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[Previous](#) - [Home](#)

Amnesty International

PAKISTAN

ISLAMIC REPUBLIC OF PAKISTAN

Head of state: Pervez Musharraf

Head of government: Shaukat Aziz

Death penalty: retentionist

International Criminal Court: not signed

UN Women's Convention: ratified with reservations

Optional Protocol to UN Women's Convention: not signed

Overview - Covering events from January - December 2005

[Background](#) : [Arbitrary arrests and 'disappearances'](#) : [Failure to protect minorities](#) : [Violence against women](#) :

[Children's rights](#) : [Death penalty](#) : [Earthquake relief](#)

Dozens of people were arbitrarily arrested and detained in the context of the "war on terror". Several of them "disappeared" and some were handed over to US custody. "Disappearances" were also reported from Balochistan province. Blasphemy laws continued to be used to persecute members of religious minorities. The state took no action to prevent "honour" crimes or to punish perpetrators. The Juvenile Justice System Ordinance, which provides protection for children within the justice system, was temporarily reinstated. At least 241 people were sentenced to death and 31 were executed.

Background

The government vacillated between seeking to control and appeasing religious groups and parties. In March, it reintroduced a "religious column" in national passports, in breach of earlier promises to minority groups. In July, following bomb attacks in the UK by men of Pakistani origin, at least 900 members of religious groups and religious school students were arrested. Most were released within weeks but some continued to be held under preventive detention legislation. The government announced that all foreign students of religious schools would be expelled and that such schools needed to register. However, after protests by religious groups, these directions were not fully implemented. In July, the Hasba (accountability) Bill was passed in the North West Frontier Province. It provided for an ombudsman empowered to "reform society in accordance with Islam". The Supreme Court, in August, declared sections of the bill unconstitutional. In the tribal areas on the border with Afghanistan, civilians suffered abuses during an ongoing security operation.

A draft bill to establish a national human rights commission was presented in May but was not passed by the end of 2005.

Arbitrary arrests and 'disappearances'

Dozens of suspects, Pakistanis as well as foreign men, women and children, were arbitrarily arrested on suspicion of terrorist activities and of contact with al-Qa'ida. Several "disappeared" in custody and some were handed over to US custody, apparently without legal process.

- Abu Faraj Al Libbi, a Libyan national alleged to be the operational commander of al-Qa'ida, was arrested on 2 May in Mardan, near the border with Afghanistan. The Interior Minister stated that he would be tried in an anti-terrorism court for attempting to assassinate the President. He was held incommunicado at an undisclosed location. At the end of May Al Libbi was handed over to US custody, apparently without legal process. By the end of the year, nothing was known of his whereabouts or the whereabouts of more than 12 other suspects arrested in connection with him.

The non-governmental Human Rights Commission of Pakistan investigating the situation in Balochistan province found evidence of arbitrary arrests and detention, extrajudicial executions, torture and "disappearances" committed by security and intelligence agencies. On 9 December, 18 labour union leaders from Balochistan "disappeared" in Karachi where they had gone to negotiate with the management of their company. Their whereabouts remained unknown.

- Several members of the Balochistan Student Organization (BSO) "disappeared" during 2005. BSO chairman Dr Imdad Baloch was arrested on 25 March along with five others in Karachi. He and three others were released on bail two months later facing politically motivated criminal charges. He reported that they had been tortured and held blindfolded, in iron shackles and threatened with death if they did not give up politics. The other two remained in custody.

Failure to protect minorities

The state failed to protect members of religious minorities from abuse by private individuals. At least 72 people were charged and arrested under blasphemy laws, including laws that make it a criminal offence for members of the Ahmadiyya community to practise their faith. Among the accused were 39 Muslims, 26 Ahmadis, four Hindus and three Christians.

- In October, eight Ahmadis were shot dead and 22 injured in their mosque by men shooting from a passing motorbike. Eighteen men arrested shortly afterwards were released without charge.
- Mohammad Younus Shaikh was sentenced to life imprisonment in August on charges of blasphemy for writing about religious matters in a book. He was held in solitary confinement in Karachi Central Prison after fellow prisoners threatened him. No action was taken against those threatening violence.

Violence against women

“Honour” killings and mutilations of girls and women, and to a lesser extent of boys and men, continued. Successful prosecutions for “honour” killings were rare. Legal changes introduced in late 2004 failed to curb the authority of the victim’s heirs to forgive the perpetrators, allowing them to escape conviction.

- In September Amna Abbas had her nose and lips cut off by her brother-in-law near Dera Ghazi Khan, Punjab province, after she filed for divorce. He was reportedly not arrested.
- Mukhtaran Mai’s attempt to secure justice after being gang-raped on the orders of a council of elders in Meerwala, Punjab province, led to her suffering further threats. In March the Lahore High Court reversed the August 2002 trial court’s decision to sentence six men to death. It commuted the death sentence imposed on one to life imprisonment and acquitted and released five. On a request by Mukhtaran Mai, who feared for her life, the Punjab government held the five for three months in preventive detention. In June, a review board ordered their release. The Supreme Court took up the appeal against the acquittals and ordered all the original accused to be held in judicial custody. The appeal was pending at the end of 2005. Mukhtaran Mai, who had been invited to the USA to speak on women’s rights, was prevented in June from leaving the country and placed under virtual house arrest.

Women’s rights activists were under increased threat. Police tore the clothes and pulled the hair of women activists participating in a mixed gender marathon in Lahore in May. About 40 were detained until evening.

Children’s rights

In February, the Supreme Court suspended the Lahore High Court judgment of December 2004 which had revoked the Juvenile Justice System Ordinance, 2000 (JJSO), as unconstitutional. The JJSO provides protection for children in the criminal justice system. This latest decision meant that the JJSO was reinstated, but only temporarily, pending a still awaited decision on the constitutionality of the law by the Supreme Court.

In several cases courts rejected applications for cases to be retried in juvenile courts.

- The Lahore High Court in February dismissed a petition that Muhammad Hayat was a juvenile at the time of a murder for which he was sentenced to death in 1995, arguing that he had not raised the point in earlier hearings. His brother asserted that they had been ignorant of legal safeguards for juveniles.

The JJSO, although formally extended to the tribal areas, was not implemented there. In the Federally Administered Tribal Areas, dozens of children, some under the age of five, were imprisoned on three-year sentences under the collective responsibility clause of the Frontier Crimes Regulation for crimes allegedly committed by members of their families.

Death penalty

At least 241 people were sentenced to death. At least 31 people were executed, the majority for murder. Many well-off convicts were able to escape punishment under provisions of the Qisas and Diyat Ordinance that allow heirs of murder victims to accept compensation and pardon the offender. In other cases convicts remained on death row for long periods while seeking pardon from the heirs of victims. In January the Supreme Court ruled that the person convicted of murder could have the sentence reduced only if all the legal heirs agreed to forgive the offender.

- Six members of the same family sentenced to death for murder in 1989 had their executions postponed for a third time in August as they negotiated a settlement with the heirs of the victims.

In the tribal areas two men were executed by firing squad immediately after a tribal council – which has no powers to adjudicate criminal cases – convicted them of murder. They had had no legal counsel and no chance to appeal.

Earthquake relief

A massive earthquake hit northern Pakistan in October leaving some 73,000 people dead and two million people in need of relief and rehabilitation. International humanitarian assistance was inadequate, coordination between relief agencies lacking and distribution hampered by difficulties of access. Adequate health care, including trauma counselling, shelter and protection against exploitation including trafficking was lacking, particularly for injured and orphaned children and homeless women.

Pakistan

[Archive information](#)

Pakistan: Recommendations for an effective National Human Rights Commission
(AI Index: ASA 33/019/2005)

Pakistan: Protection of juveniles in the criminal justice system remains inadequate
(AI Index: ASA 33/021/2005)

Pakistan: Amnesty International's comments on the Lahore judgment of December 2004 revoking the Juvenile Justice System Ordinance
(AI Index: ASA 33/026/2005)

[Previous](#) - [Home](#)

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