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PAKISTAN

ISLAMIC REPUBLIC OF PAKISTAN

Head of state: Pervez Musharraf
Head of government: Shaukat Aziz
Death penalty: retentionist
International Criminal Court: not ratified

Scores of people suffered arbitrary detention and enforced disappearance. Victims included terror suspects, Baloch and Sindhi nationalists, and journalists. Unlawful killings were carried out with impunity. The blasphemy laws were used to persecute members of religious minorities. "Honour" killings continued to be reported. Tribal and religious councils unlawfully exercised judicial functions and enforced cruel, inhuman and degrading punishments. At least 446 people were sentenced to death. The number of executions reported, 82, including one juvenile, was a steep increase from the previous year.

Background

While the confrontation between the army and nationalist activists intensified in Balochistan province, in the tribal areas the government agreed a peace pact with tribal elders and local Taleban. The September agreement apparently allowed tribal fighters to find shelter and to set up quasi-governmental structures, collect taxes, impose their "penal code" and exercise quasi-judicial functions.

Some people were publicly executed by vigilante groups seeking to impose their own interpretation of Islamic norms. More than 100 people were killed in the tribal areas, apparently for co-operating with the government. Many decapitated bodies were found with notes warning others not to support the government.

The dialogue with India faltered when Indian police accused Pakistan of involvement in bomb blasts in Mumbai, and Pakistan accused India of supporting Baloch nationalists. It resumed towards the end of the year.

Arbitrary detention/enforced disappearances

Scores of people suspected of links to terrorist groups, Baloch or Sindhi activists, and journalists were arbitrarily detained and subjected to enforced disappearance. State agents denied knowledge of whereabouts to relatives and when questioned in court during habeas corpus hearings. Those released reported being tortured and ill-treated.

- Abdur Rahim Muslim Dost, an Afghan settled in Pakistan, and his brother were released in April 2005 from Guantánamo Bay after more than three years' detention. In September, he was arrested again in Peshawar, apparently in connection with a book recording the brothers' experiences. Habeas corpus hearings were repeatedly adjourned. In December state agencies denied holding him. His fate and whereabouts remained unknown at the end of the year.

- Munir Mengal, director of the first independent Baloch-language TV channel, launched in Dubai, was arrested by intelligence agency officials on 4 April at Karachi airport. His fate and whereabouts remained unknown. Relatives were told by immigration officials that he had been taken away by Inter Services Intelligence personnel. Police refused to register a complaint. During hearings of his habeas corpus petition in July, the Sindh High Court was told by the Ministry of Defence that none of its agencies was holding him and that the Ministry had only administrative, not operational, control over these agencies and therefore could not enforce compliance with court orders.

Excessive use of force and unlawful killings

Impunity for unlawful killings of criminal suspects and political opponents of the government contributed to their increase.

- In June, the body of Hayatullah Khan was found shot dead in North Waziristan. He was abducted in December 2005 after disseminating photographic evidence that a drone attack had been carried out by US forces, thereby contradicting official accounts. Officials had told relatives on several occasions that he would soon be released. The reports of two official inquiries were submitted to government but not made public.

- In January between 13 and 18 people were reportedly unlawfully killed by missiles fired from US drones in the tribal areas, and in October at least 82 people died in a similar attack. In both attacks children were reportedly killed. State officials described the victims as "militants" but had made no attempts to arrest them or to stop their activities. In October, officials claimed that Pakistani helicopters alone had carried out the attack, despite eyewitnesses describing bomb explosions 20 minutes before the helicopters arrived. No investigation was carried out.

Failure to protect minorities

At least 44 registered cases of blasphemy were reported during 2006. Blasphemy cases took years to conclude. The accused were rarely released on bail and were often ill-treated in detention.

- Ranjha Masih was acquitted of blasphemy in November by the Lahore High Court for lack of evidence. He was sentenced to life imprisonment in 2003 after being arrested during the funeral in 1998 of a Catholic bishop who committed suicide to protest at the targeting of Christians.

Violence against women

"Honour" killings, domestic violence including maiming and harmful traditional practises continued at a high level. Jirgas, councils of elders, which the Sindh High Court had banned in 2004, continued to "sentence" girls and women to cruel punishments.

- In Mardan and Swabi districts, 60 girls and women were handed over to their families' opponents to settle conflicts and as compensation for murder in three months in mid-2006.

In November, parliament passed an amendment to the Haddood Laws which continued to criminalize heterosexual consensual sex outside marriage, but provided that complaints of sex outside marriage should be investigated by a court to establish admissibility before formal charges are laid. Under the Zina Ordinance, police had frequently arrested couples deemed not lawfully married by their relatives and charged them with fornication. The new law also banned charging a woman with fornication if she had complained of being raped but was unable to prove absence of consent.

A presidential ordinance to allow bail for women undergoing trial for all offences except murder, corruption and terrorism was introduced. Some 1,300 women held on fornication charges were released on bail.

Children's rights

The appeal against the Lahore High Court judgement of December 2004 which declared the Juvenile Justice System Ordinance (JJSO) unconstitutional, remained pending. The temporarily reinstated JJSO continued to be poorly implemented as many areas remained without parole officers and the number of juvenile courts remained insufficient and in some areas there were none. Juveniles continued to be tried with adults.

Death penalty

Some 446 people were sentenced to death, mostly for murder. Eighty-two people were executed, mostly in Punjab province.

• Mutabar Khan, believed to be 16 at the time of an alleged murder in 1996, was executed in Peshawar Central Prison in June 2006. He did not benefit from the Presidential Commutation Order of 2001, which overturned the death sentences of all juveniles then on death row, as he could not prove his age. The family of the murder victim had earlier agreed to pardon him in return for compensation, but later retracted the pardon.

• In November, President Musharraf commuted the death sentence of Mirza Tahir Hussain after his execution date had been postponed several times. He had been sentenced to death in 1998 for murder and robbery. Different courts had reached divergent judgements in this case, ranging from acquittal to the death penalty.

Earthquake relief

International relief agencies said that many reconstruction programmes faced funding deficits and delays due to administrative difficulties and lack of information about victims' needs. The earthquake in October 2005 killed almost 73,000 people and rendered more than 3.5 million homeless.

AI country reports/visits

Reports

- Pakistan: Unlawful executions in the tribal areas (AI Index: ASA 33/013/2006)
- Pakistan: Human rights ignored in the "war on terror" (AI Index: ASA 33/036/2006)
- Pakistan: Working to stop human rights violations in the "war on terror" (AI Index: ASA 33/051/2006)

Visits

AI delegates attended the World Social Forum in March, and held a workshop on enforced disappearances jointly with the non-governmental Human Rights Commission of Pakistan in Islamabad in September. The government denied responsibility for widespread enforced disappearances documented by AI; President Musharraf described the report as "nonsense" to which he did not wish to respond.

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