahi acknowledged to Human Rights Watch that some serious "human rights violations had taken place during this conflict."

Ironically, the Pakistani military does not actually have legal title to land at the heart of the dispute—the Okara Military Farms. Although the military has had long-term leases to the land in the past and has exerted effective control over it, in some cases for decades, formal title to the land continues to rest with the government of Punjab province. Repeated attempts by the military to effect a permanent transfer of the land to the federal ministry of defense have been rebuffed by the Punjab provincial body that holds title to the land.

This point was emphasized to Human Rights Watch by Chief Minister Ilahi. In his government's view, the land belongs to Punjab province and not to the army. However, he indicated that this was a "sensitive issue" given the "transition" from military to civilian rule currently underway in Pakistan. When presented with this claim, the Federal Interior Minister disagreed: "The Punjab Chief Minister is wrong," he said flatly, neither offering nor suggesting proof. "I know that the army owns this land."

Officers of the Pakistan Rangers interviewed by Human Rights Watch in Okara take a similar line. They are adamant that the farmers are ready and willing to cooperate with the authorities in signing new contracts and that it is only a handful of troublemakers, including outside parties, who have incited the otherwise peaceful tenants into conflict. Some also suggested that these outside influences had links to RAW, the Indian intelligence agency. "Its nothing we cannot deal with. These people only understand the language of the stick" explained an army major serving with the Rangers on promise of anonymity.

The dispute appears to be nowhere near resolution. Reflecting the military's entrenched power and continuing impunity, senior military and political officials in Pakistan have either participated in or allowed violations to occur. The determination of the Pakistani Army and some local civilian political leaders (themselves members of the landed elite), to subdue the farmers' rebellion and to set an example for other tenant farmers in Punjab and the rest of Pakistan has ensured that the people of Okara and other Punjabi districts live in fear for their lives and personal security. Protesting tenant farmers continue to be subject to ongoing threats to life, liberty, and movement.

II. Key Recommendations

Human Rights Watch urges the government of Pakistan to:

1. Order the immediate withdrawal of the paramilitary Pakistan Rangers from Okara district and ensure that the Pakistan Rangers and their personnel play no role relating to the conflict there or in other affected districts.

2. Investigate fully allegations of violations of Pakistani and international human rights law committed in the context of the Punjab land dispute. Suspend all officials for whom there is prima facie evidence of misconduct. Prosecute all officials, members of the armed forces, and police personnel implicated in serious abuses, including extra-judicial executions; kidnappings; torture; extortion; and other ill-treatment, such as "forced divorces."

3. Reinstate all employees of Okara Military Farms and others unfairly dismissed from employment.

4. Withdraw immediately all criminal cases registered against farmers from the affected districts unless there is a sound factual basis for the charges or claims brought against them.

5. Hold all detainees only in officially recognized places of detention and recognize the procedural rights of all persons detained and/or accused of crimes. Inform the families of detained persons of their detention, and the reason for and location of the detention.

6. Ensure that human rights organizations and journalists have free access to all affected districts and allow them to carry out investigations and fact-finding missions free from intimidation or interference by military and paramilitary authorities. Respect press freedom and do not interfere with full and independent coverage of both past and ongoing events in the affected districts.

III. Background

Struggle Against Eviction

At the beginning of the twentieth century, the British introduction of canal-irrigated agriculture brought with it the complementary creation of a landed elite. The migration associated with the development of the so-called "canal colonies" was an important part of the process. Thousands of the inhabitants of Eastern Punjab (in what is now India) were encouraged by the British to move across to the western part of the province (in what is now Pakistan), including what are now Okara, Sahiwal, Khanewal, and Sargodha districts. These areas were largely uninhabited forest, and the migrants were brought in to clear the land and develop the canal colonies.

This radical social upheaval brought about unprecedented demographic and economic shifts in the Punjab. Ironically referred to by the British as "colonists," the migrants were promised proprietary rights to the land once it was made arable. The land turned out to be the richest in the Punjab, and therefore, it was not surprising that the British retained their control over it, rather than giving it up, as promised, to the "colonists."[1]

A century later, this land remains the most fertile in the Punjab, and at least part of it now the most disputed. In Punjab and Sindh provinces, the "colonists" ended up with most of the irrigated land. Some portions however, were retained by the state.

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[1] For in-depth analysis of the issue, see Imran Ali, *The Punjab under Imperialism, 1885-1947*, (Princeton, NJ: Princeton University Press, 1988).

The Punjab Tenancy Act of 1887 governs the legal relationship between the landlords who own and the tenant farmers who occupy rural land in the Punjab. The Tenancy Act divides farmers into two categories: "occupancy tenants," who have a statutory right to occupy the land, and "simple tenants," who occupy it on the basis of a contract with their landlord. Most crucially, a simple tenant can be evicted from land when his contract with his landlord expires or for other reasons set out in the Act. Occupancy tenants—and farmers must meet stringent criteria spelt out in the Act to qualify as such—can only be evicted by court decree. Central to the dispute between the army and farmers addressed in this report is the ability of the farmers to retain their rights as occupancy tenants under the Act. How the issue is resolved will also have much to say about the Pakistani government's broader commitment to private property rights in the face of vested landholding interests of the military and other government agencies.

Tenant farmers, as sharecroppers, have been surrendering harvest shares to the state since they settled in the area a century ago. In the spring of 2000, Pakistan's defense ministry unilaterally imposed a cash payment contract system for the tenants occupying the 17,000-acre Okara Military Farms. This cash contract system was intended to replace the harvest shares, known as the *battai* system, the outlines of which are set forth in the Tenancy Act.[2] Under the *battai* system, individual farmers do not have contracts with landowners. The new contracts require cash payments of rent ("cash rents") at fixed intervals throughout the year.

The Ministry of Defense decision directly led to the farmers' movement in Punjab. For the farmers, the new system meant that they would have to pay cash rents to the authorities instead of a share of their harvests. The farmers refused, well aware that under existing tenancy laws they were occupancy tenants protected from eviction, but would not be if they became contract workers. Many believed they would be unable to pay their rent if it was in cash instead of produce and that, as simple tenants, they could be evicted from their land when their contracts expired.

As pressure increased on tenant farmers to accede to the military farm administration's demand, the tenants started to organize large-scale public meetings. A consensus among the farmers soon emerged to reject the new contracts.

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[2] The Tenancy Act envisages a division of the harvest in a pre-determined ratio between the landlord and the tenant farmer. The Act stipulates that during such divisions, which are to be carried out in the presence of both tenant and landlord, the latter cannot collect more than 43 percent of the harvest. Disputes between tenants and military farm authorities, of course, did not begin with the military's recent attempts to switch to a cash contract system. Farmers report that, even under the harvest share system, the military routinely carried out divisions in the absence of the tenants and regularly extracted crop shares as high as 60 percent.

The Okara Military Farms are administered by and for the Pakistan Army and, by their refusal, the tenants were in effect seeking confrontation with the might of the Pakistan Army. The farmers' reaction appears to have seriously shaken the Pakistani military establishment. Apart from the political implications of the farmers' decision which are discussed elsewhere in this report, the latter's challenge to the military brought to the fore legal ambiguities that the military had conveniently ignored up to that point. The Pakistani military does not actually have legal title to land at the heart of the dispute—the Okara Military Farms. Although the military has had long-term leases to the land in the past and has exerted effective control over it, in some cases for decades, formal title to the land continues to rest with the government of Punjab province. Repeated attempts by the military to effect a permanent transfer of the land to the federal ministry of defense have been rebuffed by the Punjab provincial body that holds title to the land.[3]

Second, several arms of the Pakistan Army are involved, and culpable, in this dispute, at various levels. Nationally, military farms fall under the jurisdiction of Pakistan's federal Ministry of Defense, and hence the army's General Headquarters (GHQ) in Rawalpindi. The Okara Military Farms are managed on behalf of the army by the Remount Veterinary & Farms Corps and the Army Welfare Trust (AWT).[4] It is this joint management team, in consultation with GHQ in Rawalpindi, which has invited the Pakistan Rangers to secure law and order on the farms.

Had the Pakistan Army, as de-facto landlord, simply followed existing law, the confrontation could easily have been avoided. The Tenancy Act permits landlords to impose cash rents without insisting on individual contracts or jeopardizing the farmers' status as occupancy tenants. According to Ahmed Rafay Alam, a lawyer at the Lahore High Court and Punjab Tenancy Law expert, the military could have switched to a cash rent system quietly under the Tenancy Act:

> The new contractual "cash rent" system sought to be imposed seeks to relieve the Okara Military Farms from the tedium of dividing produce, but does not provide their tenants with the occupancy rights they would be deemed to have had such a "cash rent" system been implemented under the Tenancy Act. In other words, the Military authorities are

[3] See Appendix 1: Letter from Board of Revenue, Punjab to Federal Secretary, Ministry of Defense, Islamabad dated April 13, 2001.

[4] The Army Welfare Trust (AWT) is a registered society under the Societies Registration Act of 1860. Although as a legal matter it is a private organization not subject to government audit, the AWT is managed by the Pakistan Army and was instituted with a seventeen billion-rupee grant from the Army in 1977. The AWT is one of several enterprises operating ostensibly as private sector outfits that are in fact managed by serving or retired army personnel and are part of the corporate assets of the Pakistani armed forces.

> trying to impose a streamlined system of rent collection while stripping tenants of their right to occupy the land they till. Talk about trying to have your cake and eating it too.[5]

Initially, the farmers restricted their opposition to refusing to sign the new contracts and demanding retention of the sharecropping system. However, the draconian response of the state transformed the situation rapidly.

"Ownership or Death": Radicalization of the farmers' movement

The Association of Punjab Tenant Farmers (Anjuman Mazarain Punjab or AMP) is the principal representative organization of the approximately one million peasant farmers and their families residing in Punjab. The AMP is particularly noteworthy as one of the few successful agrarian movements in Pakistan today. The AMP has in the past three years transformed itself into a popular movement. The regularity with which thousands of people have begun to engage in public action is quite unusual given the prevailing, tightly controlled political environment in Pakistan. The slogan "*malki ya maut*" ("ownership or death") has been adopted by the farmers.

General Pervez Musharraf, who took power in a coup in 1999, unintentionally helped spur this movement by making repeated policy announcements that state land would be allotted to the landless. On August 20, 2000, inaugurating his government's land distribution scheme as part of a poverty alleviation program, Musharraf announced that, in fact, "all state land would be allotted to landless farmers" and he had directed "all four provinces to give ownership rights to all such people who had been living on state land for a long time."[6] Such statements energized the farmers' movement, principally in Okara, but to a lesser extent also in other districts and consequently changed the very character of the AMP, by encouraging tenants to articulate a vision instead of just reacting to a threat.

The AMP's argument was simple: if the government was giving state land away, then tenants already working state lands should be the first to receive it. Rapidly, the movement spread to Pirowal and Khanewal districts where another fledgling effort to organize tenants was taking shape. In Pirowal, the Punjab Seed Corporation (PSC), a wing of the provincial agriculture department, controls the land. In many other districts, farmers were brought within the ambit of the AMP movement, including those on farms

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[5] Human Rights Watch interview, Lahore, March 19, 2004.

[6] "Correspondent's Report," *Dawn*, August 21, 2001.

operated by the maize and cotton research departments in Sahiwal; by the military in Lahore, Sargodha, and Multan: by rice research departments in Kala Shah Kaku and Faisalabad; and by the livestock department in Sargodha, Sahiwal.

The AMP gained further support among the farmers when it became widely known that none of the agencies controlling the land that the tenants were tilling, including the military, actually had any legal right to it. At one time or the other, the military, PSC, and other agencies leased the land from the provincial government, but these leases expired several decades ago.

Though the military publicly claims the land for itself, the land is the property of the provincial government of the Punjab. The military persists in its claim even though the Ministry of Defense, as recently as 2001, has written to the Punjab Board of Revenue to request that the land be permanently transferred to the military. The Board of Revenue refused the request.[7]

The AMP demands that the Punjab provincial government, as title-holder to the land in question, be the ultimate arbiter in the entire affair. The AMP has consistently asked to meet with representatives of the Punjab government, saying that they will not sign any agreement with any party that does not own title to the land. Punjab government officials, for their part, have expressed unwillingness to confront the army on the issue and generally have either intervened in support of the military authorities or remained uninvolved through the standoff, reflecting the weakness of the provincial government relative to the Pakistan Army.

The AMP leadership asserts that, in a private meeting, a senior provincial government official categorically told them that the Punjab government would be forced to crack down on the farmers at the behest of the army unless the movement subsided.[8] However, the Punjab Board of Revenue has been unequivocal in stating that the military and the agricultural departments have no claim to the land.

While the contract dispute and General Musharraf's announcements on allotments acted as catalysts for the resistance to take shape, they alone do not explain the scale, scope, or intensity of the resistance. The emergence and persistence of such a movement remains particularly unusual in the Pakistani context. A number of factors are at work. Bitter

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[7] See Appendix 1: Letter from Board of Revenue, Punjab, to Federal Secretary, Ministry of Defense, Islamabad dated April 13, 2001.

[8] Human Rights Watch interview with AMP General Secretary Abdul Sattar, Lahore, November 14, 2003.

experience with past displacement in the region in part explains the strong reaction of the tenants to the present threat of displacement. Decades of systematic abuse of power by local authorities on the farms is another source of resentment and, in turn, resistance. Finally, the farmers tilling these lands have, at varying levels, lobbied for ownership rights at different junctures in the past, sowing the seeds for a popular movement to evolve in the present.

The Pakistan Rangers

The Pakistan Rangers, the paramilitary force responsible for much of the abuse and at least two of the killings documented below, have a long and sordid history of human rights abuses against civilians.

In Pakistan, paramilitary internal security forces, such as the Pakistan Rangers, are organized at the provincial level by government authorities but are commanded by seconded Pakistan Army generals and fall nominally under the jurisdiction of the federal ministry of interior. In effect, these forces are an extension of the army for the performance of border and internal security functions.

The Pakistan Rangers are headquartered in Lahore, the capital of Punjab province, and boast approximately 50,000 personnel divided into numerous "wings" of approximately 800 Rangers each.

The Pakistan Rangers consistently have been called upon in support of civil authority in Pakistan. Indeed, the Rangers have maintained a heavy presence in the southern province of Sindh, and its capital Karachi in particular, since the early 1990s. The Rangers were first brought into Karachi between 1992 and 1997, ostensibly to impose law and order, by the governments of prime ministers Nawaz Sharif and Benazir Bhutto. Officially described as an "anti-terrorist" effort, the operation in Karachi in fact targeted both political and militant cadres of the ethnic political party Mohajir Qaumi Movement (MQM). In 1995 alone, Karachi experienced over "500 extra-judicial encounter killings," most at the hands of the Pakistan Rangers and the provincial Sindh Police.[9] During this period, serious and persistent allegations of torture and illegal detention were also leveled against the Rangers.

In 1997, then President Farooq Leghari dismissed Prime Minister Benazir Bhutto's government on charges, amongst others, of ordering extra-judicial killings in Karachi.

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[9] S.A.D. Hasan, "City of Lights," *Herald*, February 2000.

President Leghari's next step ought to have been to order the withdrawal of the Rangers from Karachi and to investigate those accused of extra-judicial killings within the paramilitary organization. However, the president and the successor government of Prime Minister Nawaz Sharif not only failed to hold the Rangers accountable, but the Rangers were ordered to stay on in Karachi. They remain in Karachi to date despite considerable political opposition.

Given this context, the conduct of the Rangers in Okara and the other affected districts is neither out of the ordinary nor unprecedented. It is, in fact, part of a larger pattern of state-sponsored repression in which the Rangers have been a persistent tool of successive Pakistani governments. A high-level meeting chaired by the Punjab governor, Lieutenant General (retired) Khalid Maqbool decided to deploy a large contingent of the Pakistan Rangers to the affected districts on June 6, 2002. Prior to this, there had been no Rangers presence in the areas. The meeting decided to entrust the "resolution" of the dispute to the Director General of the Rangers. The Rangers were ordered to the districts in "aid of civil authority." The latter included a police force of eight to ten thousand that had been deployed to the area in May 2002.

The extent of the Rangers' authority, as well as the broad impunity they enjoy, is best exemplified by what was commonly referred to as sieges of villages in Okara district. The Rangers besieged eighteen villages in Okara district twice—from August 24, 2002 for approximately three months, and from May 7, 2003 to August 5, 2003. The first siege took place following the Rangers' killing of farmer Salman Masih, the second following the killing of farmer Mohammad Amir, both of which killings are described below.

During these periods, the Rangers imposed curfews and severely limited freedom of movement of the local population. All main roads to and from villages were sealed off with barricades. Visitors trying to enter villages were often also arrested or harassed along with residents of villages who were not tenants themselves (a fairly large proportion). Even milk, fruit, and vegetable vendors from nearby urban areas were not allowed into the villages. Consequently, all normal life came to a standstill.

A common tactic used by security forces was to arrest the relatives of tenants to compel the tenants to give up their demands. During the sieges, schools were closed by the authorities and turned into control centers for operations, and medical and food supplies were not allowed to enter the area.

The basic objective appears to have been to intimidate and harass the tenants into giving up their demands and acceding to the authorities' will. During the second siege, which was more persistent and intense, water canals locally known as "maindars" to two villages (Villages 5/4-L and 4/4-L) were closed for the entire period. Consequently, the summer crop, the main source of livelihood for the community, was destroyed. Telephone lines, and for a period the electricity supply of some villages, especially Village 4/4-L, were also disconnected by the Rangers.

The evidence to the contrary notwithstanding, in an interview with Human Rights Watch, Federal Interior Minister Faisal Saleh Hyat "categorically" denied that the Pakistan Rangers have "ever been involved in human rights violations in Okara." The interior minister added that the farmers were simply "greedy" and that local "NGOs [non-governmental organizations] have acted as trouble-makers" in the dispute." When Human Rights Watch noted that there was clear evidence of the Rangers' involvement in serious human rights violations, he responded: "I don't agree that the Rangers can commit abuses. They are an extremely well-trained and professional force. There are no rogue elements in the Pakistan Rangers." At the end of the discussion, he acknowledged that discipline was not perfect within the Rangers, but claimed that: "The occasional case of indiscipline has nothing to do with Okara."[10]

In a separate meeting, however, Punjab Chief Minister Pervaiz Ilahi acknowledged to Human Rights Watch that some serious "human rights violations had taken place during this conflict." However, he repeatedly emphasized that Okara was a "sensitive issue" given the "transition" from military to civilian rule currently underway in Pakistan.[11]

Officers of the Pakistan Rangers interviewed by Human Rights Watch in Okara are far less nuanced in their understanding of the issue. They are adamant that the farmers are ready and willing to cooperate with the authorities in signing new contracts and that it is only a handful of troublemakers, including outside parties, who have incited the otherwise peaceful tenants into conflict. Some also suggested that these outside influences had links to RAW, the Indian intelligence agency. "Its nothing we cannot deal with. These people only understand the language of the stick" explained a Rangers officer on promise of anonymity.[12]

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[10] Human Rights Watch interview with Interior Minister Faisal Saleh Hayat, Islamabad, January 30, 2004 (at his office).

[11] Human Rights Watch interview with Chief Minister Pervaiz Ilahi, Lahore, January 26, 2004 (at his office).

[12] Human Rights Watch interview with Pakistan Army officer, Okara October 27, 2004.

The Response of the Pakistan Army

The reaction of the Pakistani military to the AMP, and the lengths it has gone to crush the farmers' uprising, highlight just how important the land is to the military. However, given the massive scope of the Pakistan Army's economic interests, it would be misleading to suggest that it is avoiding a compromise for purely economic reasons. While agricultural land in these districts is generally valuable on account of its fertility, earnings from Okara Military Farms, in fact, can be described as relatively paltry. In 2000, the *tehsildar* (local revenue collector) for the Okara Military Farms area reported that a total sum of 12,237,000 rupees was realized from the receipt of 16,316 bags of wheat collected from the farmers who tilled the land.[13] This figure amounts to less than U.S. $215,000.

The army's motivation thus certainly goes beyond the finances of the particular farmlands in question. The army likely fears the potential knock-on effects of a compromise in Okara for its land operations nationwide and the damage that any compromise might do to its status as Pakistan's most powerful and feared institution.

If one includes both the army's landholdings and the land it administers, the Pakistan Army is one of the largest and quite possibly the largest landholder in the country. Extensive land-holdings, both urban and agricultural, remain under the visible control of the army. Urban land is publicly used by the military to dispense patronage to civilians and perks to its own officers.[14] Similarly, agricultural land"'is a potent symbol of the privileged status enjoyed by the military."[15]

The military's persistent efforts to usurp land through institutionalized means have also allowed the landed elite to retain extraordinary political influence. The military has become particularly adept at maintaining this class linkage with the landed elite while dispensing with errant or rebellious individuals within it. Traditionally, the Pakistan Army has maintained its predominant position in the Pakistani state by "reconfirming old alliances with the dominant classes as well as creating new ones, by disqualifying old politicians and keeping a firm leash on the new recruits."[16] The military, which seized

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[13] Record of the Executive District Officer (Revenue), Okara. 1999-2000.

[14] Urban land is regularly absorbed by what are called military Defense Housing Schemes. This land is allotted to military officers at highly subsidized rates who are then free to sell it to civilians at market rates, ensuring massive profits.

[15] John Lancaster, "Fighting an Army's Empire; Pakistani Farmers' Land Battle Underscores Tension Over Military's Economic Power," The Washington Post, June 29, 2003.

[16] Ayesha Jalal, *The State of Martial Rule: The origins of Pakistan's political economy of defense*, (Cambridge, 1990)

power for the fourth time since independence in a 1999 coup, views its power as its "ability to be selective in the granting of political privilege to dominant socio-economic groups."[17] Arguably, the Pakistan Army especially needs to cultivate friendly political forces in times such as the present, when it is ruling directly. For its part, the landed elite needs support to compensate for its eroding power base in rural areas.

Many in the military were outraged that peasant farmers would dare to revolt against a tenancy system that it saw fit to impose upon them. Major-General Shaukat Sultan, the Director General of Inter-Services Public Relations (ISPR, the public relations wing of the Pakistan Army), succinctly summarized the views of the Army:

> The needs of the Army will be decided by the Army itself, and/or the government will decide this. Nobody has the right to say what the Army can do with 5,000 acres or 17,000 acres. The needs of the Army will be determined by the Army itself.[18]

The army's evident fear is that such a revolt, if allowed to fester or be accommodated, may lead to a reworking of the patron-client relationships carefully nurtured by the military establishment between itself and traditional landed elites, between itself and the tenant farmers and, between the traditional landed elites and peasant farmers.

The location of the dispute is also problematic for the Pakistan Army. The Punjab is the power-base of the military. It has traditionally drawn the overwhelming majority of its rank and file from the province and particularly from the districts that are now offering resistance. Historically, the army has viewed the area as its backyard and the local people as subservient allies, given the latter's role as laborers in a military-dominated economy. Hence the farmers' movement likely is viewed by the military as particularly inimical to its interests.

Finally, in a military and landlord dominated country, army leaders may fear that, if the army succumbs to the will of tenant farmers, the consequences will be far-reaching and unpredictable. The stakes are indeed high in Okara and the other Punjab districts. The fact that all major political parties in Pakistan have major landlords in senior party positions and much of each party's funding comes from landlord interests explain why

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[17] ibid.

[18] "Capital Talk" (talk-show aired on Geo Television), through August 2003, Islamabad.

support for the AMP from Pakistan's traditional political parties has remained limited.[19] The case of the elected representative from Okara is illustrative. In national elections held in October 2002, Okara elected Rao Sikandar Iqbal, a local influential aligned with the Benazir Bhutto-led opposition Pakistan Peoples Party (PPP), to the National Assembly. During the campaign, Iqbal pledged his support to the tenant farmers' cause and was supported by the AMP. However, upon election, Iqbal defected from the PPP, forming his own breakaway faction titled PPP (Patriots). Iqbal was appointed federal minister for defense as reward for his defection to the Musharraf camp. Technically, as defense minister, Rao Sikandar Iqbal now holds jurisdiction over the army – the institution involved in a bitter and violent confrontation with his constituents. The minister's office failed to respond to repeated requests by Human Rights Watch for a meeting.

This is a dispute that both sides believe they cannot afford to lose. For the Pakistani military establishment, control of land is essential for maintaining its position within the Pakistani political structure—it believes that it cannot allow tenant farmers to challenge this position. For tenant farmers, access to land is often the difference between economic survival and abject poverty, between a full belly and hunger, between a viable future and complete marginalization.

IV. Human Rights Violations[20]

Torture, beatings, kidnappings, and arbitrary arrests of tenant farmers and their families became increasingly commonplace between May 11, 2003 and June 12, 2003, when the Rangers mounted its second siege on parts of Okara district. While the abuses are ongoing, most of the violations identified in this report are from the period of the siege.

Human Rights Watch has focused on this period because it represents the apex of confrontation to date between farmers and Pakistani security forces. It is also far enough in the past that if the Pakistani authorities—military or civilian—intended to discipline or prosecute soldiers or police responsible for serious human rights violations, such actions would have already begun. It should be emphasized that though the

[19]The opposition Alliance for the Restoration of Democracy (ARD) planned a public meeting on April 7, 2003, but the ARD leadership was denied access to Okara district. The police eventually allowed the meeting to take place without the leaders of the ARD.

[20] This section does not attempt to list all alleged violations, either during the siege period or in the wider confrontation. It only includes cases that Human Rights Watch was able, in a relatively short investigation period, to establish as credible allegations of abuses.

number of violations may have decreased since this period, similar violations continue with impunity to the present.

Killings

Pakistani law-enforcement agencies have a well-documented record of ignoring the requirements of due process. Extra-judicial killings by the Pakistani police, known in local parlance as "encounter killings," are commonplace. According to figures released by the independent Human Rights Commission of Pakistan, at least 195 Pakistanis were killed in such "encounters" in 2003.[21] Such killings are almost never investigated or prosecuted, reflecting the culture of impunity that the police, paramilitary, and military forces in Pakistan continue to enjoy.

The four extra-judicial killings documented below took place between January 2002 and May 2003 and took place as part of attempts to coerce the farmers into compliance. Serving officers of the Pakistan Army perpetrated one, and retired officers employed by the army the second. Soldiers of the Pakistan Rangers are responsible for the final two killings in this section. While Human Rights Watch is aware of several other suspect deaths in the affected areas during this period, we selected these four cases because the eyewitnesses we talked to clearly identified the perpetrators.

Bashir Ahmed

On January 7, 2002, Colonel Mohammad Ali, the commanding officer at Renala Estate Military Farm, personally led a contingent of some thirty to forty armed men on a mission to confiscate land cultivated by the elderly farmer Mohammad Ali Kumboh, resident of Village 21/1-RB. According to witnesses, fewer than ten of the armed men were serving army soldiers and the rest were private thugs. Two farm employees told Human Rights Watch that it was common knowledge that Colonel Mohammad Ali personally ordered the confiscation "at any cost" as he viewed the Kumboh land as a test case that would set the right precedent in the village: Kumboh had refused to sign the new contract.

Initially, Kumboh's family alone—Kumboh, his brother Aslam, Aslam's wife Aziza Begum, and their twenty-one-year-old son Ejaz—offered resistance. Kumboh, Aslam, and Ejaz were beaten, overpowered, and tied up by Colonel Ali and his contingent. Colonel Ali and his armed group then apparently set the family dairy and the grain depot on fire. At this point, Aslam's three teenage daughters, Zahida, Shahida, and Nazia,

[21] "State of Human Rights in 2003," HRCP Annual Report, Lahore, 2004.

emerged from the house armed with sticks and tried to free their family. The women were severely beaten by Colonel Ali's men, who also began firing in the air.

It was the fires, the gunshots, and the screams of the women that finally attracted the attention of the rest of the village. Nadeem Ashraf described the scene to Human Rights Watch:

> We heard firing and went to see. Bashir, who lived in the neighboring village also came with us. The women from the village came armed with sticks as did the men. We went and untied Ejaz. In the rush, I heard Colonel Ali shout the order to start firing. Instead of firing in the air, the army officers then started firing at us. Ejaz, Bashir Sidiq, and Hameed sustained bullet wounds. The colonel's men then retreated while firing in the air.[22]

Bashir Ahmed died on January 9, 2002, two days after the attack. He was twenty-one years old.

Mohammad Tufail Cheema

On May 20, 2002, the administration of the Army Welfare Trust (AWT), Probanabad, in Okara district attempted to forcibly collect the wheat harvest from Village Dalmain Gunj. The AWT had posted between twenty-five and thirty AWT employees armed with rifles to take up positions in the maize fields adjoining the field where the wheat harvesting was taking place. The armed AWT officials in the maize field comprised retired army officers employed by AWT, including Colonel (retired) Iqbal and Colonel (retired) Nawaz. AWT officials had asked the police to raid the wheat harvest in order to confiscate it. When the villagers resisted the seizure of their crops, the soldiers opened fire on them. One villager told Human Rights Watch:

> As the police raided, we ran for cover fearing arrest. We could only run towards the maize field. The AWT officials started firing as we ran towards them.[23]

Mohammad Tufail Cheema, a forty-year-old father of three, was killed.

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[22] Human Rights Watch telephone interview with AMP President Nadeem Ashraf, Renala, March 19, 2004.

[23] Statement of Mohammad Ali Maachi to Peoples' Rights Movement convenor Aasim Sajjad Akhtar, Okara, December 22, 2002.

At least ten farmers were injured. Mohammad Ali Maachi had to have his leg amputated and is now disabled.

Salman Masih

On August 24, 2002, as farmers gathered for a protest meeting at Village 4/4-L near Okara Military Farms, the Rangers and police surrounded the meeting. Khushi Dola recounted what happened:

> They began to harass us and jeer at us. On seeing the Rangers and police, protestors gathered even quicker. Their plan was to arrest as many as possible. As the people gathered, the Rangers started firing. Salman Masih was killed on the spot by a Rangers weapon in front of scores of people.[24]

In addition to the death of the twenty-one-year-old Salman Masih, five others were seriously injured, two of whom are now permanently disabled. Bashir, a farmer in his thirties, is now disabled with a shattered hip. Another farmer, Saleem, had his foot amputated.

Although eyewitnesses unambiguously identified Rangers as the perpetrators, the police subsequently charged Abdul Jabbar (brother of Abdul Sattar, secretary-general of the AMP), Mohammed Akram (his uncle), and Mohammed Sajjad, a fourteen-year-old-cousin, with Salman Masih's murder. The cases of the three are discussed in more detail in the section entitled "Arbitrary Arrest and Detention" below.

The arrest of the trio on the night of May 3, 2003, sparked a new wave of protests that culminated in the Okara siege and another killing by the Rangers.

Mohammad Amir

On May 5, 2003, between ten and twenty thousand protestors gathered on both sides of the main Grand Trunk Road highway connecting the district to the rest of the country. The gathering had been organized to protest the arrest of Abdul Jabbar (brother of Abdul Sattar, secretary-general of the AMP), Mohammed Akram (his uncle), and Mohammed Sajjad, a fourteen-year-old-cousin, who had been charged with Salman

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[24] Human Rights Watch interview with Khushi Dola, Okara October 23, 2003.

Masih's murder. Female police officers were also called in to deal with the women protesters. The protest lasted for twenty-four hours.

On May 6, around noon, the Rangers baton-charged the tenants and dispersed the protestors.[25] Scores were injured, many of them women. As on many other occasions, the Rangers were supported by the Punjab police. By the morning of May 11, tension between the Rangers and the farmers had risen sharply. On that day, the Rangers "captured" cattle being grazed by a tenant farmer. Angry villagers attempted to free the cattle. The Rangers responded by opening fire, killing an elderly tenant farmer, Mohammed Amir.[26]

Abdul Sattar, a resident of 4/4-L, told Human Rights Watch:

> Razzak, of Village 4/4-L, had gone to graze his cattle when he was intercepted by some Rangers officials. They told him they were confiscating his animals. Razzak quickly returned to the village and informed others. Some farmers went to save the animals but were shot at by the Rangers. Two teenagers, Latif and Nadeem, sustained bullet wounds.[27]

On hearing gunshots, more farmers gathered to protest. The Rangers, assembled at their picket near the Bolan Dairy, started firing. Mohammad Amir, age sixty-five, was hit by a bullet while standing outside his home.[28] He died instantly.

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[25] Pakistan is not a party to the International Covenant on Civil and Political Rights. However, the fundamental rights enshrined in chapter 1 of the constitution of Pakistan include qualified rights of expression and assembly. Citizens have the right to freedom of speech and expression, "subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, [or] commission of or incitement to an offence." Citizens also have rights to "assemble peacefully and without arms," to form associations and unions, and to form or join a political party, "subject to any reasonable restrictions imposed by law...." Constitution of the Islamic Republic of Pakistan, 1973, part II, ch. I, secs. 16, 17. Restrictions may be imposed, with respect to assembly, "in the interest of public order"; with respect to association, "in the interest of the sovereignty or integrity of Pakistan, public order or morality"; and with respect to political parties, "in the interest of the sovereignty or integrity of Pakistan." Even these limited rights, which fall short of internationally recognized standards, have been repeatedly violated by the Rangers and Punjab Police in Okara.

[26] The first information report (FIR) registered by the police implicated AMP leaders in the murder; numerous eyewitnesses however, maintained that a Rangers' bullet had killed the victim.

[27] Human Rights Watch interview with Abdul Sattar, Okara, October 24, 2003.

[28] "Correspondent's Report," *Dawn*, May 12, 2003

Sattar explained:

> There was no doubt that Mohammad Amir's was a targeted killing. It was a wide-angle shot. He was unarmed and clearly in the line of vision of the Rangers officers. It was a deliberate cold-blooded killing, designed to frighten us farmers.

Torture

Torture is routinely used in Pakistan by civilian law enforcement agencies, military personnel, and intelligence agencies.[29] While acts of torture by the police force are generally aimed at producing a confession during the course of a criminal investigation, torture by military agencies primarily serves the purpose of "punishing" the "culprit."

Torture by the military usually takes place after the victim has been abducted. The purpose is to frighten the victim into changing his political stance or loyalties or at the very least to stop him from being critical of the military authorities. The victim is often let go on the understanding that if he fails to comply with the military's wishes, further abduction and mistreatment will follow. In this manner, the victim's movements can be restricted and he can be kept in a state of fear for an extended period of time.

In the cases from Okara and neighboring districts described in this report, most acts of torture were perpetrated by personnel of the Pakistan Rangers. However, there is evidence that Punjab Police also participated in torture when called upon to assist the operations of the Rangers against the farmers. The aim of the torture in the vast majority of cases was to force the tenant farmers or their relatives to sign the new contracts and pay their cash dues according to the terms of these contracts. However, there are several cases where the purpose of the torture appears to have been little other than the ritual humiliation of the tenant farmers in order to emphasize their powerlessness in the face of the military.

The following cases are examples of the kind of behavior engaged in by the Rangers and police. This is not a comprehensive list of torture cases.

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[29] Human Rights Watch letter to General Pervez Musharraf, October 10, 2003.

Muhmmad Iqbal

The Pakistan Rangers unlawfully detained Muhammad Iqbal on February 10, 2003, because of his unwillingness to make contract payments. A milkman by trade, Iqbal told Human Rights Watch he had been on his way to Okara city for his morning delivery round when he was detained along with five other farmers. The group was held for a week and tortured repeatedly while in detention. According to Iqbal:

> We were produced before Major Tahir Malik. He asked why we had not made the contract payments. We answered that we had no money. They took us to the torture cell and *Jallad* ["tormentor"] Munir started thrashing us with a leather whip. He made us all strip naked and whipped us till we bled. Major Tahir Malik would personally supervise the whippings, abuse us, laugh at us, and punch us.... We were given a slice of bread and *daal* [lentils] at 10 pm, which was not enough for us. We were produced before officers again in the morning. They would insist that we pay the contract money. Upon our refusal, it would begin again. Major Tahir used to supervise the torturing process himself. Inspector Aashiq used to be present there, too. This cycle of torture and producing us before officers continued for seven days.[30]

Muhammad Akram

Muhammad Akram, a resident of Village 4/4-L in Okara, was arrested on March 10, 2003 as he was passing over the Canal Bridge of Village 9-4/L at Okara Military Farms.

> We were arrested at six in the morning. We were blindfolded and kept in a vehicle for about forty-five minutes while twenty-five others were arrested. We were brought to Rangers Headquarters. We were made to sit at a cold and dusty place in freezing temperature. Major Tahir Malik ordered us to start doing push-ups. We carried on like that for one hour. Major Tahir then made us stand with our arms raised for hours. If anyone's arms fell, they were beaten. He asked us to sign up and pay the contract money to secure our release. We were also forced to pressure our families to pay contract money. We were kept at Rangers'

[30] Human Rights Watch interview with Mohammad Iqbal, Okara, October 23, 2003.

Headquarters for seven days. During this time, we were whipped and beaten with sticks as well.[31]

Bashir Ahmad

A resident of Village 4/4-L, Bashir Ahmad was detained in order to coerce his father-in-law Mohammad Yaqub into signing a contract and depositing contract money. Bashir described the events that followed his detention:

> We were made to lie on our stomach and they started whipping us. We were separated from each other one by one after the whipping. I was taken outdoors and made to stand with my hands raised for an hour. Then I was brought to the veranda outside the room. A stick was fixed through my legs and I was ordered to sit down. I was kept in that position for twenty minutes. Then they tried to push the stick up my anus but stopped. Then they started interrogating us again. We were placed together again at midnight. We were kept hungry and awake the whole night. We were brought outside the room at 8 in the morning. They kept us sitting till 6:00 p.m. with the Rangers guarding us. We were given a cup of tea but not given any food throughout the day. A resident of our village, Rasheed Ahmad Naseem, was also captured with us. He was whipped in front of our eyes. He was so badly tortured that he has permanent scars on his back. We were produced before Major Tahir Malik at seven that evening. He threatened us if we told the villagers of the torture then we would be arrested again. I was also threatened with re-arrest if I did not ask my father-in-law to deposit the contract money. Since that day, I have been going to the city for work incognito.[32]

Pervaiz

Pervaiz, a laborer, was picked up on February 4, 2002. He and others detained with him were stripped naked and made to stand for an hour in temperatures just slightly above freezing. Pervaiz told Human Rights Watch that Major Tahir Malik and Inspector Ashiq Ali whipped them every half hour.

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[31] Human Rights Watch interview with Mohammad Akram, Okara, October 23, 2003. Akram clarified that he had also been arrested earlier in 2002. " That time, they kept me for ten days. Each time, the Rangers stole my money and large quantities of milk."

[32] Human Rights watch interview with Bashir Ahmed, Okara, October 23, 2003.

> We were lashed five times after every half an hour from 6 p.m. to 3 a.m. We were whipped till we bled profusely. We will carry the physical scars forever. We were not just tortured, we were deprived of sleep and starved as well. We were made to sit with a wooden stake between our legs for two hours. That punishment ended at 5 a.m. We were then taken to a field and made to do push-ups for two hours. –Then they tied our arms to our backs, blindfolded us, and dragged us naked to the torture cell.

Pervaiz was told categorically by Major Tahir Malik and Inspector Ashiq Ali that he was being held hostage and tortured because his family had not deposited the cash payment required under the new tenancy contract:

> We were kept in a torture cell for five days. We were taken out only to relieve ourselves. We were punished at intervals every day. We were made to stand with our hands raised for hours daily. We were often whipped or thrashed with a wooden stick. We used to cry and asked them what crime they were punishing us for. Major Tahir Malik and Inspector Aashiq Ali told us while abusing us verbally that we were being punished because our family members had not deposited lease money. They told me that I would be punished until my father, Tufail, deposited the required amount. We were in bad shape when we were released after five days. We were released after some negotiations between village elders and officials.
>
> Though we were in such poor shape, the villagers who had been protesting our detention accorded us a warm welcome and garlanded us. We were produced next day in court to obtain orders for medical examinations. The inhuman treatment meted out to us at the hands of Major Tahir Malik and Inspector Aashiq Ali will never be forgotten. It was as if we were under the detention of officers of some enemy army. We never thought that one day we would have to face atrocities at the hands of officers of our own army.[33]

[33] Human Rights watch interview with Pervaiz, Okara, October 23, 2003.

Torture and Beatings of Children

Between May and August 2003 dozens of children were detained in "torture cells," beaten and whipped, in order to coerce their parents and relatives into accepting the new tenancy agreements.[34] Many children also witnessed adults stripped naked, beaten, and tortured. Human Rights Watch interviewed thirty children, among many others, who reported being beaten and tortured. However, many others who alleged torture were not interviewed.

For example, Adil, a thirteen-year-old schoolboy from Village 4/4-L, told Human Rights Watch how he was kidnapped by Rangers personnel on his way to school on the morning of May 9, 2003:

> I was captured at 8.00 a.m. at the Rangers check post on G.T. Road. They also arrested my cousin, Raheel. We were on our way to school together. They covered our eyes with a piece of cloth. We were brought to the Rangers Headquarters in a military vehicle where they removed the blindfold. They kept us waiting in a room till 5 p.m. We were both handcuffed and then locked up at night in the Operation Center at the Rangers Headquarters. During the night, we would be slapped on the face periodically in order to keep us awake. In the morning we were brought out blindfolded again. We were forced to bend down in the "rooster position"[35] in scorching heat till 12 noon. A Rangers official was supervising us. Whenever we tried to relax a little he punched us and kicked us. We were not provided any food for twenty-eight hours. Then we both were given one piece of bread.

Adil also provided an eyewitness account of farmers being tortured, coerced, and beaten:

> We could also see another twenty to twenty-five tenants who had been picked up earlier and had been made to lie on their stomach. They were beaten severely with a leather whip in front of us. The bearded constable, Muneer, known as "Jallad" was in charge of this session. He is notorious for torturing tenants and every detained tenant was

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[34] In this report, the word "child" refers to anyone under the age of eighteen. The U.N. Convention on the Rights of the Child states: "For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." Convention on the Rights of the Child, Article 1, adopted November 20, 1989 (entered into force September 2, 1990). Names of children have been changed for purposes of anonymity and security.

[35] A common form of corporeal punishment and torture used in South Asia.

> frightened of him. Each tenant was whipped seventy seven times on his back in front of me. The tenants were then locked in a room with their eyes covered and hands raised. I saw with my eyes the nephew of a tenant being badly tortured. The Rangers had stripped him naked and were whipping him, kicking him, and hitting him repeatedly, asking him why his uncle [the tenant farmer] had run away to Lahore. His relatives managed to have him released on the seventh day. But he was whipped and beaten badly everyday till he was released. All of us, adults and younger kids, were given a piece of bread each with *daal* at night. The detained tenants were whipped once again at midnight. This happened every day and night. I and my cousin were detained for twelve days.

During this time, Adil and his cousin were pressured to send messages to their families asking them to sign the new contract and to deposit the contract money in order to secure their release. The Rangers officers also had the messages conveyed to the families of the detained children through others, including agents and touts working on behalf of the Rangers. However Adil added, with a touch of pride:

> Our family did not bow to this pressure and refused to deposit the contract money.[36]

Adil's cousin Raheel said:

> We were, at last, produced before local commander of the Rangers, Major Malik Tahir. He ordered our release, saying that we had been consuming their food and this was a burden on the state treasury. He also expressed disgust at the fact that our parents were not interested in our release. We used to go to school on bicycles, which were not returned by the Rangers upon our release. However, our school bags were returned. Not only we, but many tenants, were deprived of belongings, particularly bicycles, which were snatched by the Rangers and handed over to Rangers touts.[37]

In another incident, five boys ranging in age from nine to fourteen years were apprehended by Rangers at 6:00 a.m. on May 11, 2003. The boys had been making their regular morning delivery of milk to Okara city prior to going to school. According to

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[36] Human Rights Watch interview with Adil, Okara, October 24, 2003.

[37] Human Rights Watch interview with Raheel, Okara, October 24, 2003.

ten-year-old Abid Ali, the five were all from families that were unwilling to sign the new contracts and were detained on the basis of "information supplied by an informer." Abid Ali explained what happened:

> They snatched our milk and our bicycles. Gomi, the informer, took away the milk and bicycles. They blindfolded us and took us to Rangers Headquarters. As soon as we got there, they started beating us with sticks. After a while we even stopped crying or screaming. Then they asked if we wanted food. We refused the food saying we were not hungry and wanted to go home. We were again beaten on our refusal. And this time we were whipped as well.

Abid Ali also said that he witnessed the torture of tenant farmers who were already present at Rangers Headquarters when the boys arrived:

> There were sixteen farmers [already present when] we arrived there. [We saw them being] beaten badly with a flat leather whip by Munir "Jallad" and Inspector Aashiq Ali in the presence of Major Tahir Malik. The farmers were bleeding and crying in pain. Some were weeping out of fear and sitting with their heads bowed.[38]

According to Abid Ali, he and the other boys were asked by Major Tahir to force their parents to deposit contract money "otherwise, we would all be killed." This group of boys was released after eight days of beatings and torture because "a media team came there and after listening to us they asked Rangers official to release us." Human Rights Watch interviewed the local media team, who corroborated Abid Ali's testimony, but who were not willing to be quoted on record for fear of retribution.

Another fourteen year old, Aqeel, was arrested on May 23, 2003. He told Human Rights Watch:

> Once my blindfold came off, I saw I was in the Rangers Headquarters with about 100 other detainees, including tenants, their relatives, employees of official dairies, farm employees, ordinary laborers, and school children. Fearing reaction from the people against arrests on such a large scale, some Rangers officials recommended that detainees

[38] Human Rights Watch interview with Abid Ali, Okara, October 24, 2003.

should be released. As a result, all the detainees, except tenants, their children, and relatives, were released at that time. Seven of us were kept detained. I, along with six others, was kept at Rangers Headquarters for five days.

On the day when I was captured, the Rangers informers, Gomi and Jella Taily, came there and asked my name and address. They told the Rangers not to let me go free as the AMP flag flew on the roof of my house. Captain Aftab came in the room and asked if my father had land. Yes, I answered. They tied us and started beating us with a leather whip. Captain Aftab then went off duty and another official covered our eyes and took us to an office. The officer asked if we had paid the amount for the tenancy lease. "No," we answered. We were then locked in a dark room with no windows, which Major Tahir Malik and the others called the "torture cell." Major Tahir Malik visited our village with informers and we were released along with other people after six days' detention. During this time, we were beaten and whipped every day and told to get our families to sign the contract.[39]

Similarly, Ashraf, an eleven-year-old boy, and his two cousins were arrested while delivering milk on May 25, 2003. Like the others, his milk and bicycle were stolen and he was then transported to the Rangers Headquarters:

Soon after our arrival the Rangers started beating us with sticks. Then they offered food to us and beat us again when we refused to take it. In front of me, sixteen farmers were asked to take all their clothes off and be naked and once they were naked they were whipped all over including on the genitals. We were detained for five days. We heard the cries of farmers when they were being tortured. We also witnessed episodes of torture in those five days. The Rangers sent messages to our parents to deposit money.[40]

Mohammad Saleem, age twelve, recounted how he and a mentally disabled boy from his village were kidnapped and treated:

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[39] Human Rights Watch interview with Aqeel, Okara, October 24, 2003.

[40] Human Rights Watch interview with Ashraf, Okara, October 25, 2003.

> I was going towards our land on our donkey cart. I was picked up by two masked Rangers officials at Nine-Wala Bridge. They covered my eyes and made me sit at the bridge. There was also a mentally retarded boy, Mohammad Ashraf, with me. Ashraf went wild when they covered his eyes and [he] bit the officers really hard. They beat him almost unconscious and left him moaning on the bridge. He told the villagers about my arrest. The Rangers took me to Rangers Headquarters, covered my eyes and locked me in a windowless room. They kept on threatening me that I would be killed. They continued with verbal abuse as well. They forced me to send a message to my parents asking them to deposit lease money. They tortured me for two days through beatings and standing for hours in the scorching heat. They detained me for twenty-two days. I saw with my eyes that the tenants and their relatives who were brought there were made to take their clothes off and subjected to whippings. Inspector Aashiq and Inspector Munir "Jallad" used to perform this duty. The detainees were also made to adopt the Rooster position for hours in the scorching heat. They were given hot water for drinking.[41]

Arbitrary Arrest and Detention

Since the confrontation with farmers began in early 2002, the Pakistan Rangers and police have arrested hundreds of AMP activists, other tenant farmers, and members of their families without charge or, more often, on what appear to be trumped-up charges. Some of those detained have been beaten and then set free. Hundreds of others face criminal charges. They have been charged with crimes ranging from violations of Pakistan's Maintenance of Public Order Act (MPO) to murder.

The police have filed charges under Pakistan's draconian anti-terrorism laws against the leadership of the AMP.[42] Some leaders have also been charged under laws relating to "anti-state activity" and sedition.[43]

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[41] Human Rights Watch interview with Mohammad Saleem, Okara, October 24, 2003.

[42] Enacted under the Sharif administration, the Anti-Terrorism Act violates international standards of due process as well as the right to free expression. Although trials have rarely been conducted within the prescribed period, courts established under the act are supposed to conduct trials within seven days. Convicted persons have only seven days in which to file appeals, and these too must be heard and decided within a seven-day period. The act criminalizes, among other activities, "distributing, publishing or pasting of a handbill or making graffiti or wall-chalking intended to create unrest or fear"—an ill-defined provision that could be applied against political speech. Anti-Terrorism Act, 1997, as amended by Anti-Terrorism (Amendment) Ordinance, 1999, secs. 7A, 19, 25.

[43] The rights to free expression, assembly, and association have regularly been limited by the application of broadly worded laws governing sedition and the maintenance of public order. The sedition law, section 124-A

Human Rights Watch has been provided a list by the AMP of more than 100 individual farmers charged under various laws. Human Rights Watch has seen further corroborating documentary evidence ranging from case files to copies of the First Information Report (FIR) of many of these cases.[44] However, as most police "first information reports" (FIRs) which form the basis of the arrests follow a simple formula—naming a handful of principal "culprits" and "unknown others"—it is often impossible to deduce the factual basis for the arrests. The category "unknown others" makes it possible for police to arrest almost anyone. The military and civil administration use the threat of possible re-arrest and engagement with the long, arduous, and expensive legal process as a means of harassing the farmers and coercing them into submission.

Haji Abdul Rasheed, a resident of Village 4/4-L in Okara district, was detained at Canal Bridge by a Pakistan Rangers officer on November 6, 2002. His motorcycle was also confiscated. The officer subsequently handed Rasheed over to the police. He told Human Rights Watch:

> A sub-inspector of Saddar police station, Rana Liaqat, was called who handcuffed and took me to the police station. The Station House Officer asked how many cases were registered against me. I answered, I did not know. The Station House Officer found my name nowhere in any FIR [First Information Report]. He declared me innocent but ordered a constable to detain me in the lock-up room because the Rangers might ask for me. I asked him why I was handcuffed and said that if I was innocent, then he should remove my fetters. I was kept at Rangers Headquarters for three hours and then at Saddar police station for two hours. I was then produced before Deputy Superintendent Police (DSP), Khalid Mehmood. He asked me if I knew the reason for my being brought before him. He asked me to sit down and said that as I was caught by the Rangers, only they could set me free. I requested him to release me as I had not committed any crime.

---

of the Pakistan Penal Code, criminalizes speech that "brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Central or Provincial Government established by law." Section 16 of the Maintenance of Public Order Ordinance prohibits speech that "causes or is likely to cause fear or alarm to the public" or any section thereof, or which "furthers or is likely to further any activity prejudicial to public safety or the maintenance of public order."

[44] First Information Report or FIR is the basic charge sheet lodged with or by the police on the basis of which the police conduct investigations and make arrests.

> Two hours later, Major Junaid, Major Khattak, and Inspector Ashiq arrived from Rangers Headquarters. The DSP told them that I was a dangerous criminal who had reinforced the tenants' movement, which had been suppressed by him. He added that I arranged a meeting at Village 8/4-L. I told them I went there only to drop my friend who had no transport, and had not attended the meeting. On my return, I only irrigated my crops. Was that my crime? They threatened to kill me if I ever dared support the tenants movement again, slapped me, and let me go.[45]

On the night of May 3, 2003, as noted above, AMP leader Abdul Jabbar (brother of Abdul Sattar, secretary-general of the AMP), Mohammed Akram (his uncle), and Mohammed Sajjad (Jabbar's cousin) were arrested by the Rangers at the Okara Vegetable Market, ostensibly in connection with the murder of Salman Masih whose case is recounted in the "Killings" section above. Masih had been shot dead on August 24, 2002, when Rangers opened fire on a gathering of tenant farmers in Okara.[46] At the time of their arrest, the three had been driving a tractor trolley filled with 155 sacks of potatoes worth 50,000 rupees[47]; the trolley and produce were seized by the Rangers. The trio were subsequently charged in the Lahore Anti-Terrorist Court.

Other baseless charges under anti-terrorism laws have been filed against many of the tenant farmers. Muhammad Rasheed, a baker by profession and resident of Okara, currently living in Village 38/2RA, told Human Rights Watch:

> On May 27, 2003, fifteen Rangers soldiers accompanied by Inspector Aashiq Ali raided my house at midnight. I, my wife, and our child were asleep at the time. I woke up due to noise and as I jumped out of my bed the Rangers men pointed guns towards me. They threatened to shoot if I tried to escape or resisted. Then they blindfolded me. Inspector Aashiq Ali beat me with rifle butts. They dragged me out of the house and made me sit in a vehicle. Inspector Aashiq Ali pushed and hit my wife when she tried to rescue me. My wife ran after the vehicle but to no avail.

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[45] Human Rights Watch interview with Haji Abdul Rasheed, Okara, October 27 2003.

[46] "Correspondent's Report," *Dawn*, May 8, 2003.

[47] Approximately U.S. $875.

At Rangers Headquarters, I was made to lie on my stomach and whipped fifteen times before being produced before Major Tahir Malik. He asked me why my father-in-law [Maula Baksh] had not paid the contract money. He told me to force him to pay or arrange the payment myself. I told them that I could barely feed my family and was not in a position to arrange the amount of contract money. He asked the whereabouts of other relatives of my father-in-law. I feigned ignorance and told them that his informer should know. Major Tahir started threatening me and asked his men to inject me with rat poison if I did not start talking. I was shifted to a torture cell from Major Tahir Malik's office at 2:30 a.m. I and my companions were not allowed to sleep the whole night. I was taken again to Major Tahir's office at eight in the morning. He asked me to send my father-in-law a message for depositing contract money if I wanted to be released. If [my father-in-law] did not comply, Major Tahir Malik said, he would order me to divorce my wife, daughter of Maula Baksh. Upon my refusal, I was whipped five times and locked in the torture cell again.

I was detained there for ten days. We were taken out every morning and evening and were whipped five times. In charge of the torture cells, Inspector Muneer Ahmad and Inspector Aashiq used to pester us the whole night. Then the torture stopped but I was kept locked in the room for ten consecutive days. I, along with seventeen others, was shifted to Shahbhur police station when my in-laws filed a habeas corpus petition in the High Court. But then we were again transferred to Rangers Headquarters after two days. We were kept there for a night and then shifted to Cantonment Police Station. The police were forced to send me to Sahiwal Jail on judicial remand due to pressure by the Rangers who had my name included in a list of "unknown" people accused in a terrorism case.[48] We were released on bail and have been forced to report to the anti-terrorism courts ever since.[49]

Similarly, Habib Ahmed, an electrician, was illegally detained on February 2, 2003 by Rangers personnel. He was initially taken to the Saddar Police Station in Okara where he remained in detention for forty-eight hours without food or water. Subsequently, he was

[48] The case filed against Mohammad Rasheed requires him to attend court proceedings on an ongoing basis at the Anti-Terrorist Court (ATC). The ATC, set up under the 1999 Anti-Terrorism Act (ATA), tries cases registered under the Act.

[49] Human Rights Watch interview with Mohammad Rasheed, October 26, 2003.

interrogated by Inspector Rana Liaqat Ali of the Punjab Police and Ashiq Ali of the Rangers. He was then moved to a temporary police checkpoint where he was kept handcuffed for six days. Eventually, a dacoity (highway robbery) case was registered against him and Mirajuddin, an elderly farmer from the same village. The Lahore High Court granted bail to the two men and bail was posted by villagers.

Arbitrary Dismissal, Mistreatment, and Torture of Military Farm Employees

The Okara Military Farms have traditionally employed substantial numbers of people from the local farming community to perform various functions at the military farms and dairies. These employees are normally expected to enjoy all the protections due to state employees by law.

Since the conflict began, however, military farm authorities have dismissed scores of relatives of farmers as a means of retaliating against the community. More often, they have simply withheld salaries and not paid farm employees for months on end.

Officials have been quite brazen in threatening residents. The text of an official letter from the Okara Military Farms store manager to employee Mohammad Hussain, dated August 20, 2002, is self explanatory. The letter, in English in the original, is produced verbatim below:

> *20 August, 2002*
>
> *To Mr. Mohammad Hussain*
>
> *Military Farms Okara*
>
> *Subject: Anti-State Activities*
>
> *It has come to the notice that your parents/relatives are living in a village on military farms. These are involved in anti-state activities. You are directed to motivate your parent/relatives to desist from anti-state activities and to coop with Pakistan Army and Pakistan Rangers. In case of failure to do so for the state, appropriate disciplinary action will be taken against you.*
>
> *Manager*
>
> *Naseer Ahmed*

Mohammad Hussain's salary was subsequently withheld and he was fired. Human Rights Watch has seen six similar letters threatening other Okara Military Farms employees in similar fashion.

Some employees of Okara Military Farms have been arbitrarily arrested and tortured in order to coerce their families into signing contracts and making cash payments. At other times, the salaries of such employees have been docked and apparently pocketed by the Rangers officials themselves.

Muhammad Ayub Anjum, a security guard at the Neelum farm of the Okara Military Farms complex and resident of village 4/4-L, was arrested on May 25, 2003, and detained for ten days.

> I was arrested by the police on my way home from work and handed over to the Rangers Headquarters. Colonel Saleem and Major Tahir Malik asked me if I had asked my father to deposit the contract money. "I am an employee and have nothing to do with land and my father will not accept this option," I told them. They laughed and said that if that was the case then I could not go home but straight to the torture cell. The next morning, six armed Rangers officers ordered me to identify tenant farmers from amongst the people passing by on the roads. I refused to recognize any farmers. I was taken back to the torture cell. I was whipped and beaten every day. I was told that unless my father deposited the sum and signed the contract I would never leave.
>
> During my detention, the Rangers officials forced me to sign my salary slip and withdrew my salary. Part of the salary was kept as partial payment of contract. A friend of mine, Ijaz Mirza stood surety for me. Eventually they said they would release me but I was threatened that if the balance payment was not made within three days, I would be sent to jail.
>
> I have not been to work since that incident. They [farm management] kept calling me to report to work but I have not reported for work because I fear arrest and torture. I told my supervising officer that I could only come to work if he could ensure that I will not be arrested.

"It is a matter between you and the Rangers, deposit the required amount and continue your job," I was told.[50]

Muhammad Hussain, an employee of the Military Farm Bolan and resident of village 4/4 L, was on his way home from work on August 27, 2003, when he was halted at the unofficial Rangers checkpoint for 4/4-L and asked if he owned any land.

> I told them I would not have joined service if I owned any land. They asked, then, if my father had any land? "I am married and independent. I have nothing to do with my father's land," I explained.

Muhammad Hussain was promptly dispatched to the "torture cell." Subsequently, he was shifted to the Chuchak Police Station where he was beaten further. After four days at the police station, he was returned to the Rangers headquarters and produced before Colonel Saleem.

> Colonel Saleem said that nobody was superior to the army nor could anyone compete with the armed forces. After a final beating, I was freed. I spent twelve days in detention.[51]

Muhammad Azeem, a father of five and a milkman employed at the Okara Military Farms, worked for the farm for twenty-three years until June 2003. His father, whom he had not lived with for over a decade, cultivates twelve acres of land as a tenant. Azeem was illegally detained in June 2003.

> I was picked up from Pajnad Dairies Farms during working hours. I was kept blindfolded for four consecutive days. I did not know where I was. I was given food once during the four days of detention. When my eyes were uncovered, I found more people present, arrested by the Rangers. They were tenants or their relatives. There were other employees of dairy farms arrested by the Rangers present there as well. I was tortured for twenty consecutive days by Rangers. I was whipped and beaten by the Rangers official, Munir. I was released after twenty days when they were convinced that I would not cave in. I was fired

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[50]Human Rights Watch interview with Muhammad Ayub Anjum, Okara October 27, 2003.

[51] Human Rights Watch interview with Muhammad Hussain, Okara October 26, 2003.

from my job, which was my only source of my income. I was a poor man.[52]

The Pakistan Rangers sought to compel Muhammad Arshad, a resident of Village 4/4-L employed as a store porter at Punjand Military Farm, to make contract payments and tried to arrest him on May 28, 2003. When that attempt failed, he, like many others in his position, was summoned to work by the military farm and issued a show cause notice that threatened him with immediate termination unless he reported to work. Arshad returned to work on June 20 and was illegally detained by the Rangers the following day. He, too, was taken to Rangers Headquarters, imprisoned in the "torture cell" and whipped till he bled. According to Arshad, he was starved for three days and locked in a dark, over-crowded, windowless room along with other military farm employees.

> I was told that I would be released if lease money amounting to Rupees 52,000 would be deposited. I refused to pay and told them that the land had been cultivated by my relatives and my father owned only four acres of land. They told me that the full amount was to be recovered from me. I was kept at Rangers Headquarters for four days and then was taken to police station Shah Bhaur. I was kept there for two days and then brought back to Rangers headquarters. I was tortured again at the headquarters. Eventually, a friend paid a five thousand-rupee bribe to secure my release. He also provided surety against the 52,000-rupee "debt." I am a poor man. If I consume my salary in paying the balance amount owed by my relatives, how am I to eat? I do not leave the house for fear of the Rangers.[53]

Mohammad Bashir, a watchman at Okara Military Farm, was detained on May 26, 2003, for eight days and tortured. His relatives were told that he would not be released until they deposited the tenancy lease. Bashir told Human Rights Watch:

> They started torturing me when my relatives refused to pay. I was deprived of sleep, starved and whipped. There were seven more employees detained with me. Major Tahir Malik personally supervised the torture activities. At times he tortured the detainees with his own hands. Those employees were released whose relatives had deposited the amount. My wife borrowed ten thousand rupees and deposited it

[52] Human Rights Watch interview with Muhammad Azeem, Okara October 27, 2003.

[53] Human Rights Watch interview with Muhammad Arshad , Okara October 27, 2003.

with Major Tahir Malik for securing my release. After receiving the amount I was released but I was asked to arrange the balance amount of twenty five thousand rupees. Otherwise, I would be picked up again and be dismissed from service, too. I requested my in-laws to deposit the balance but they refused. I sold my buffalo and deposited rupees twenty-five thousand at the Rangers Headquarters. Then I started going to work again. At the end of month when I approached the cashier for my salary, he told me that our salaries have been stopped. I contacted Major Tahir Malik and told him that my salary had been withheld despite the fact that I had made payments on behalf of my relatives. I requested him to arrange payment of my salary. I was given one month salary on his directive and was issued a warning that I would be arrested again in case I failed to deposit the next installment. Consequently, I dare not go to work and am now effectively jobless.[54]

"Forced Divorce"

Divorce, though sanctioned by Islam, remains taboo in much of Pakistan. In an effort to coerce farmers into signing contract agreements, Rangers officials have not just physically abused them but also attempted to ensure that they lose face and standing in their local community. Consequently, the paramilitary force has used the tactic of forcing the divorces of the daughters and sisters of "errant" farmers.

While there have been scores of attempts to effect divorces by the Rangers, several of which figure in other sections of this report, Human Rights Watch is aware of three cases where the paramilitary force actually succeeded in forcing divorces. Given the sensitivity of the issue, only one of the parties was willing to speak to HRW on-the-record.[55]

Basharat Mehmood had been married for less than four months when he was kidnapped and taken to the Rangers Headquarters in Okara district. Once there, Basharat was beaten and whipped until he agreed to sign a document divorcing his wife.

> My father-in-law has land for cultivation at Okara Military Farms. The Rangers want my father-in-law to sign the new contract. He has refused. The Rangers kidnapped me and took me to their headquarters

[54] Human Rights Watch interview with Muhammad Bashir, Okara, October 27, 2003.

[55] See appendices 2 – 6.

> on June 18, 2003. They beat me and whipped me till I agreed to sign a document divorcing my wife. They told me that I was to force my father-in-law to sign the contract, otherwise, I would face dire consequences. They said they would not only kill me but also my two brothers. They also said that, as I had divorced my wife, I should tell my father–in-law that she was now a destroyed woman unless he signed the agreement. I only signed the paper under duress. My wife and I have no conflict at all. I want to continue with my marriage and my wife also wants to live with me out of her own will. The divorce paper is completely fabricated. I had to go to the Union Council and swear on oath that I had not divorced my wife. We also had to get a Fatwa[56] from a local religious scholar that proves that my marriage is still valid in the eyes of Islam. We have been humiliated and ashamed by this event.[57]

In another instance, Mohammad S. was kidnapped by Rangers when visiting his son's father-in-law, Shakir Husain., in Okara district.[58] Although Shakir Husain. was a tenant farmer, Mohammad S. had no connection with farming and was not even a resident of any of the affected districts. Mohammad S. told Human Rights Watch what he experienced:

> I was blindfolded and taken to the Rangers Headquarters. Once there, my blindfold was removed. A man (later I was told this was a Rangers major), ordered his two subordinates to strip me naked. I asked them to allow an old man some dignity and respect. So the major started whipping me. He told me to ask Shakir Husain to sign the contract. I was kept like this for three days. I would be whipped every day at least two times. On the third day, I sent Shakir Husain a message begging him to sign the contract. He refused. The major then asked me to call my son and ask him to divorce Shakir Husain's daughter. I resisted but after another four days, I called my son. He did as I said and mailed the Talaq-nama [divorce deed] to the address of his father-in-law and also sent his wife back. Only then was I released. We are very ashamed but we had no choice. I was released after a total of twelve days.[59]

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[56] An Islamic religious edict.

[57] Human Rights Watch interview with Basharat Mehmood, Okara October 26, 2003.

[58] All names used in this case have been changed and details such as addresses have been withheld upon request.

[59] Human Rights Watch interview, date and place of interview withheld to protect the identity of the interviewee.

Restrictions on Freedom of Speech

The military farm authorities, the Rangers, and the Okara Police have blocked access to journalists to prevent information filtering out of Okara, especially during confrontations, disturbances, and during the siege.

On May 10, 2003 Sarwar Mujahid, one of the few independent journalists reporting from Okara, was arrested on charges of "inciting the public against Rangers" and "terrorism." He was produced before an Anti-Terrorism Court (ATC) in Lahore and remanded to police custody for four days. During this period, Okara police charged Mujahid in several other criminal cases, including a case in which he allegedly fired a 7mm rifle at Rangers personnel. Mujahid denies ever seeing such a weapon, let alone firing it. According to Mujahid, these charges are:

> all lies and slander. The Rangers hated my reports from Okara Military Farms. They warned me several times. Eventually, they had no other way of keeping me away from the action but to have me arrested.[60]

Subsequently, Mujahid, still under arrest, was shifted to Okara District Hospital due to health complications. His family continued to receive threats from the Rangers for weeks after his arrest. He was released on bail in August 2003, and still faces charges.

In addition to the specific abuses described above, the tactics of Rangers and police forces have in some cases effectively threatened tenant farmers with forced eviction.

V. International Law and Forced Evictions

International law seeks to protect persons from forced evictions, which has been defined by the United Nations Committee on Economic, Cultural and Social Rights as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection."[61]

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[60] Human Rights Watch interview with Sarwar Mujahid, Lahore, April 15, 2004.

[61] U.N. Committee on Economic, Social and Cultural Rights, General Comment 7, "The right to adequate housing (Art. 11 (1) of the Covenant): forced evictions," U.N. Doc. E/C.12/1997/4 (1997).

According to the Committee in its General Comments, notwithstanding the type of land tenure, all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats. The Committee has urged states to take immediate measures aimed at conferring legal security of tenure upon persons and households currently lacking such protection, and to do so in genuine consultation with affected persons and groups.[62] Unlawful forced eviction not only violates the right to adequate housing, but may also result in violations of other rights, such as the rights to security of the person and to one's home.[63] According to the Office of the High Commissioner for Human Rights in its examination of forced evictions in an international human rights framework:

> While the right to adequate housing is perhaps the most obvious human right violated by forced evictions, a number of other rights are also affected. The rights to freedom of movement and to choose one's residence, recognized in many international laws and national constitutions, are infringed when forced evictions occur. The right to security of the person, also widely established, means little in practical terms when people are forcibly evicted with violence, bulldozers and intimidation. Direct governmental harassment, arrests or even killings of community leaders opposing forced evictions are common and violate the rights to life, to freedom of expression and to join organizations of one's choice. In the majority of eviction cases, crucial rights to information and popular participation are also denied.[64]

The Economic, Social and Cultural Rights Committee considers legislation against forced evictions to be essential for building a system of effective protection. Such laws should include measures that "provide the greatest possible security of tenure to occupiers of houses and land," and which are "designed to control strictly the circumstances under which evictions may be carried out." States must ensure that their laws are adequate to prevent and, if appropriate, punish forced evictions carried out by private persons without appropriate safeguards. Existing laws and regulations that are incompatible with the right to adequate housing should be amended or repealed.[65]

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[62] U.N. Committee on Economic, Social and Cultural Rights, General Comment 4, "The right to adequate housing," (Sixth session, 1991), U.N. Doc. E/1992/23 (1991), art. 8(a).

[63] General Comment 7, paras. 5 & 9.

[64] U.N. High Commissioner for Human Rights, Fact Sheet no. 25, "Forced Evictions and Human Rights," 1996 (available at http://www.unhchr.ch/html/menu6/2/fs25.htm).

[65] General Comment 7, para. 10.

VI. Recommendations

To the Government of Pakistan:

1. Order the immediate withdrawal of the paramilitary force, the Pakistan Rangers, from Okara district and ensure that the Rangers and their personnel play no role relating to the conflict there or in other affected districts. Turn over responsibility for policing to the Punjab police.

2. Appoint a senior and respected outside police official with no connection to the land dispute to oversee the policing of Okara and other affected districts.

3. Immediately remove—from any role relating to the conflict in Okara—all Pakistan Rangers personnel and Punjab police personnel implicated in serious violations of human rights.

4. Reinstate all employees of Okara Military Farms and others unfairly dismissed from employment.

5. Withdraw immediately all criminal cases registered against farmers from the affected districts absent a sound factual basis for the charges brought against them.

6. Investigate fully allegations of violations of Pakistani and international human rights law committed in the context of the Punjab land dispute. Suspend all officials against whom there is prima facie evidence of misconduct. Prosecute all officials, members of the armed forces, and police personnel implicated in serious abuses, including extra-judicial executions; kidnappings; torture; extortion and other ill-treatment, including "forced divorces."

7. Ensure that all Pakistan Rangers personnel deployed in Okara and other civilian areas, at every level, have received basic training in the fundamental principles of human rights law. Ensure that all law-enforcement personnel deployed in all affected districts, at every level, have received basic training in such principles.

8. Recognize the procedural rights of all persons detained or accused of crimes. Hold all detainees only in officially recognized places of detention. Inform all detainees immediately of the grounds of arrest and any charges against them.

Provide all detainees with immediate and regular access to family members and lawyers. Detainees must promptly be brought before a judge to review the legality of their detention.

9. Make publicly available regularly updated figures on the number of individuals charged and arrested in the affected districts, with information on the nature of their alleged crimes and the places of their detention.

10. End the practice of "besieging" towns and villages and imposing unlawful restraints on freedom of movement and free expression.

11. Ensure that human rights organizations and journalists have free access to all affected districts and allow them to carry out investigations and fact-finding missions free from intimidation or interference by military and paramilitary authorities.

12. Respect press freedom and allow full independent coverage of both past and ongoing events in the affected districts. Remove informal prohibitions on direct news gathering and reporting by the Pakistani and foreign media.

13. Invite the U.N. Special Rapporteur on Adequate Housing and the U.N. Special Rapporteur on Torture to visit the area of dispute, conduct investigations, and make appropriate recommendations.

To Donors and other International Actors:

1. Donors and trading partners of Pakistan should use every available opportunity to press for an end to military impunity. They should urge respect for international due process and fair trial standards and should press for impartial inquiries into, and accountability for, cases of illegal detention and custodial ill-treatment. The behavior documented in this report in one part of Punjab takes place in all Pakistani provinces and within all security and law enforcement agencies.

2. Bilateral donors and international lending agencies, including the World Bank and Asian Development Bank, should insist that the government of Pakistan commit itself to providing training in human rights law and norms to all law-enforcement personnel, particularly its paramilitary forces.

3. Donors to the rural sector in Pakistan should strongly condemn human rights violations suffered by farmers and should insist that immediate measures be taken to allow farmers to earn their livelihood without fear of violence. They should closely monitor Pakistan's stated commitment in its Poverty Reduction Strategy to address administration of justice issues, and urge that the government focus particularly on ending military impunity.

4. In the proposed Rural Development Policy Review cited in the World Bank's Country Assistance Strategy, the Bank should raise the issue of the military's control over land through force, and the impact it has on farmers' livelihoods.

5. The U.N. Special Rapporteur on Torture should visit Pakistan as soon as possible to press for the immediate end to human rights abuses including widespread torture committed in Okara district by the Rangers and police.

6. The U.N. Special Rapporteur on Adequate Housing should visit Pakistan as soon as possible to press for the immediate end to human rights abuses committed by the Rangers and police in Okara and elsewhere. The Rapporteur should press the government to amend the Punjab Tenancy Act (1887) so that it is consistent with international standards prohibiting forced eviction and to ensure that tenant farmers, many of whose families have tilled the land for a century, do not face the threat of arbitrary eviction or the use of force and intimidation.

VII. Appendices

Appendix 1: Letter from Board of Revenue (BoR), Punjab, to Defense Ministry, Islamabad

(Reproduced Verbatim)

D.O No 14-2001/631-CL-V,
BOARD OF REVENUE PUNJAB
LAHORE
Dated 13 April, 2001
FROM: SENIOR MEMBER (ESTABLISHMENT)
TO: Lt. Gen. (Retd.) Hamid Nawaz Khan
Secretary Government of Pakistan
Ministry of Defence, Islamabad.
SUBJECT: PERMANENT TRANSFER OF LAND UNDER STUD FARMS TO MINISTER OF DEFENCE

Dear Lt. Gen. (Retd.) Hamid Nawaz Khan,

1. Kindly refer to your D.O letter No. FF-3/51/99/D-4 (Army IV) dated 15 February 2000 on the subject noted above.

2. The request of the Ministry of Defence for permanent transfer of land under stud grants free of cost has been examined in the Board of Revenue, Punjab. The policy pertaining to transfer of provincial land to Federal government in this regard, is governed by the Board of Revenue Standing Order No. 28, issued by the Financial Commissioner. The standing order, ibid, refers to the Section 127 of the Government of India Act of 1935 which provides that:

"In cases where the land required to be transferred is in the occupation of the provincial government, the amount payable by the Central government will ordinarily be the market value of the land and buildings, if an thereon; the capitalized value of the land revenue assessable thereon will be included in cases where the transfer of the land revenue to the provincial government."

3. The Board of Revenue, Punjab, policy letter dated 23 January, 1976 states:-

"In case of transfer of land from the Provincial government to the Federal government, it is always transferred at the market rate plus capitalized value/surcharge on account of sale by private treaty."

4. The existing policy framework, it will be appreciated, does not favor acceding to the request stated in your communication of the first of February, the year 2000.

With deep regards,

Yours sincerely,

Shahzad Hassan Pervez

Appendix 2: Divorce Deed of Basharat Mehmood

Talaq-e-Salasa (Divorce – Three times)[66]

I, Basharat Mehmood son of Mohammad Sadiq permanent resident of Chak No 42/3.R, Post office Manolian, Tehsil and District, Okara, submit:

1. That I was married four months back to Mst. Yasmeen, daughter of Mohammad Rafique, cast Kamboh, resident of Chak 4/4.L, Military Farms, Okara. "Haq Mehr"[67] was fixed according to shari'a which was duly paid.
2. That my father-in-law is a defaulter on the tenancy contract even though his kinsfolk forced him to pay the outstanding amount. He refused to pay so the whole clan has declared him an outcast.
3. Therefore, I, Basharat Mehmood, divorce his real daughter, Yasmeen three times. I will have no right upon her. She can contract a marriage to anyone of her choice, after completion of "IDDAT." I have written the divorce document so that it can be used as proof in case any necessity arises in future.

Witness No 1—Haji Saifullah S/O Lal Din, R/O Mohallah Baghanpura, Sant Singhwala; Munir Abad

Witness No 2—Abdul Ghaffar Awan S/O Ghulam Muhammad r/o same address

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[66]Appendices 2-6 translated from Urdu by Human Rights Watch.

[67]Haq Mehr is the dower established under Islamic law, the shari'a. In rural Pakistan, the Haq Mehr is usually set at the symbolic value of 32 rupees.

Appendix 3: Request for Confirmation of Divorce to Union Council

To the Nazim, Union Council # 10, Chak # 4/4-L Tehsil and Zilla Okara

Subject: Confirmation of divorce given by Basharat Mehmood to Yasmin d/o Mohammed Rafiq

Dear Sir,

It is respectfully stated that I, Basharat Mehmud s/o Mohammad Sadiq am a permanent resident of Chak # 42/3-R Minolian, Post Office, Tehsil and Zilla Okara. I was married off to one Yasmin d/o Mohammed Rafiq r/o Chak # 4/4-L Military Farm Okara, on the 2nd of February 2003, around four months ago. When my father-in-law refused to make a deal with the military and sign a contract with them, our community decided to boycott him. In order to demonstrate that I was with my community I divorced his daughter. Please accept this divorce and declare it legal.

Signed: Basharat Mehmud s/o Mohammed Sadiq

Appendix 4: Union Council's Notice on Request for Confirmation of Divorce

Application was presented today, on July 7, 2003. The first party, Basharat Mehmood, when called, came in person. He filed the divorce application on July 3, 2003. As the first party filed the divorce application in prescribed period, therefore, the divorce application is disposed of today, July 7, 2003.

Thumb impression of Basharat Mehmood

Witness No—1 Nadeem Iqbal s/o Mohammad Sharif ,cast, 'Arain' r/o 42/3-R,Shubhan wala. ID Card No 340-75-665143

Witness No—2 Maqsood Ahmad s/o Abdul Rehman,r/oChak 4/4-L ID card No 340-70-136568

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Appendix 5: Union Council's Notice on Receipt of Request for Cancellation of Divorce

An application was presented today on August 5, 2003. Basharat Mehmood, first party, was called in person. He stated that he had divorced his wife, Mst Yasmeen, out of pressure. "I do not want to divorce my wife. I request to dispose of my divorce application." Bashir Hussain son of Mohammad Rafique, brother of second party, came on behalf of his sister. The application for cancellation of divorce has been received from Basharat Mehmood, the first party. The date of hearing in Union Council is fixed on August 7, 2003. Thumb Impression of Basharat Mehmood

Witness No 1—SAME

Witness No 2—SAME

Appendix 6: Affidavit from Basharat Mehmood Seeking Withdrawal of "Forced" Divorce

From Basharat Mehmood s/o Mohammad Sadiq, cast Kamboh, R/O Chak No 42/3-R, Tehsial & district, Okara.

I solemnly declare that I had contracted marriage to Mst. Yasmeen daughter of Mohammad Rafique cast Kamboh, resident of Chak 4/4-L, Okara. She had not given birth to any child out of this said marriage.

2. That, I solemnly declare, there has been conflict between tenants and Rangers in District Okara. My father-in-law has acquired land for cultivation at military farms, Okara. The Rangers want my father-in-law to sign the contract. He has refused.

3. That, the Rangers out of said anger, beat me after kidnapping me and forced me to sign divorce document on June 18, 2003. They told me to ask my father-in-law to sign the tenancy contract. They warned me that otherwise I would face dire consequences. They said they would not spare my brothers, Shakeel Ahmad and Mohammad Shafique, if I failed to comply with their demands.

4. That, I solemnly declare, the Rangers forced me by threatening and beating, to sign divorce paper for their own interests. My wife and I have no conflict at all. I want to continue with my marriage and my wife also wants to live with me out of her own will. The divorce paper is fabricated and I was forced to write it. Now I want to withdraw it. I request cancellation of my divorce papers.

5. I solemnly declare that all the information given above is correct and I have not concealed any fact.

Thumb impression – Basharat Mehmood

Witness No 1. – Same

Witness No 2. – Same

VIII. Acknowledgements

This report was researched and written by Ali Dayan Hasan, researcher with the Asia Division of Human Rights Watch. Brad Adams, director of the Asia Division; Jim Ross, general counsel and Joseph Saunders, deputy program director, edited the report. It was reviewed by Zama Coursen-Neff, counsel to the Children's Rights Division and Saman Zia-Zarifi, deputy director of the Asia Division. Jo-Anne Prud'homme, Liz Weiss, Andrea Holley, Veronica Matushaj, Jagdish Parikh, Fitzroy Hepkins, and Jose Martinez provided production assistance. Human Rights Watch gratefully acknowledges the input and assistance of Aasim Sajjad Akhtar and the Peoples' Rights Movement (PRM), the Human Rights Commission of Pakistan (HRCP), Asma Jahangir, Reza Ali, Sahr Ata-ullah, Ahmed Rafay Alam, Ayesha Salma Karriapar and the office bearers and members of the Punjab Tenant Farmers' Association (AMP).

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Asia Division

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