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Human Rights Watch World Report 2003

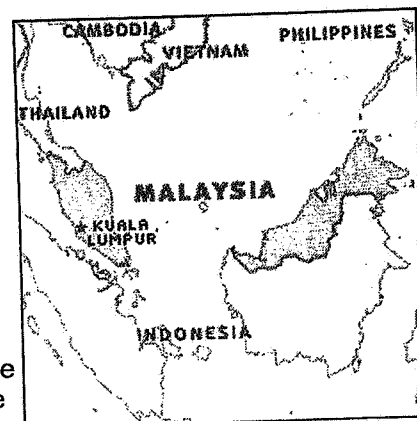
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Pakistan

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In October 2002, Pakistan held its first parliamentary elections since the October 1999 coup that brought President Pervez Musharraf to power. Measures taken by Musharraf's administration in the months preceding the elections, however, all but ensured a military-controlled democracy. Chief among them were an April referendum that extended Musharraf's presidential term for five years, and constitutional amendments announced in August that formalized the military's role in governance and extended restrictions on political party activities. Independent observers reported extensive fraud and coercion during voting for the referendum, and widespread poll-rigging and harassment of candidates preceding the parliamentary elections.

The pro-Musharraf Pakistan Muslim League-Quaid-e Azam (PML-QA) won the most seats though fell short of the number needed to form a government. The dramatic and unprecedented rise to power of religious parties also signaled a defiant rejection of Musharraf's pro-U.S. policies.



Internal groups coordinated and carried out attacks on foreigners and religious minorities in Pakistan. Increasing attacks on Christian community members raised concerns that they were being targeted because of Pakistan's alliance with the U.S..

Refugees from Afghanistan suffered from a lack of humanitarian assistance and faced increased hostility from authorities, while discriminatory laws continued to limit women's security and safety. Hundreds of women were killed in the name of "honor." Journalists faced heightened harassment, and in some cases arrest, for reporting on government activities.

HUMAN RIGHTS DEVELOPMENTS

In early April, President Musharraf announced a nationwide referendum on a five-year extension of his presidency. The referendum was preceded by a month-long campaign by Musharraf, while a ban on public rallies prevented political parties from campaigning against the referendum. On April 15, police in Faisalabad led a baton-charge against journalists who walked out on a speech by the Punjab provincial governor, Khalid Maqbool, during a pro-referendum rally. The governor had warned that journalists could face revenge from the public if they did not cease their "misreporting."

Official results for the referendum, held on April 30, showed a 97.5 percent vote in favor of Musharraf. However, independent observers, including the Human Rights Commission of Pakistan (HRCP) and Pakistani journalists, found evidence of widespread fraud and coerced voting. Electoral rolls and national identification cards were dispensed with, ballots were routinely stamped in the presence of, or even by, polling officials, and observers reported cases of repeat voting. Police and local government officials in all four provinces transported busloads of voters to polling stations. Both public and private sector employees reportedly said that they had cast "yes" votes on the orders of their supervisors; polling stations had been established in many places of employment, including factories.

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On August 22, Musharraf promulgated the Legal Framework Order (LFO), which included a controversial set of constitutional amendments. Taken together, the amendments strengthened the power of the presidency, formalized the role of the army in governance, and diminished the authority of elected representatives. The amendments also significantly curbed freedom of association and the right of individuals to stand for elected office.

The LFO restored article 58(2)(b) of the constitution, originally introduced more than a decade earlier under the martial law regime of General Zia-ul-Haq but repealed by an act of parliament in 1997. This article allowed the president to dissolve the National Assembly—the lower house of Pakistan's parliament—if a situation arose in which government could not be carried out "in accordance with the Constitution." Employed frequently by the military in past years to dismiss successive elected governments in Pakistan, the article formed a key element of what Musharraf termed necessary "checks and balances" in the country's system of government.

The amendments also created a National Security Council (NSC) to serve as a consultative body not only on strategic matters, but also on "democracy, governance and inter-provincial harmony." Although the NSC included elected civilian leaders—the prime minister, and the speaker, and opposition leader in the National Assembly—ultimate authority appeared certain to rest with the military officers on the NSC, including Musharraf, in his dual capacities as president and army chief of staff; the heads of the navy and air force; and the chairman of the Joint Chiefs of Staff Committee. The NSC was to be a "super-cabinet" that would shadow the work of the prime minister's civilian cabinet.

Other amendments in the LFO included limiting candidates for election to the National Assembly or Senate to persons who have attained a bachelor's degree. Given the country's poor educational infrastructure and sharp social and gender inequalities, the provision inevitably barred all but a small percentage of the citizenry from holding parliamentary office. More immediately, the provision also disqualified a number of regional political leaders from standing for office in the October elections.

Criminal convicts, defaulters on loans and utility bills, and absconders from court proceedings were likewise disqualified under the LFO from candidacy; the criteria, in this case, appeared tailored to ensure the disqualification of former prime ministers Nawaz Sharif and Benazir Bhutto, as well as politicians convicted under the National Accountability Ordinance (NAO) promulgated after the coup.

Perhaps most significantly, the LFO summarily validated all orders and laws promulgated by Musharraf, as well as all actions taken by persons acting pursuant to them, and declared that they "shall not be called into question in any court on any ground whatsoever." The measure effectively precluded judicial review of cases alleging military abuses, as well as constitutional amendments and laws promulgated since the coup.

The government announced in August that the ban on political rallies, imposed shortly after the coup, would be lifted as of September 1, leaving political parties less than six weeks to mount campaigns. Throughout the campaign period the government maintained significant restrictions on where political meetings could be held and prohibited rallies and processions on streets and roads and in railway stations. Political parties were also required to get advanced permission from district and provincial governments for holding such gatherings.

Leaders of the Alliance for Restoration of Democracy (ARD) and its constituent parties also complained of efforts by the government to promote what was widely termed the "king's party"—a splinter-group of former Prime Minister Nawaz Sharif's Pakistan Muslim League (PML), known as the Pakistan Muslim League-Quaid-e Azam (PML-QA)—as well as other pro-government parties and alliances.

In the weeks preceding the elections, human rights activists, Pakistani journalists, and members of the Pakistan Muslim League-Nawaz (PML-N) and the Pakistan People's Party (PPP) alleged extensive poll-rigging by the military government. Allegations included the relocation of polling booths at the behest of the PML-QA, the appointment of polling officers handpicked by the PML-QA, the tearing down of campaign posters and banners, police raids on PPP and PML-N offices, and police harassment of PPP and PML-N workers and candidates at the behest of the government. On October 6, Punjab's Jhelum district police forcibly closed two election offices of the PPP and one of the PML-N and beat up their workers. In response to various complaints, the Chief Election Commissioner of Pakistan issued a statement on September 21 warning the police not to harass any contesting candidate.

The make-up of the National Assembly that emerged from the elections was markedly different from the make-up when the assembly last convened three years earlier. Significant differences included the absence of a number of leading political figures (barred in 2002 from contesting elections), the dominating presence of the Muttahida Majlis-e-Amal (MMA), the prominence of an alliance of Islamist parties, and the presence of more than seventy women, elected following the reintroduction of reserved seats for women. While the PML-QA, a pro-Musharraf party, emerged as the largest single faction, the dramatic rise of the MMA, opposed to U.S. presence in the region and Pakistan's participation in the war on terror, signaled increasing rejection of Musharraf's domestic and foreign policies. At this writing, the newly elected members of parliament remained divided on the status of Pakistan's constitution—that is, whether the LFO amendments would remain in effect.

On November 20 the National Assembly elected pro-military PML-QA party member Mir Zafarullah Khan Jamali as the country's new prime minister. Jamali vowed to continue to pursue the policies and reforms of the Musharraf administration but faced a delicate balancing act between a pro-Western president and a strong opposition led by the Islamist alliance, particularly on the issue of how much power Musharraf should retain. At this writing, the new government had yet to be formed.

With the government continuing to support U.S. efforts against al-Qaeda, sectarian violence and attacks against foreign nationals increased. The kidnapping and execution of *Wall Street Journal* reporter Daniel Pearl was perhaps the most public example of a growing security threat to foreigners in Pakistan. Pearl disappeared from Karachi on January 23, while investigating a tip on the whereabouts of a religious leader. The tip came from militant Sheikh Omar Saeed, who was convicted of orchestrating both the abduction and killing of Pearl. Saeed was sentenced to death on July 15, and three collaborators were sentenced to twenty-five years in prison. The four men were suspected of belonging to growing network of militant groups that coordinate with each other in planning attacks on minorities and foreigners in Pakistan.

Several such attacks rapidly followed the abduction and murder of Pearl. In May, a suicide car bombing killed fifteen people, including eleven French navy engineers, in Karachi. In June a suicide bomber attacked the U.S. Consulate in Karachi. While neither consulate staff nor foreigners were killed, eleven guards and policemen died, and forty others were injured. Finally, on July 13 thirteen tourists, mostly Germans and Austrians, were injured when an explosive went off while they visited an archaeological site in the northwestern Pakistani town of Mansehra. In September, police arrested twenty-three members of the Harakat ul-Mujahideen Al-Almi, a militant group suspected in the attacks.

Religious minorities, Christian communities in particular, also saw heightened threats to their security in 2002. On March 17, two unidentified men threw six grenades at the Protestant International Church in a diplomatic enclave in Islamabad, killing five people and injuring forty others. On August 5, six Pakistani guards were killed during an attack on the Murree Christian School, a missionary school for foreign students forty miles east of Islamabad, when four gunmen stormed the premises. The gunmen, who had escaped to nearby woods, blew themselves up with hand grenades when they were found and surrounded by police. Only four days later, unidentified attackers hurled grenades at a chapel in a missionary hospital in Taxila, twenty-five miles west of Islamabad, just as the women of the congregation were leaving from the daily morning prayer. Three nurses were killed in the blast, as was one of the assailants, while twenty others were injured.

The violence extended to Christian humanitarian aid workers on September 25, when two gunmen entered the Institute for Peace and Justice (IPJ) in Karachi, and killed seven people by shooting them point blank in the head. All of the victims were Pakistani Christians. The All Pakistan Minorities Alliance and the National Commission for Justice and Peace condemned the attacks, asserting that Pakistan's Christians were being victimized for Pakistan's alliance with the U.S. The massacre was followed by a three-day mourning and protest, organized by Christian groups in Pakistan. At this writing, no arrests of the killers had been made, but those protesting had been detained.

In a positive development, on January 16 Musharraf abolished a sixteen-year old system that created separate electorates for Pakistan's religious minorities and for the Muslim majority. Religious minorities have long claimed that a separate electorate, introduced by General Zia-ul-Haq in 1985, effectively marginalized them from mainstream politics, and welcomed the decision to restore joint elections. Religious minorities also welcomed a decision by the Sindh high court that the constitution did not bar a non-Muslim from serving on the high court. The court denied a petition to remove Justice Rana Bhagwandas from the bench on the ground that he was a Hindu.

Blasphemy laws continued to be used in 2002 to persecute religious minorities. The laws, introduced by General

Zia-ul-Haq in 1985, made it punishable by death to make derogatory comments about the Prophet Mohammed or other holy Islamic figures. Arrests under the law can be made upon complaint, even without an investigation.

In July, a Christian man, Anwar Kenneth, stood trial for writing letters that allegedly made sacrilegious comments about Islam. Despite concerns that Kenneth suffered from psychiatric problems, he was found guilty and sentenced to death, pending ratification by a higher court. On July 27, a judge sentenced twenty-six-year-old Wajihul Hassan to death for allegedly having made phone calls and written letters to the complainant that contained derogatory remarks about the Prophet Mohammed. Both human rights activists and non-Muslim religious groups condemned Pakistan's blasphemy laws as tools for persecution of religious minorities.

In August, however, the Supreme Court took a positive step when it overturned the 1998 conviction of Ayub Masih, a Christian man accused of blasphemy. In its decision, the court noted that the complainant had been engaged in a land dispute with Masih, and shortly after Masih's arrest in 1996, had moved onto the disputed land and secured a transfer of title into his name. Masih was released after serving six years in prison but reportedly did not get back his land.

In November, Pakistan amended the Anti-terrorism Act, increasing the term of detention from one month to up to a year without charge or trial, and granting the police and security forces the power to investigate the assets and bank accounts of the relatives of suspects. Although a person retained a right to appeal his or her detention, human rights groups asserted that such laws were prone to abuse and did not solve the problems of militancy or terrorism.

Women also continued to be victims of discriminatory laws and harmful customary practices in 2002. According to the HRCP, more than 150 women were sexually assaulted in the first six months of the year in the southern Punjab province alone, while in the first four months of the year, 211 women were murdered in the name of "honor" by male family members who believed that the women had transgressed cultural norms on female behavior. Such violence was exacerbated by laws, such as the Hudood Ordinance and the Qisas and Diyat Ordinances, which allowed perpetrators of crimes against women to avoid accountability; prevented victims of sexual assault from seeking redress by exposing them to prosecution for adultery or fornication; gave the testimony of women half the evidentiary weight of that of men; and allowed crimes of "honor" to be pardoned by relatives of the victim.

The harm caused by the Hudood Ordinance was highlighted internationally when a Pakistani rape victim, Zafran Bibi, was charged with adultery and sentenced to death by stoning. Pakistani women's rights groups rallied around the case and formed an alliance for the repeal of discriminatory laws, especially the Hudood Ordinance. After an active campaign led by national women's rights groups, the Federal Shariat Court of Pakistan overturned the sentence and acquitted Zafran Bibi in June on a technicality. However, the law that led to her conviction remained in effect and continued to be a major source of abuse against women victims of violence.

A positive development was initiated by the National Commission on the Status of Women (NCSW), an independent statutory body set up in July 2000, which succeeded in persuading the government to amend the Citizenship Act of 1951 to enable Pakistani women to confer nationality on their children regardless of the nationality of the father. Despite this success, women's rights groups continued to urge that the NCSW be given greater independent authority to ensure implementation of its policy and legislative recommendations.

Customary and extra-judicial practices were also a source of abuse of women. On June 22, a tribal council in southern Punjab ordered the gang rape of Mukhtaran Bibi, a thirty-year-old woman. Four men, including one of the tribal council members, raped Bibi in the presence of a large number of villagers. The rape was intended as "punishment" for the alleged conduct of her twelve-year-old brother, Abdul Shaqoor, who was accused of an "illicit" relationship with a woman from another tribe. In fact, the brother had been sexually attacked by members of the other tribe, and the accusations of an affair were a cover-up for the attack on him. Mukhtaran Bibi accused the police of asking her family for a bribe before they released her brother from police custody.

It was not until the incident was reported in the media that an official investigation began under the orders of the Supreme Court. The government eventually paid Bibi U.S.\$8,300 as compensation, and local authorities arrested and imprisoned the perpetrators. On August 31, four men were found guilty of rape and two others, who were part of the tribal council, were found guilty of aiding and abetting the crime. The guilty were sentenced to death by hanging, but are appealing their sentences. Although the authorities were prodded to investigate this case by the media attention it had received, at this writing there had been no sustained effort to monitor and reform the tribal

council system to eliminate discriminatory practices against women.

Intimidation of journalists continued throughout 2002. One example was that of Muzaffar Ejaz, an editor of the daily *Jasarat*, who reported harassment following publication of a controversial article on faction politics in the Muslim League. According to the daily *Dawn*, on July 25, days after the piece was published, Ejaz was abducted by members of the Inter-Services Intelligence (ISI), and interrogated about the source of the article. He was not released till the next morning. The Council of Pakistan Newspaper Editors condemned the incident.

The U.S. attack on al-Qaeda and the Taliban prompted tens of thousands of Afghans to flee towards Pakistan's borders, attempting to escape the long-term effects of drought, anti-Pashtun violence, bombing, and general insecurity in Afghanistan. In February 2002, however, Pakistan closed its southern border crossing at Chaman, trapping an estimated twenty to forty thousand refugees, at least half of whom were ethnic Pashtuns fleeing harassment, between the borders of southwestern Pakistan and southeastern Afghanistan. There they struggled to survive in scorching temperatures and grim conditions with limited water, shelter, and medical care; such individuals often faced harassment by Afghan soldiers and the local population. This was a gross violation of Pakistan's obligation not to return refugees to places where their lives and freedom are threatened—the fundamental principle of *nonrefoulement*.

Physical conditions for refugees within Pakistan were also often desperate and their status as persons in need of protection was often not legally recognized. A public order issued in January 2001 continued to be used by police to detain and deport both newly arrived and undocumented Afghans already in Pakistan.

In late 2001, Human Rights Watch documented daily incidents of police harassment and detention, particularly for refugees living in urban areas. Refugees usually spent a few days in jail, and paid bribes to be set free. In some cases, refugees were deported, again violating the principles of *nonrefoulement*. In May, the police rounded up more than four hundred Afghan refugees after two local policemen were shot dead by suspected Afghan refugees in the town of Rawalpindi, near Islamabad.

Conditions in camps also rapidly declined in 2002. Pakistan has been unwilling to officially recognize Afghan refugees since 1999, preventing UNHCR from registering or providing for new refugees. Consequently, the camps overflowed with new refugees who crowded into their neighbors' or relatives' shelters. Food shortages were chronic, while Pakistani police running the food and assistance distributions randomly beat desperate refugees. Women-headed households suffered more than others; as women were unable to negotiate the male-dominated patronage networks or face the random beatings at the distributions site to collect food for themselves and their children.

Starting in November 2001, in an attempt to improve some of these conditions, refugees were transferred to camps located in Pakistan's Federally Administered Tribal Areas (FATA). UNHCR insisted that the relocation should occur on a voluntary basis, but in the first week of the relocation Human Rights Watch documented serious problems including inadequate information regarding conditions in FATA, family separation during relocation, and security problems in the new camps. After the relocation of tens of thousands of refugees, violence flared up near the new camps, as did incidents of hostility targeting Western humanitarian or U.N. agencies assisting the refugees. Basic infrastructure, including roads, adequate water supply, and sanitation were limited, but were still an improvement upon humanitarian conditions faced by refugees before the relocation.

As part of the military buildup that began in December 2001, Pakistan placed large numbers of anti-personnel and anti-vehicle mines on its border with India. There were reports of numerous civilian casualties as a result. This was reportedly one of the largest mine-laying operations anywhere in the world in many years.

DEFENDING HUMAN RIGHTS

The killing of seven humanitarian aid workers at the Institute for Peace and Justice (IPJ) on September 25 marked an escalation in the threat to Christians in Pakistan, as well as a rising concern for the safety of human rights workers. IPJ had been based in Karachi for the past thirty years, working with impoverished communities in order to secure basic worker rights, as well as to organize with local human rights groups.

The Human Rights Commission of Pakistan continued to be the standard-bearer in calling for the restoration of

democracy in Pakistan and in October issued a report on pre-poll rigging during the parliamentary elections. Following the killing of Christian humanitarian aid workers in September, HRCP stated that an investigation into the attack was critical to preventing future incidents. In November 2001, Human Rights Watch honored Afrasiab Khattak, the head of HRCP, for leading the organization's work and for his commitment to protecting the rights of Afghan refugees in Pakistan.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United States

The Bush administration showered President Musharraf with praise and economic and military assistance because of Pakistan's role as a "key partner in the global coalition against terror," while downplaying concerns about Musharraf's moves to undercut democracy. Following a February meeting, U.S. President George W. Bush went further and called Musharraf "a leader of great courage and vision." In August, when asked about Musharraf's constitutional amendments, Bush stated that "President Musharraf is still tight with us" in the fight against terrorism and "we want to keep it that way." When Bush and Musharraf met again at the U.N. in September, Bush told Musharraf that "adherence to democracy is key," but did not discuss in any detail Musharraf's constitutional amendments or link U.S. additional aid to democratic and human rights reforms. Bush called on Pakistan to clamp down on militant violence in Kashmir.

In August, the U.S. signed an agreement with Pakistan to consolidate and reschedule U.S.\$3 billion of debt. Under the program, \$2.3 billion will be repayable over a period of thirty-eight years, while \$700 million will be repaid over a period of twenty-three years. The foreign aid bill for fiscal year 2003, which at the time of this writing was pending in Congress, would give \$200 million in economic support to the government, plus \$50 million each for development assistance and military aid. This funding was in addition to \$640 million in emergency economic support for Pakistan since 2001.

A meeting of the U.S.-Pakistan Defense Consultative Group took place in late September for the first time since the imposition of sanctions following Pakistan's nuclear tests in 1998. Talks on terrorism and possible joint military exercises were led by U.S. Undersecretary of Defense Douglas Feith and Defense Secretary Gen. Hamid Nawaz. The U.S. authorized the sale of several aircraft, Harpoon missiles, and other equipment totaling about \$400 million, and more weapons deals were expected.

On September 30, the U.S. Commission on International Religious Freedom recommended that the secretary of state designate Pakistan among the twelve "countries of particular concern" under the International Religious Freedom Act of 1998.

Despite severe election-related abuses and Musharraf's consolidation of power in the months leading up to the election, the U.S. hailed the October elections as an important step in Pakistan's transition to democracy. The U.S. reportedly tried, but failed, to convince the other "Community of Democracies" summit co-hosts to invite Pakistan as an observer at the November 2002 meeting in Seoul, South Korea.

European Union

A European Union delegation sent to monitor the October elections concluded that actions taken by Pakistani authorities resulted in "serious flaws" in the electoral process, adding that the Election Commission was partial to pro-Musharraf candidates and limited other parties' campaign time. The head of the delegation also expressed reservations about whether power genuinely would be transferred to the elected government.

On November 24, 2001, the E.U. and Pakistan signed a cooperation agreement, following an E.U. mission to Islamabad on September 25, 2001. The agreement noted Pakistan's support for the "war against terrorism," and the desire for a strengthened relationship between the European Union and Pakistan. Accordingly, the agreement developed a cooperation plan in the areas of trade, economic and social development, environmental management, and economic capability building, citing the Universal Declaration on Human Rights as an essential element of the cooperation plan.

The formation of the cooperation agreement was followed by an announcement in May that the European Commission had launched a five-year, €50 million (U.S.\$49.8 million) financing agreement. The agreement would assist Pakistan in developing financial sector reforms, as well as support Pakistan's poverty reduction strategies. Other measures included trade concessions for clothing and textiles, and aid for educational reform programs.

Commonwealth of Nations

In December 2001, during the Seventeenth Meeting of the Commonwealth Ministerial Action Group (CMAG) on the Harare Declaration, members noted Musharraf's commitment to restoring democracy, as well as welcomed the Commonwealth secretary general's plans to provide technical assistance to the government of Pakistan. To that end, Pakistan gave permission to the Commonwealth in July to send a team of monitors to observe the election, and to determine whether conditions existed for a free and democratic election. In its report, the Commonwealth team concluded that the elections were flawed and represented an "incomplete democratic process." Subsequently, Commonwealth foreign ministers decided to maintain Pakistan's suspension from the organization's meetings citing the "limiting" effect of measures introduced by President Musharraf prior to the polls.

Japan

Japan repeatedly urged Pakistan to return to constitutional, civilian rule, but refrained from public criticism of the April referendum extending Musharraf's presidential term. In September, at the time of the U.N. General Assembly, Prime Minister Junichiro Koizumi met with Musharraf and announced plans to send election monitors to Pakistan in October. Musharraf asked for Japan's help in urging India to resume dialogue on Kashmir.

Koizumi said Japan would "offer as much cooperation as possible" with the building of a tunnel in northwestern Pakistan (a project Japan previously financed), in addition to providing U.S.\$300 million in economic assistance by October 2003. Japan had suspended all new loans following Pakistan's nuclear tests, but restarted assistance in October 2001 to reward Pakistan's role in the anti-terrorism effort.

World Bank and Asian Development Bank

The World Bank provided Pakistan U.S.\$800 million in loans during the fiscal year ending on June 30, 2002. This included credit to support economic reforms and a three-year debt reduction strategy, and projects aimed at rural development and poverty reduction. The bank praised Pakistan's government for progress on economic reforms, but said that it still faced major challenges in order to bring about the country's "fundamental transformation—politically, economically, socially and with respect to gender—to a modern state."

The bank was preparing a project to assist with delivery of health services and education for HIV vulnerable populations in support of the government's national HIV/AIDS strategic framework.

After the September 11 attacks, the Asian Development Bank (ADB) boosted its funding to Pakistan to a record U.S.\$957 million in 2001. The ADB president, Tadao Chino, went to Pakistan in November 2001 and met with President Musharraf. Its projects targeted access to justice, reproductive health, agriculture, urban reform in Northwest Frontier Province, and support for a government action plan on curbing child labor.

RELEVANT HUMAN RIGHTS WATCH REPORTS:

Closed Door Policy: Afghan Refugees in Pakistan and Iran, 2/02

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