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PAKISTAN

Home Office Science and Research Group

COUNTRY OF ORIGIN INFORMATION SERVICE

Country of Origin Information Reports are produced by the Science & Research Group of the Home Office to provide caseworkers and others involved in processing asylum applications with accurate, balanced and up-to-date information about conditions in asylum seekers' countries of origin.

They contain general background information about the issues most commonly raised in asylum/human rights claims made in the UK.

The reports are compiled from material produced by a wide range of recognised external information sources. They are not intended to be a detailed or comprehensive survey, nor do they contain Home Office opinion or policy.

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 31 August 2005. Older source material has been included where it contains relevant information not available in more recent documents."

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ANNEXES

1. Scope of document

1.01 This Country of Origin Information Report (COI Report) has been produced by Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 01 September 2005.

1.02 The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

1.03 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

1.06 As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

1.07 The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent

documents. All sources contain information considered relevant at the time this Report was issued.

1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at *www.apci.org.uk*.

1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be

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taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2 Geography

GENERAL

2.01 Europa Regional Surveys of the World: South Asia 2005 notes that:

"The Islamic Republic of Pakistan covers an area of 796,095 sq km (307,374 sq miles), excluding Jammu and Kashmir (the sovereignty of which is disputed with India). The territory of Pakistan extends from 23° 45′ to 36° 50 ′N and between 60° 55′ and 75° 30′ E, and is bounded to the west, north-west and north by Iran and Afghanistan (a narrow panhandle in the high Pamirs separates it from direct contact with Tajikistan), to the north-east by the People's Republic of China, to the east and south-east by India and by Jammu and Kashmir, and to the south by the Arabian Sea…The capital is Islamabad." **[1] (p386)**

Statistics quoted in Europa state that official estimates give the population as being 148,720,000 as at 1 January 2004. **[1] (p437)** In respect of the disputed territory of Jammu and Kashmir, Europa records that the Pakistani-held parts of this region are known as Azad ('Free') Kashmir and cover an additional 11,693 sq km (4,494 sq miles). **[1] (p437)**

(See also sub-sections on Azad Kashmir **– including the** Line of Control **– and '**Northern Areas**' in Section 6C)**

2.02 Europa's table on Administrative Divisions reveal that Pakistan is divided into four provinces (Balochistan [Baluchistan]; North-West Frontier Province; Punjab; and Sindh), and that there are also Federally Administered Tribal Areas – FATA. Statistics from the 1998 census used in this table give the populations in the provinces as being: 6.6 million in Balochistan [Baluchistan]; 17.7 million in North-West Frontier Province; 73.6 million in Punjab; and 30.4 million in Sindh. **[1] (p437)**

2.03 As noted in the Federal Research Division of the Library of Congress' Country Profile on Pakistan, "Pakistan has seven cities with a population of 1 million or more: Karachi (9,339,023), Lahore (5,143,495), Faisalabad (2,008,861), Rawalpindi (1,409,768), Multan (1,197,384), Hyderabad (1,166,894), and Gujranwala (1,132,509).

2.04 The Country Profile also states that:

"Ethnic groups in Pakistan generally are categorized according to various combinations of religion, language, and sometimes tribe. Punjabis are the largest linguistic group (44.2 percent of the population) and often are divided into three occupational castes: Rajputs, Jats, and Arains. Pakhtuns (15.4 percent) are the dominant ethnic group in the North-West Frontier Province, but Pakhtuns belong to different tribes or kinship groups and have no central governing authority. Sindhis (14.1 percent) are dominant in Sindh and are divided into occupational and caste groupings. Balochis (3.6 percent) are dominant in Balochistan and are divided into various eastern and western tribes. Other ethnolinguistic groups include the Siraikis, who live mostly in Punjab; Urdu-speaking Muhajirs, refugees from India and their descendants who migrated to Pakistan during the 1947 partition and are concentrated in

Sindh; and Brahuis, a Dravidian language group in Sindh and Balochistan." **[46] (p8)**

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LANGUAGES

2.05 The CIA World Factbook 2005 states that the languages of Pakistan are: "Punjabi 48%, Sindhi 12%, Siraiki (a Punjabi variant) 10%, Pashtu 8%, Urdu (official) 8%, Balochi 3%, Hindko 2%, Brahui 1%, English (official and lingua franca of Pakistani elite and most government ministries), Burushaski, and others 8%." **[34] (p3-4)** As reported in the Ethnologue website, "The number of languages listed for Pakistan is 72. Of those, all are living languages." **[6] (p1)**

For further information on geography, refer to Europa Regional Surveys of the World: South Asia 2005, source. **[1]**

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3. Economy

3.01 A Country Brief by The World Bank Group dated September 2004 states that:

"In 2004, GDP [Gross Domestic Product] grew by an estimated 6.4 percent while inflation remained relatively low at 4.6 percent. These macroeconomic achievements have allowed the country to keep on track towards fiscal consolidation while enabling the government to increase spending on health and education. The government has also launched far-reaching structural reforms to privatize public sector enterprises, strengthen public and corporate governance, liberalize external trade, and reform the banking sector. However, despite these favorable developments, formidable challenges remain. Pakistan still lags behind countries with comparable per capita income in most social indicators. Only 46 percent of Pakistan's population is literate, compared to an average of 63 percent of countries with similar income per capita.

Poverty remains a serious concern in Pakistan. With a per capita gross national income (GNI) of US$520, poverty rates, which had fallen substantially in the 1980s and early 1990s, started to rise again towards the end of the decade. According to the latest figures (for 2000–2001), as measured by Pakistan's poverty line, 32 percent of the population is poor. More importantly, differences in income per capita across regions have persisted or widened. Poverty varies significantly among rural and urban areas and from province to province, from a low of 23 percent in urban Sindh to 48 percent in rural Sindh." **[25] (p1)**

3.02 Europa Regional Surveys of the World: South Asia 2005 records that:

"The Pakistani economy has experienced strong growth since 2001, and it was clear that the *rapprochment* between Pakistan and the USA was bringing economic dividends. Inflation remained low in Pakistan, although it increased during 2004, to 3.7%. However, since 2000 inflation has not exceeded 4.4%. On the other hand, the inflation of food prices has worsened the situation of the poor, and in May 2004 the consumer price index (CPI) increased by more than 7%. The Food Support Programme claims to distribute food subsidies to over 1m. of Pakistan's poorest families, but an independent assessment of the value of the programme has not been undertaken." **[1] (p424)**

3.03 The CIA World Factbook 2005 notes that Pakistan's unit of currency is the Pakistani rupee (PKR). **[34] (p9)** Europa notes that "100 paisa = 1 Pakistani rupee." **[1] (p439)** The Yahoo Currency Converter gives the exchange rate (as at 31 August 2005) as 106.65 PKR to the pound sterling (£) **[17a]**, and 59.690 PKR to the US dollar ($). **[17b]**

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4 History

INDEPENDENCE TO OCTOBER 1999 COUP

4.01 The publication 'Freedom House – Freedom in the World 2005' notes that:

"Pakistan came into existence as a Muslim homeland with the partition of British India in 1947. Following a nine-month civil war, East Pakistan achieved independence in 1971 as the new state of Bangladesh. Deposing civilian governments at will, the army has directly or indirectly ruled Pakistan for 29 of its 56 years of independence. As part of his efforts to consolidate power, the military dictator General Zia ul-Haq amended the constitution in 1985 to allow the president to dismiss elected governments. After Zia's death in 1988, successive presidents cited corruption and abuse of power in sacking elected governments headed by Benazir Bhutto of the Pakistan People's Party (PPP) in 1990 and 1996, and Nawaz Sharif of the Pakistan Muslim League (PML) in 1993.

After the PML decisively won the 1997 elections, Sharif, as prime minister, largely ignored Pakistan's pressing economic and social problems while undermining every institution capable of challenging him, including repealing the president's constitutional power to dismiss governments, forcing the resignations of the chief justice of the Supreme Court and of an army chief, and cracking down on the press. However, when he attempted to reshuffle the army's leadership, he was deposed in October 1999 in a bloodless coup. Chief of Army Staff Musharraf then appointed himself 'chief executive,' declared a state of emergency, and issued a Provisional Constitution Order suspending parliament, the provincial assemblies, and the constitution." **[19a] (p478-479)**

GENERAL MUSHARRAF'S REGIME UP TO 2001

4.02 Europa Regional Surveys of the World: South Asia 2005 states that:

"From the beginning, Gen. Musharraf was concerned to establish a self-consciously 'non-political', technocratic Government that would be able to command support both domestically and internationally and also pave the way for the reconstruction of Pakistani institutions. On 22 October 1999 he appointed four new provincial governors. Some four days later he announced a two-tier structure to head his administration: a National Security Council (NSC) and a civilian cabinet…Provincial cabinets were also appointed. In mid-August 2000 the NSC was reconstituted and redefined as the supreme executive body: it henceforth comprised the three chiefs of armed forces and the Ministers of Foreign Affairs, the Interior, Finance and Commerce…At the beginning of November 1999, meanwhile, as evidence of the military Government's serious determination to confront official corruption, a National Accountability Bureau was established." **[1] (p408)**

4.03 Europa further notes that "By October 2000 it remained difficult to give any definitive judgement on the character and success of the regime, particularly its declared ambition to eliminate corruption and establish a 'real' democracy. Party mobilization was effectively banned, and the relatively free press was too

limited to provide any balanced assessment of the Government. The major political parties were occupied with internal problems." **[1] (p408)**

4.04 Europa also reports that "In November/December 2000 former leaders Nawaz Sharif and Benazir Bhutto, with 16 other smaller political parties, agreed to form the Alliance for the Restoration of Democracy [ARD], in an effort to end military rule and accelerate a return to democracy. The new alliance superseded the PPP-led [Pakistan People's Party-led] Grand Democratic Alliance." **[1] (p409)** The 'Freedom House – Freedom in the World 2005' report noted "However, Musharraf was able to successfully neutralize Sharif and Bhutto, his primary political opponents, through a combination of court convictions and exile." **[19a] (p479)**

4.05 Europa noted that:

"When the first phase of local elections were held at the end of 2000, it was clear that Gen. Musharraf had been unable to remove party politics from the voting process: a significant number of elected members were associated with either the PML (Nawaz) [Pakistan Muslim league – Nawaz] or the PPP. This continued to be the case in the next three phases of local elections. His problems were accentuated further by the growing influence of militant Islamic movements, particularly Jamaat-e-Islami Pakistan, which had won support from important elements within the military. Nevertheless, by mid-2001 Gen. Musharraf seemed more intent on strengthening his own position than on returning the country to civilian rule…In June 2001, following the trend set by two previous military leaders, Gen. Musharraf dismissed President Tarar and assumed the presidency himself…Gen. Musharraf also dissolved the National Assembly, the Senate and the provincial assemblies, which had been suspended since the coup." **[1] (p410)**

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THE TALIBAN IN 2001

4.06 A BBC news report on the Taliban (Taleban) in Afghanistan dated 16 December 2003 advised that:

"The Taleban first came to prominence [in Afghanistan] in the autumn of 1994…The circumstances of the Taleban's emergence remained the centre of controversial debate. Despite repeated denials, Pakistan is seen as the architect of the Taleban enterprise…Many of the Afghans who joined the Taleban were educated in madrassas (religious schools) in Pakistan. Pakistan was also one of only three countries, along with Saudi Arabia and the United Arab Emirates (UAE), which recognized the Taleban regime. It was also the last country to break diplomatic ties with the Taleban. The US put Pakistan under pressure to do so after the 11 September, 2001, attacks in New York and Washington. The Taleban were overwhelmingly Pashtun, the ethnic group that forms the majority of Afghanistan's diverse population and also inhabits the North-West Frontier Province (NWFP) and Balochistan [Baluchistan] in neighbouring Pakistan." **[35a] (p1-2)**

4.07 Additionally, an article on Afghanistan by 'The World in a Nutshell', updated on 26 March 2003, stated that:

"Were the Taliban puppets of Pakistan? Not exactly. Although the Taliban owed most of their success to Pakistan's military and financial aid and a Taliban victory served Pakistani interests, the tribe was not accountable to Islamabad. The relationship between the Afghan religious students and Pakistan was forged long before the Taliban became a major force. Most Taliban members were born, educated and trained in Pakistani refugee camps and shared a religious identity with Pakistan's majority Sunni population as well as an ethnic identity with the Pashtuns from the North West Frontier province which borders on Afghanistan. This kinship played a large role in Pakistan's decision to back the refugees. By training and arming the band of Afghan refugees Islamabad hoped to bring political stability to their war-wearied neighbor and help to install a strategic ally in the face of Pakistan's ongoing conflict with India. By playing on Saudi Arabian and US interests against Iran, furthermore, and by indicating that transit routes through Afghanistan to Central Asian Muslim countries would be opened, Pakistan was instrumental in securing Saudi and American support for the religious refugees. Ironically, the success of the Taliban inspired the 'Talibanization' of Pakistan's own Islamic community thereby driving the country closer to an Islamic revolution of its own." **[38] (p4)**

4.08 Europa Regional Surveys of the World: South Asia 2005 reported that:

"The shifts that occurred in both domestic and international politics after the massive suicide attacks on US targets in New York and Washington, DC, in September 2001, gave President Musharraf the opportunity further to strengthen his position and weaken that of the main opposition parties. Whereas in the past the USA had been a strong critic of Pakistan's shift towards military rule, in the aftermath of the suicide attacks it recognised Pakistan's strategic importance in its efforts to carry out a campaign against the Islamic militant al-Qa'ida (Base) organization, held principally responsible for the attacks, and its Taliban [Taleban] hosts…As a result of ongoing dialogue between the USA and Pakistan, the former agreed to provide support to the South Asian country, both in terms of recognition and aid, and in return Pakistan offered a base for the US-led military campaign. The Pakistan President utilized this situation to justify attacks on Pakistan-based Islamic militants, who had extended their violent campaign from across the LoC [Line of Control – see sub-section on LoC in Section 6C] in Kashmir to within Pakistan." **[1] (p410)**

4.09 A Freedom House report on Pakistan from 2002 noted that:

"Following the September 11 attacks and Musharraf's subsequent decision to support the United States, Pakistan faced an intensification of activity by Islamist groups, who organized numerous anti-U.S. protests at which several protesters were killed and dozens injured. As a result, authorities arrested hundreds of alleged fundamentalists and imposed travel bans on several prominent religious leaders. Pakistan's two main religious parties, the Jamaat-e-Islami and the Jamiat Ulema Islam, had earlier allied themselves with a number of smaller parties to form the Afghan Defence Committee, which supported the Taliban regime. By the end of the year, a suicide attack on the Indian parliament building by members of an organization based in Pakistan had increased international pressure on Musharraf to intensify his crackdown against militant Islamic groups." **[19b] (p3)**

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MILITANT GROUPS IN 2002/2002 REFERENDUM

4.10 A report by the Canadian Immigration and Refugee Board dated 8 March 2002 stated that:

"On 13 January 2002, the government banned five groups including Lashkar-e-Taiba (LT), Jaish-e-Muhammad (JM), Sipah-e-Sahaba Pakistan (SSP), Tehrik-e-Jafria Pakistan (TJP) and Tahrik-e-Nifaz-e-Sariat-e-Muhammadi [sic – spelt elsewhere as Tehrik-e-Nifaz-e-Shariat-e-Mohammadi] (TNSM) (*Dawn* 16 Jan. 2002a; *The News International* 16 Jan. 2002a; Shia News.com 12 Jan. 2002). Unlike the others, TJP is a Shia organization whose banning was understood by 'Shias in Pakistan as… only to keep a balance between the two [Sunni and Shia] rivals….' (ibid.). These groups join Lashkar-e-Jhangvi and Sipah-e-Mohammad, both of which were banned on 14 August 2001 in an effort to stop ethnic and sectarian violence (*Dawn* 13 Jan. 2002; AP 14 Aug. 2001)." **[12d] (p1)**

(See also paragraph 4.19 **for more groups banned in 2003 and** Annex B **for name changes)**

4.11 Europa Regional Surveys of the World: South Asia 2005 noted that:

"In early April 2002 the Government approved a plan to hold a national referendum seeking endorsement for Musharraf's term of office as President to be extended by five years, and approval of the Government's political and economic programme. Despite widespread opposition from human rights organizations, the media and political parties, the referendum was held at the end of April. According to official figures, about 98% of those participating supported the proposal…The referendum was viewed by some as an indication of Musharraf's success as a political leader, and regarded by others as a poll marred by gross irregularities." **[1] (p410)**

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CONSTITUTIONAL AMENDMENTS/2002-03 ELECTIONS

4.12 A The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 22 April 2005, records that:

"On 21 August 2002, President Musharraf promulgated the Legal Framework Order (LFO), which introduced 35 amendments to the 1973 Constitution giving him sweeping powers including the power to dissolve the National Assembly and to appoint Provincial Governors, Chairman of the Joint Chiefs of Staff and single service chiefs. He declared that the amendments would not be subject to parliamentary approval, but that parliament could pass new amendments with a two-thirds majority. Under the LFO, all actions of the government between 12 October 1999 and 22 August 2002 would be validated upon reinstatement of the Constitution.

The LFO also created a National Security Council (NSC) as a consultative forum.

At the time of promulgating the LFO, Musharraf confirmed that he would remain as both President and Chief of Army Staff for the next five years." **[11b] (p3)**

4.13 Europa Regional Surveys of the World: South Asia 2005 recorded that, in mid-2002, the PPP [Pakistan People's Party] formed a new political wing called the PPP Parliamentarians – PPPP – under new leadership in a bid to avert an imminent threat of losing the chance to contest the elections under the new rules. **[1] (p411)**

4.14 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 22 April 2005, records that "On 10 October 2002 national and provincial elections were held. No single party won an overall majority. The PML (Q) won the most seats (121), followed by the MMA (60) and the PPPP (59). The total number of seats in the National Assembly is 342 (including 60 reserved seats for women and 10 for minorities)." **[11b] (p2)**

4.15 Europa also recorded that, following the election for the National Assembly on 10 October 2002, the Pakistan Muslim League (Quaid-e-Azam – Q) won the largest percentage of votes (25.7 per cent) and 77 of the directly-elective 272 seats. Europa noted that "It did so, according to critics, with the aid of pre-poll rigging by the army and with Musharraf's support." **[1] (p411)**

4.16 Europa Regional Surveys of the World: South Asia 2005 noted that, following the elections to the Senate on 25 February 2003, the ruling party PML-Q won 38 of 100 Senate seats. **[1] (p446)**

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Shari'a Act/Bhutto/Militant Islamists/Line of Control (2003)

4.17 The US State Department International Religious Freedom Report 2004, published on 15 September 2004, reported that:

"In June 2003, the Provincial Assembly of NWFP [North-West Frontier Province], dominated by the MMA, unanimously approved the NWFP Shari'a Act 2003, ruling that all future legislation should be in accordance with Shari'a law, existing legislation should be reviewed in light of Shari'a, and education and financial sectors should be brought in line with Islamic teaching. This was the first time in the country's history that a Shari'a Act had been passed by a provincial legislature; however, the act is almost identical to the 1991 Shari'a Act passed at the federal level, which was already binding on the entire country." **[2a] (section II)**

4.18 Keesing's Record of World Events for November 2003 reported that:

"A court in Geneva, Switzerland, on Nov. 5 upheld an appeal by former Prime Minister Benazir Bhutto and her husband Asif Ali Zadari against their convictions in August on a money laundering charge. The court quashed the six-month suspended prison sentences and financial penalties imposed by the investigating magistrate [see p. 45552 [of Keesing's]]. However, the dossier on the case was sent on to Geneva's chief prosecutor for a decision on whether or not to refer the case to a higher court." **[24b] (p45693)**

4.19 Keesing's further noted that:

"Pakistan banned in November [2003] six extremist Islamic groups under the 1997 Anti-Terrorist Act. At a meeting on Nov. 15 President Gen. Pervaiz Musharraf and Prime Minister Zafarullah Khan Jamali decided to ban three groups that had flouted an earlier prohibition order by changing their names. The banned organisations were the Shia group Islami Tehrik-I-Pakistan (formerly Tehrik-i-Jafria Pakistan) and the Sunni groups Millat-i-Islamia Pakistan (formerly Sipah-I-Sahaba Pakistan – SSP) and Khudam-ul-Islam (formerly Jaish-e-Mohammed – JeM). Another group, Jamaat-ud-Dawa (thought by some to be a new identity for the Kashmiri armed separatist group Lashkar-i-Toiba – LiT), escaped a ban but was placed under surveillance…The Interior Ministry on Nov. 20 announced the banning of three more groups: Jamiat-ul-Furqan (another offshoot of JeM), Jamiat-il-Ansar (formerly Harakat-ul-Mujaheddin-HuM) and Hizbut-Tahrir." **[24b] (p45693)**

(See also paragraph 4.10 for groups banned in 2002 and Annex B for name changes)

4.20 Keesing's also recorded that "A ceasefire came into effect at midnight on Nov. 25-26 [2003] between the armies of India and Pakistan on the Line of Control (LoC) dividing their respective portions of Kashmir, marking the Muslim Eid-al-Fitr festival at the end of the fasting month of Ramadan." It noted that, on 25 November, it was agreed to extend the cease-fire along the Actual Ground Position Line (AGPL) in Siachen (at Kashmir's northern extremity). **[24b] (p45692)**

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LEGAL FRAMEWORK ORDER/ASSASSINATION ATTEMPTS/SUMMIT WITH INDIA (2003 – 2004)

4.21 Keesing's Record of World Events reported in December 2003 that:

"In a television address on Dec. 24, Musharraf announced seven concessions to resolve the controversy over his Legal Framework Order (LFO) of constitutional changes, which had effectively paralysed the National Assembly (the lower house of the bicameral federal legislature) since the elections of October 2002 [see pp. 45041-42 [of Keesing's]]. The deal was arrived at in negotiations with the opposition alliance of six Islamist parties the Mutahida Majlis-i-Amal (MMA – United Council for Action). The chief concession was Musharraf's commitment to step down as chief of army staff by December 2004. Linked to this was his agreement to submit to a vote of confidence in the federal legislature. Musharraf's supervisory National Security Council, on which the chiefs of the armed services would sit, was to be established by an act of parliament instead of being incorporated by the LFO into the constitution. The other major change was that although the President would be empowered to dismiss the National Assembly, he would have to refer the decision to the Supreme Court within 15 days." **[24c] (45738)**

(Europa Regional Surveys of the World: South Asia 2005 noted that, in late December 2003, the legislature passed the Constitution (Seventeenth Amendment) Bill. **[1] (p444)**)

4.22 Keesing's further recorded in December 2003 that President Musharraf narrowly escaped two assassination attempts during December 2003. Musharraf escaped injury, declaring the attackers as "extremists". Keesing's reported that:

"Officials on Dec. 28 [2003] identified one of the suicide bombers [from the second attack] as a member of the banned Islamic extremist group Jaish-e-Mohammed (JeM) [see p.45693 [of Keesing's]], one of the most prominent militant separatist factions fighting against Indian rule in the northern state of Jammu and Kashmir [for Musharraf concession on Kashmir see pp.45738-39 [of Keesing's]]…Information Minister Sheikh Rashid Ahmad said that the attack was carried out "by an international terrorist network, which has its tentacles from Kashmir to Afghanistan", an apparent reference to al-Qaida." **[24c] (p45737)**

4.23 Keesing's Record of World Events for January 2004 noted that direct air links and the Samijhauta Express train service were restored between New Delhi (India) and Lahore (Pakistan), and further recorded that a ground-breaking summit – the South Asian Association for Regional Co-operation (SAARC) – took place between leaders of the two countries in early January, though Pakistani militant separatist groups insisted that the 'armed struggle' would continue. **[24a] (p45787)**

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POLITICAL EVENTS AND TERRORISM IN 2004

4.24 Keesing's Record of World Events for January 2004 reported that:

"President Musharraf on Jan. 1 [2004] won confidence votes in the National Assembly, the Senate (the bicameral federal legislature) and the four provincial assemblies of Baluchistan [Balochistan], North-West Frontier Province, Punjab, and Sind, further strengthening his hand following the National Assembly's approval on Dec. 29, 2003, of the Legal Framework Order (LFO), Musharraf's package on constitutional amendments [see p. 45738 [of Keesing's]]. **[24a] (p45786)**

4.25 Europa Regional Surveys of the World: South Asia 2005 recorded that "In 2004 the Pakistani military, aided by technical and intelligence assistance from the USA, intensified its operations against the al-Qa'ida organization and the remnants of the Taliban [Taleban] along the Afghan border." **[1] (p423)**

4.26 Military personnel carried out a two-week long security operation in respect of suspected Taleban and al-Qa'ida supporters in villages around Wana in South Waziristan in March 2004; Amnesty International issued a report on 1 April 2004 voicing concerns of human rights violations by the security forces, stating "They [the violations] included arbitrary arrest and detention, possible unlawful killings and extrajudicial executions and the deliberate destruction of houses to punish whole families when some of their members were alleged to have harboured people associated with the Taleban or *al-Qa'ida*." **[4b] (p1)**

4.27 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 22 April 2005, records that "As agreed with the MMA [Mutahida Majlis-i-Amal], the National Security Council was approved by Parliament on 14 April [2004]…On 12 May 2004 the PML (Q), PML-Jinnah, PML-Functional, PML-Zia

and PML Junejo were reunited as the PML [Pakistan Muslim League]. On 19 May [2004] the National Alliance merged with the PML." **[11b] (p3)**

4.28 The BBC's 'Timeline' for Pakistan, accessed 19 July 2005, noted that Pakistan was readmitted to the Commonwealth in May 2004. **[35b] (p5)**

4.29 The US State Department International Religious Freedom Report 2004, published on 15 September 2004, noted that "Incidents of sectarian violence occurred with considerable frequency. On May 31, there was a bomb blast at the Ali Raza Imambargah which killed at least 22 and wounded 38. Earlier, on May 7, 28 persons were killed and approximately 200 injured by a suicide bomber at the Hyderi Imambargah in Karachi. Gul Hasan, a member of Lashkar-I-Jhangvi, had worked with Mohammad Akhtar Niazi (the suicide bomber) and is under arrest." **[2a] (section III)**

4.30 The same report also stated that "From June 3 to 13 [2004], the Government imposed a curfew in the northern area of Gilgit after the Shi'a majority protested to demand that the Government provide Shi'a-specific textbooks for classes in Islamic studies. At the end of the period covered by this report, the Government believed the controversy had been resolved through negotiated compromises with someShi'a [sic] scholars." **[2a] (section II)**

4.31 Amnesty International's 2005 Annual Report on Pakistan noted that "Relations between Pakistan and India improved during 2004. In June, a moratorium on nuclear tests was agreed and, in September, talks began on several issues including that of Jammu and Kashmir." **[4e] (p1)**

4.32 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 22 April 2005, recorded that "In June 2004 Mir Zafarullah Jamali resigned as Prime Minister and on 30 June 2004 Chaudry Shujaat Hussein was sworn in as caretaker Prime Minister. He resigned in August 2004 to make way for Shaukat Aziz who had won two by-elections for a seat in the National Assembly. On 28 August 2004 Shaukat Aziz was elected as Prime Minister and named his new cabinet on 1 September 2004." **[11b] (p3)**

4.33 A BBC report of 9 September 2004 stated:

"More than 50 people were killed when Pakistani jets bombed a training camp believed to have been used by foreign militants, the military says. Air force bombers and helicopter gunships reportedly attacked the compound in a village in South Waziristan, near the Afghan border. The military says most of the dead were Chechen, Uzbek and Arab militants with suspected al-Qaeda and Taleban links. Witnesses say Pakistani tribesmen are also among those killed. It is one of the biggest attacks since Pakistani forces intensified operations in the area six months ago. Army spokesman Maj Gen Shaukat Sultan confirmed that more than 50 people had been killed in the raid on the camp near Dila Khula, a village about 25km (15 miles) north-east of South Waziristan's main town of Wana…He said the military learned of the camp after investigations into the recent spate of attacks by Islamic militants in other parts of Pakistan…Local residents spoke of the death of more civilians. One journalist said villagers gathered to survey the damage of the first strike, when Pakistani air forces struck a second time. The army denied there were significant civilian casualties…Wana is at the centre of Pakistani military operations against hundreds of al-Qaeda-linked suspects. Until March, when heavy military action

began, militants were able to operate freely, correspondents say. Now the military believes they are running from one refuge to another. Observers say sympathy for the Taleban is still strong in North and South Waziristan. It is alleged that Osama Bin Laden and his deputy, Ayman al-Zawahri, are hiding somewhere along the 2,400km (1,490-mile) border." **[35d]**

4.34 Amnesty International's 2005 Annual Report on Pakistan noted that "In October [2004] the National Assembly passed draft legislation making the handing over of a woman as compensation for murder a criminal offence punishable by up to three years' imprisonment. Under another amendment, criminal charges under the laws on blasphemy and Zina (unlawful sex) are to be investigated only by higher ranking police officers. However, the amendments had not been signed into law by the end of the year." **[4e] (p3)**

4.35 The same Report recorded that:

"In October [2004], the JJSO [Juvenile Justice System Ordinance] was extended to the Provincially Administered Tribal Areas. It still did not apply in the Federally Administered Tribal Areas (FATA) which are governed by the Frontier Crimes Regulation (FCR) of 1901…In December, the JJSO was revoked by the Lahore High Court which considered the law "unconstitutional" and "impractical". Juvenile courts set up under the JJSO were to be abolished and cases pending before it transferred to the regular courts. As a result juveniles could once again be sentenced to death." **[4e] (p3)**

4.36 Amnesty International's Annual Report also stated that "In November a law was passed allowing General Musharraf to remain president and chief of the army, contrary to his earlier promise that the two roles would be separated." **[4e] (p1)**

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POLITICAL EVENTS AND TERRORISM IN 2005

4.37 On 19 January 2005, the BBC recorded that:

"India and Pakistan have held talks aimed at defusing tensions along the Line of Control that divides Indian- and Pakistani-administered Kashmir. India accused Pakistan of violating a ceasefire along the de facto border by firing shells into Indian-administered territory on Tuesday [18 January]. Pakistan denied the allegation, saying its soldiers had no role in the firing…The firing came after Indian security forces said they had shot dead four suspected militants on the Line of Control in Poonch district earlier on Tuesday [18 January]. Militant separatists have been fighting Indian rule in Kashmir, which is claimed by both Pakistan and India, since 1989. About 40,000 people are reported to have been killed in the fighting. India and Pakistan have fought two wars over Kashmir since independence. They embarked on a peace process in January last year [2004] to try to resolve their differences, including those over Kashmir. India pulled back several thousand troops from Indian-administered Kashmir in November because of a perceived decrease in violence. It is estimated to have between 180,000 and 350,000 soldiers in the state, including paramilitary special forces." **[35e]**

4.38 Travel Advice issued by the Foreign and Commonwealth Office – FCO – reported that "In January 2005, there were incidents of tribal violence and

mortar attacks on the Sui gas plant and pipeline in Baluchistan. There was serious fighting between local tribesmen and security forces in the Dera Bugti region of Baluchistan on 17 March 2005, resulting in many fatalities." **[11a] (p3)**

4.39 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 22 April 2005, recorded that:

"On 7 April 2005 the first bus service since 1947 between Muzzaffarabad in Pakistani administered Kashmir and Srinagar on the Indian side of the line of control was inaugurated.

President Musharraf visited New Delhi from 16 to 18 April 2005 for talks with Prime Minister Manmohan Singh and to watch a one day cricket match between the two countries. Their joint statement stated that 'they determined that the peace process was now irreversible.'" **[11b] (p5)**

4.40 On 04 August 2005, the BBC noted that:

"Pakistan's Supreme Court has said that various clauses of a bill introducing a Taleban-style moral code in North-West Frontier Province are unconstitutional. It said the provincial governor was not obliged to sign the bill into law. It has been passed by the NWFP assembly…President Musharraf says the bill is a breach of fundamental human rights. The NWFP government says it was mandated to pass the bill and will revise it. 'The court had no objections to 80% of the proposed law,' Malik Zafar Azam told the BBC, promising it would be reintroduced once amended. The bill includes measures to ensure people respect calls to prayer and to discourage singing and dancing. Defence counsel and former law minister Khalid Anwar argued on Wednesday that the Hisba (Accountability) bill had not been passed into law. It was a just legislation passed by the provincial assembly and the Supreme Court could not give an adverse ruling on it, he said. The court accepted his argument. 'We can only form an opinion whether it is constitutional or not,' it said…To become law it must be signed by the provincial governor. The BBC's Aamer Ahmed Khan in Karachi says the court's observation is significant as it indicates the possibility of a continuing wrangle between the federal and provincial governments. The bill could be only revoked through an executive act by the president. This could heighten pressure on General Musharraf, who is cracking down on extremism and trying to reassure the world that Pakistan is moderate. The Hisba bill was passed by the NWFP assembly in July, with 68 votes in favour and 34 against. Under the bill, an Islamic watchdog would monitor the observance of Islamic values in public places in NWFP." **[35f]**

4.41 On 30 June 2005, a news report in *'Dawn'* stated that:

"The local government elections will be held in three phases – on August 18, 25 and September 29 – to elect 6,040 union councils in the country with capital Islamabad staying out of their purview. "Political parties are barred from fielding candidates, allotting tickets or funding campaigns (in the non-party elections)," said Acting Chief Election Commissioner, Justice Abdul Hameed Dogar, while announcing the long-awaited LB polls schedule here on Thursday. With the announcement, all local government institutions stand dissolved, to be replaced within 24 hours by caretakers. Provincial chief secretaries can appoint any government officer as a caretaker, according to the acting CEC. There is no

possibility of local government elections being held in the federal capital, he said." **[33]**

4.42 The same article reported that:

"Justice Dogar said the Local Government Ordinance allows cabinet ministers and members of the national and provincial assemblies to contest the local government elections but they will have to resign their present seats if they got elected. In the first phase, he explained, elections in 54 districts of the four provinces will be held, the process of which will commence with the issuance of notices inviting nomination papers on July 16, which could be filed from July 18 to 20 while polling will be held on August 18. In the second phase, election in the remaining union councils in 56 districts will be held. Nomination papers will be invited from July 23 and could be filed from July 25 to 27. The polling will take place on August 25. In the third phase, indirect elections to the seats of zila/city/tehsil/taluka and town nazims and seats reserved for women, peasants/workers and minority communities will be held in their councils across the country. The process will commence with the issuance of notices inviting nomination papers on September 3, which could be filed from Sept 5 to 7 with polling fixed for Sept 29." **[33]**

4.43 After the first phase of the local elections, the BBC stated on 18 August 2005:

"In Lyari, one of the most colourful and multi-ethnic area [sic] of the city, hundreds of people complained that their names were missing from the [voter] lists. The problem seems to be particularly acute at women's polling stations, says the BBC's Aamer Ahmed Khan in Karachi…Tribal elders had banned women from voting in three councils in the province, but the government had persuaded local jirgas – or tribal councils – to lift the ban late on Wednesday. Nonetheless, reports from the area suggested that women were not turning out to vote in large numbers. In one women's polling station in a suburb of Peshawar, capital of NWFP, not a single vote was cast in the first five hours of polling, the BBC's Haroon Rashid in Peshawar says. Human rights activists are demanding the cancellation of election results in such districts." **[35o]**

4.44 The Integrated Regional Information Networks (IRINNEWS.ORG) reported on 23 August 2005 that:

"Rights activists in Pakistan have hailed increased participation by women in last week's local elections. 'For the first time in the country's history, civil society groups, rights activists, media and other bodies have come up with a collective campaign for women electoral rights,' Naeem Mirza, a project director with a leading women rights' body, the Aurat Foundation, said in the Pakistani capital, Islamabad on Monday.

According to statistics from the Election Commission of Pakistan (ECP), a total of 3,634 more women contested the local elections nationwide, compared with participation in local government polls in 2001. Overall voter turnout was about 45 percent. Details of how many women voted in the election will be available later this week.

'This is a significant achievement and also a positive shift in social behaviour that more women are today coming forward to claim a leadership role,' Mirza noted.

The second phase of polling would be held on Thursday in the remaining 56 districts across the country, while the third phase to elect the district administrators in all four provinces would be held in late September.

Despite the increase in female participation in the poll, women were still prevented from voting in more conservative parts of Pakistan. However, 'In some areas women have been reportedly barred from voting and contesting polls in areas of the North West Frontier Province [NWFP]. But, generally, this time resistance to female participation in voting has not been so blatant as previously,' said Mirza.

The ECP had taken threats to stop women voting seriously, citing legal action against community or tribal leaders who tried to prevent female participation. The commission has also said it would demand a re-run of polls where proof of women being stopped from voting was available.

A group of more than 100 women from Nowshera district of NWFP demonstrated on Monday in front of the ECP in the capital, Islamabad and demanding a re-election in their district. The women said prominent religious party leader, Qazi Hussain Ahmed, was responsible for preventing women from partaking in the poll in certain districts of Nowshera.

Women rights' campaigners want the ECP to go further in encouraging female participation in Pakistan's elections. 'The election commission could come up with more effective measures – like declaring the results in any constituency null and void where the female turnout is less than 10 percent of total female voter registration,' said Mirza." **[41e]**

4.45 On 30 August 2005, following the second phase of voting, the BBC reported that:

"The opposition describes the polls as the 'most violent and most blatantly rigged' in Pakistan's electoral history…On Monday [29 August], several government members stood up to make allegations of rigging when the polls were debated in the national assembly. The conduct of the elections has also been criticised by independent watchdogs. Pakistan's Human Rights Commission says in its report on the elections that widespread electoral fraud has rendered the entire exercise meaningless. The report says that the government's blatant interference in local elections has also put paid to any hope of the general elections scheduled for 2007 being free and fair. However, political observers in Pakistan say such allegations are nothing new – especially for an election held on non-party basis. What may be a greater headache for the government, they say, is the fallout from Monday's Supreme Court judgment that bars elected candidates armed only with degrees from unregistered madrassas from holding public office. The top court has ordered the election commission not to recognise the results of those candidates who won seats in the local elections but hold madrassa degrees…Legal experts say it is now possible for a losing candidate to challenge a winning candidate on the basis of educational qualification. This could mean lengthy legal battles that could delay the process of the formation of district governments. The final phase of local elections scheduled for 29 September has already been put back to 10 October." **[35n]**

4.46 A BBC news report of 29 August 2005 stated that "India and Pakistan have begun talks on drug trafficking, terrorism and on the fate of prisoners stuck in jails on both sides of the border. The talks are part of an ongoing dialogue process which began nearly two years ago… The home secretaries of both countries are leading the latest round of talks which are being held in Delhi…Later this week, the top official in the two foreign ministries will meet in Islamabad." **[35k]**

4.47 On 31 August 2005, the BBC reported that:

"Indian PM Manmohan Singh has announced he is to hold his first talks with Kashmiri separatists opposed to Delhi's rule in the divided region. The talks with the moderate faction of the All Parties Hurriyat Conference will be held in Delhi on 5 September. The faction held two rounds of talks with the previous Hindu nationalist government. Hardliners in the APHC oppose dialogue. More than 40,000 people have died in 14 years of insurgency in Kashmir. The talks with the APHC will be the first for Mr Singh since his election in May last year. A dialogue between the conference and his Congress-led government stalled in August last year when the separatists objected to conditions set by Delhi. In June, the chairman of the alliance, Mirwaiz Umar Farooq, said he had conveyed to Delhi his faction's desire to resume talks…The sticking point has been that the conference wants to be part of three-way talks with India and Pakistan over the future of Kashmir, something India has not agreed to. In June, leaders of the moderate faction made a landmark visit to Pakistan for talks with President Pervez Musharraf and other leaders. The visit was described as a success by the separatists but was criticised by India's main opposition Bharatiya Janata Party…Kashmir is also likely to be high on the agenda when Mr Singh meets President Musharraf on the sidelines of the UN General Assembly in New York this month." **[35m]**

For history prior to 1997, refer to Europa Regional Surveys of the World: South Asia 2005. **[1]**

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5 State structures

THE CONSTITUTION

OVERVIEW

5.01 Europa Regional Surveys of the World: South Asia 2005 notes that:

"The Constitution was promulgated on 10 April 1973, and amended on a number of subsequent occasions…The Constitution was placed in abeyance on 15 October 1999 following the overthrow of the Government in a military coup. The Constitution, incorporating a Legal Framework Order, was revived on 15 November 2002…The Preamble upholds the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam. The rights of religious and other minorities are guaranteed… Fundamental rights are guaranteed and include equality of status (women have equal rights with men), freedom of thought, speech, worship and the press and freedom of assembly and association…The Federal Legislative consists of the President, a lower [the National Assembly] and an upper house [the Senate]." **[1] (p443)**

5.02 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 22 April 2005, records that:

"On 21 August 2002, President Musharraf promulgated the Legal Framework Order (LFO), which introduced 35 amendments to the 1973 Constitution giving him sweeping powers including the power to dissolve the National Assembly and to appoint Provincial Governors, Chairman of the Joint Chiefs of Staff and single service chiefs. He declared that the amendments would not be subject to parliamentary approval, but that parliament could pass new amendments with a two-thirds majority. Under the LFO, all actions of the government between 12 October 1999 and 22 August 2002 would be validated upon reinstatement of the Constitution.

The LFO also created a National Security Council (NSC) as a consultative forum." **[11b] (p3)**

5.03 The Legal Framework Order 2002 – LFO – stipulated that the validity of any provisions or Orders should not be called into question in any court on any ground whatsoever. **[14c] (p2)** The provisions of the LFO could override the Constitution or any other Order or law for the time being in force. **[14c] (p2)**

5.04 Europa Regional Surveys of the World: South Asia 2005 noted that, in late December 2003, the legislature passed the Constitution (Seventeenth Amendment) Bill. **[1] (p444)**

(See also Section 4, History**, paragraphs 4.1, 4.12, 4.21 and 4.36)**

CITIZENSHIP AND NATIONALITY (INCLUDING FRAUDULENT DOCUMENTS)

5.05 Information issued by the Pakistani government (accessed on 21 July 2005) advises that Pakistan citizenship can be acquired in specified circumstances; these include foreign ladies married to Pakistani nationals, and the minor children of Pakistani ladies married to foreigners. **[29b] (p1-4)** Children born to a Pakistani

mother and foreign national father after 18 April 2000 are to be treated automatically as citizens of Pakistan. **[29b] (p4)** The Government of Pakistan has dual nationality agreements with 15 countries including the UK **[29b] (p4-5)**; however, travel advice issued by the Foreign and Commonwealth Office states that "If you or your father were born in Pakistan you might be considered by the authorities to be a Pakistani national even if you do not hold a Pakistani passport, and the British government might be prevented from providing the full range of consular assistance." **11a] (p2)** Pakistani citizens acquiring nationality of a country with which there are no dual nationality arrangements are required to renounce Pakistani nationality. **[29b] (p5)**

5.06 In comments prepared for the Advisory Panel on Country Information meeting on 8 March 2005, UNHCR stated that Citizenship of Pakistan could be acquired in the following circumstances:

"By birth - Section 4 of the Citizenship Act
By descent - Section 5 of the Citizenship Act
By migration - Section 6 of the Citizenship Act
By Naturalization - Section 9 of the Citizenship Act
By Marriage -Section 10 of the Citizenship Act" **[20b] (p1)**

5.07 A report by the Canadian Immigration and Refugee Board dated 18 June 2004 stated that:

"During a presentation at the Ninth European Country of Origin Information Seminar held in Dublin, Ireland, on 26 and 27 May 2004, an Islamabad-based representative of the United Nations High Commissioner of Refugees (UNHCR) provided information on various country conditions in Pakistan. The UNHCR representative stated that there is a high level of corruption in Pakistan and that it is possible to obtain many types of fraudulent documents or documents that are fraudulently authenticated by a bona fide stamp or authority (27 May 2004)." **[12a] (p1)**

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POLITICAL SYSTEM

INTRODUCTION

5.08 Europa Regional Surveys of the World: South Asia 2005 states that Pakistan's Constitution provides for a Federal Legislative structure, consisting of a President, a lower house (the National Assembly) and an upper house (the Senate). **[1] (p443)** Europa reports that "The President is Head of State and acts on the advice of the Prime Minister. He is elected by an electoral college, comprising the two chambers of the Federal Legislature and the four Provincial Assemblies, to serve for a term of five years." **[1] (p443)**

(BUT see History Section re October 1999 coup, Constitutional amendments and Legal Framework Order)

5.09 Europa records that each of the four provinces had a Governor appointed by the President, each province also had a provincial legislature consisting of the Governor and the Provincial Assembly, and the Chief Minister of each provincial government was appointed by the Governor. **[1] (p443)** However, after the coup the

provincial assemblies were suspended and General Musharraf appointed governors for the four provinces. **[1] (p407-408)**

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MAIN POLITICAL PARTIES FOLLOWING THE COUP

5.10 On 23 July 2002, the Election Commission of Pakistan issued 'The Political Parties Rules, 2002' **[40a]** in response to Article 19 of The Political Parties Order, 2002, which set various conditions for participation in the electoral process by political parties. **[27a]** Among other criteria they both state that a political party must conduct internal elections and submit a certificate of intra-party elections as well as a consolidated financial statement of the party's accounts to the Election Commission. **[40a] (p2-4)** and **[27a] (p4-5)** The Order gives the criteria for eligibility to obtain an election symbol. **[27a] (p5-6)** The Election Commission also issued a statement of registered political parties and their symbols. **[40b]** (Refer to source **[40b]** directly for details).

5.11 Europa Regional Surveys of the World: South Asia 2005 records that "Some 73 parties, issued with election symbols by the Election Commission, contested the general election on 10 October 2002." Europa states that three alliances contested the elections: the Alliance for the Restoration of Democracy – ARD – which included the Pakistan Muslim League (Nawaz) and the Pakistan People's Party Parliamentarians; the National Alliance, which included the National People's Party, the Millat Party, the Sindh National Front, the Sindh Democratic Alliance and the National Awami Party; and the Muttahida Majlis-e-Amal, comprising Jamaat-e-Islami Pakistan, Jamiat-e-Ulema-e-Pakistan, Jamiat-e-Ulema-e-Islam (S), Jamiat-e-Ulema-e-Islam (F), Islami Tehreek Pakistan and Jamiat Ahl-e-Hadith. **[1] (p446-447)**

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FEDERAL LEGISLATURE

5.12 Europa Regional Surveys of the World: South Asia 2005 notes that:

"The Federal Legislature consists of the President, a lower and an upper house. The lower house, called the National Assembly, has 207 members elected directly for a term of five years, on the basis of universal suffrage (for adults over the age of 21 years), plus 10 members representing minorities. The upper house, called the Senate, has 87 members who serve for six years, with one-third retiring every two years [BUT see 5.13, below]. Each Provincial Assembly is to elect 19 Senators. The tribal areas are to return eight members and the remaining three are to be elected from the Federal Capital Territory by members of the Provincial Assemblies." **[1] (p443)**

5.13 Europa also noted that:

"The Legal Framework Order, promulgated by the President in August 2002, increased the number of seats in the Senate from 87 to 100. Eighty-eight of the members are elected by the four provincial legislatures; eight are chosen by representatives of the Federally Administered Tribal Areas; and four by the federal capital. Its term of office was reduced to five years from six…In accordance with the Legal Framework Order, promulgated by the President in

August 2002, the number of seats in the National Assembly increased from 217 to 342, with 60 seats reserved for women and10 for non-Muslims. [In comments prepared for the Advisory Panel meeting on Country Information meeting on 8 March 2005, UNHCR stated that the number of members of the National Assembly had risen from 207 to 324. **[20b] (p1)]** Its term of office was reduced by one year to four." **[1] (p446)** Europa also records that the voting age was lowered from 21 to 18. **[1] (p444)**

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JUDICIARY

5.14 The CIA World Factbook 2005, updated on 14 June 2005, states that Pakistan's "Legal system [is] based on English common law with provisions to accommodate Pakistan's status as an Islamic state; accepts compulsory ICJ jurisdiction, with reservations." **[34] (p4)**

5.15 A 2005 Freedom House report on Pakistan noted that:

"The judiciary consists of civil and criminal courts and a special Sharia (Islamic law) court for certain offenses. Lower courts remain plagued by endemic corruption; intimidation by local officials, powerful individuals, and Islamic extremists; and heavy backlogs that lead to lengthy pretrial detentions. The military regime undermined the Supreme Court's reputation for independence in January 2000, when it ordered all high-ranking judges to swear to uphold the Provisional Constitutional Order issued by Musharraf. When the chief justice and a number of other judges refused, they were replaced. Since then, the courts have rejected subsequent challenges to the legality of military rule. An International Crisis Group (ICG) report released in November [2004] drew attention to the fact that the executive has extended its influence over the judiciary by using the appointments system to remove independent judges, fill key positions with political allies, and reward those who issue judgements favorable to the government." **[19a] (p482)**

5.16 The Freedom House report also stated that:

"Other parts of the judicial system, such as the antiterrorism courts, operate with limited due process rights. A November 1999 ordinance vested broad powers of arrest, investigation, and prosecution in a new National Accountability Bureau and established special courts to try corruption cases. Musharraf has used both to prosecute rival politicians and officials from previous civilian governments. The Sharia court enforces the 1979 Hudood Ordinances, which criminalize nonmarital rape, extramarital sex, and several alcohol, gambling, and property offenses, and provide for Koranic punishments, including death by stoning for adultery, as well as jail terms and fines. According to Human Rights Watch, an estimated 210,000 cases are currently being processed under the ordinances. In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments. In 2003, the provincial assembly in the North-West Frontier Province passed a bill that declared Sharia the supreme law of the province and empowered the government to Islamize the economy, the legal system and education.

The Federally Administered Tribal Areas (FATA) are under a separate legal system, the Frontier Crimes Regulation, which authorizes tribal leaders to

administer justice according to Sharia and tribal custom. Feudal landlords and tribal elders throughout Pakistan continue to adjudicate some disputes and impose punishment in unsanctioned parallel courts called *jirgas*. A 2002 Amnesty International report raised concerns that the jirgas abuse a range of human rights and are particularly discriminatory toward women. In April [2004] the Sindh High Court issued a ruling that banned all trials conducted under the jirga system in the province." **[19a] (p482-483)**

5.17 A report by the Human Rights Commission of Pakistan, "State of Human Rights in 2004", reported that:

"A long delay in filling vacancies on the apex court, and the manner in which they were eventually filled, revived doubts about the establishment's respect for the independence of the judiciary.

The vacancies had occurred at the beginning of the year with the coming into force of the 17th Amendment. The country's new Chief Justice recommended elevation to the Supreme Court of the Chief Justices of the Lahore and Peshawar High Courts and the senior most judge of the Lahore High Court (Justice Javed Buttar). However, late in July the President decided to let the LHC Chief Justice continue in his office and in his place another member of his bench was moved up. Thus Justice Shakirullah Jan (PHC CJ) and Justices Javed Buttar and Tasadduq Husain Jilani of the LHC joined the Supreme Court. The retention of the LHC CJ in his post while two judges from the court were elevated to the SC, in disregard of the recommendation of the Chief Justice of Pakistan caused a great deal of surprise and invited criticism from several quarters. The President of the Supreme Court Bar Association, Justice (Retd) Tariq Mahmud, described the affair as a fraud.

When Justice Fakhrunnisa Khokhar retired from the Lahore High Court on reaching the age of superannuation on June 27, the question of gender bias in the judiciary again cropped up. She was appointed a Judge of the LHC in 1994 and became the senior most member of the bench, after the CJ, in 2002. When the government delayed filling a vacancy on the Supreme Court bench, it was widely believed that the reason was a decision neither to make her CJ nor raise her to the SC bench." **[27d] (p28-29)**

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LEGAL RIGHTS/DETENTION

COURT SYSTEM

5.18 Information issued by the Pakistani government (accessed on 21 July 2005) states that:

"There is a Supreme Court in Pakistan and a High Court in each province, and other courts exercising civil and criminal jurisdiction. The Supreme Court and High Courts have been established under the Constitution and other Courts have been established by or under the Acts of Parliament or Acts of Provincial Assemblies. The Constitution also provides for the office of Ombudsman…The Supreme Court is at the apex of the judicial systems of Pakistan. It consists of a Chief Justice known as Chief Justice of Pakistan and such number of other judges as may be determined by the Act of Parliament. At present, besides the

Chief Justice, there are thirteen other Judges in the Supreme Court…The Chief Justice of Pakistan is appointed by the President. Other Judges are also appointed by the President after consultation with the Chief Justice." **[29c] (p1)**

5.19 This government source also reports that:

"The Supreme Court has original, appelate and advisory jurisdiction. Original Jurisdiction. – The Supreme Court, to the exclusion of every other Court in Pakistan, has the jurisdiction to pronounce declaratory judgements in any dispute between the Federal Government or a provincial government or between any two or more provincial governments…There is a High Court in each of the four provinces…A High Court consists of a Chief Justice and so many ohter [sic] Judges as may be determined by law or as may be fixed by the President…A High Court has original and appellate jurisdiction…A High Court has the power to withdraw any civil or criminal case from a trial court and try it itself…A High Court has extensive appellate jurisdiction against the judgements, decisions, decrees and sentences passed by the civil and criminal courts…Federal Shariat Court comprises eight Muslim Judges including the Chief Justice to be appointed by the President. Of the Judges, four are the persons qualified to be the Judges of the High Courts, while three are Ulema (scholars well-versed in Islamic Law)…Federal Shariat Court has original and appellate jurisdiction…The Court may examine and decide the question whether or not any law or provision of law is repugnant to the injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet (Peace be upon him)…Where any law is held to be repugnant to the injunctions of Islam, the President in the case of Federal law or the Governor in the case of a Provincial law is required to take steps to amend the law so as to bring it in conformity, with the injunctions of Islam; and such law ceases to have effect from the specified day…The Court has exclusive jurisdiction to hear appeals from the decison [sic] of criminal courts under any law relating to enforcement of Hudood Law i.e. laws pertaining to offences to intoxication, theft, Zina (unlawful sexual intercourse) and Qazf (false imputation of Zina)." **[29c] (p1-3)**

5.20 The government source further notes that:

"In every district of a Province, there is a Court of District Judge which is the principal court of original jurisdiction in civil matters. Courts of General Jurisdiction Besides the Court of District Judge, there are courts of Civil Judges. Civil Judges function under the superintendence and control of District Judge and all matters of civil nature originate in the courts of Judges…In every district, there is a Court of Sessions Judge and Courts of Magistrates. Criminal cases punishable with death and cases arising out of the enforcement of laws relating to Hudood are tried by Sessions Judges. The Court of a Sessions Judge is competent to pass any sentence authorised by law. Offences not punishable with death are tried by Magistrates. Among the Magistrates there are Magistrates of 1st Class, 11nd Class and 111rd Class. An appeal against the sentence passed by a Sessions Judge lies to the High Court and against the sentence passed by a Magistrate to the Sessions Judge if the term of sentice [sic] is upto [sic] four years, otherwise to the High Court.

To deal with specific types of cases Special Courts and Tribunals are constituted. These are; Special Courts for Trial of Offences in Banks; Special Courts for Recovery of Bank Loans; Special courts under the Customs Act, Special Traffic Courts; Courts of Special Juges [sic] Anti-Corruption;

Commercial Courts; Drug Courts; Labour Courts; Insurance Appellate Tribunal; Income Tax Appellate Tribunal and Services Tribunals. Appeals from the Special Courts lie to the High Courts, except in case of Labour Courts and Special Traffic Courts, which have separate forums of appeal. The Tribunals lie to the Supreme Court of Pakistan. Speedy and Inexpensive Justice Steps have been taken to overcome the problems of inordinate delays in dispensing justice and enormous cost involved in litigation- a legacy of the past…The Code of Criminal Procedure, 1898, has been amended to grant automatic concession of release on bail to the under-trial prisoners, if the continuous period of their detention exceeds one year in case of offences not punishable with death and two years in case of offences punishable with death. It also made incumbent on the criminal courts to take into consideration the period of detention spent by the accused as an under-trial prisoner while awarding sentence. No fee is payable in criminal cases and for filing any petition before the Federal Shariat Court. Court fee in civil cases upto [sic] the value of Rs.25,000 has been abolished." **[29c] (p3)**

5.21 The government source additionally notes that:

"The Concept Mohtasib (Ombudsman) is an ancient Islamic concept and many Islamic States had established the office of Mohtasib to ensure that no wrong or injustice was done to the citizens…It was Article 276 of the Interim constitution of 1972, which provided for the appointment of a Federal Ombudsman as well as Provincial Ombudsmen for the first time [in Pakistan]. Subsequently, the Constitution of 1973 included the Federal Ombudsman at item 13 of the Federal Legislative List in the Fourth Schedule.

The Institution of Ombudsman was, however, actually lbrought [sic] into being through the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983…The Wafaqi Mohtasib, who is appointed by the President of Pakistan, holds office for a period of four years. He is not eligible for any extention [sic] of tenure, or for re-appointment under any circumstances. He is assured of security of tenure and cannot be removed from office except on ground of misconduct or of physical or mental incapacity. Even these facts, at his request, can be determined by the Supreme Judicial Council. Further, his office is non-partisan and non-political…The chief purpose of the Wafaqi Mohtasib is to diagnose, investigate, redress and rectify any injustice done to a person through maladministration on the part of a Federal Agency or a Federal Government official. The primary objective of the office is to institutionalise a system for enforcing administrative accountability." **[29c] (p4)**

5.22 The US State Department Report 2004 (USSD), published on 28 February 2005, noted that:

"Under both the Hudood and standard criminal codes, there were bailable and non-bailable offenses. Bail pending trial is required for bailable offenses and permitted at a court's discretion for non-bailable offenses with sentences of less than 10 years. In practice, judges denied bail at the request of police, the community, or on payment of bribes. In many cases, trials did not start until 6 months after the filing of charges, and in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime for which they were charged. HRCP [Human Rights Commission of Pakistan] estimated that 80 percent of the prison population was awaiting trial… **[2b] (section 1d)** …The civil, criminal, and family court systems provide for an

open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. There are no jury trials. Due to the limited number of judges, the heavy backlog of cases, lengthy court procedures, and political pressures, cases routinely took years, and defendants had to make frequent court appearances. Cases start over when an attorney changes." **[2b] (section 1e)**

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ANTI-TERRORISM ACT AND COURTS

5.23 The US State Department Report 2004 (USSD), published on 28 February 2005, notes that:

"The Anti-Terrorist Act allows the Government to use special streamlined courts to try violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the State. Cases brought before these courts are to be decided within 7 working days, but judges are free to extend the period as required. Under normal procedures, the High and Supreme Courts hear appeals from these courts. Human rights activists have criticized this expedited parallel system, charging it is more vulnerable to political manipulation." **[2b] (section 1e)**

5.24 The USSD 2004 stated that "Anti-terrorist courts are not to grant bail if the court has reasonable grounds to believe that the accused is guilty. Amendments to the Anti-Terrorist Act that were passed by the National Assembly on October 18 [2004] allow security forces without reference to the courts to restrict the activities of terrorist suspects, seize their assets, and detain them for up to a year without charges." **[2b] (section 1d)**

5.25 An article in *The News International* dated 11 January 2004 reported that:

"Making the anti-terrorism law stringent, the cabinet on Saturday [10 January 2004] declared financing of terrorism a non-bailable offence, with minimum four and maximum ten years jail terms. The cabinet meeting, chaired by Prime Minister Zafarullah Jamali, approved amendments to the Anti-Terrorism Act, 1997 in the light of UN Security Council resolutions.

'Any individual or entity, involved in financing of terrorism shall be punished with rigorous imprisonment for a term of four to ten years in place of the original punishment of six months to five years as provided in Section 11 (N) of the act,' Information Minister Shaikh Rashid Ahmed told reporters after the cabinet meeting.

Rashid said, 'Financing of terrorism shall be a non-bailable offence and all societies and other institutions which have a potential to act as conduits for such financing shall be obliged to establish bank accounts and maintain information about their employees, clients, failing which they will face fine and revocation of licence.'" **[44] (p1)**

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FEDERALLY ADMINISTERED TRIBAL AREAS

5.26 The US State Department Report 2004 (USSD), published on 28 February 2005, notes that "The FATA [Federally Administered Tribal Areas] have a separate legal system, the Frontier Crimes Regulation [FCR], which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe, or to blockade a fugitive's village, pending his surrender or punishment by his own tribe." **[2b] (section 1d)**

5.27 The USSD 2004 also records that "Tribal leaders are responsible for justice in the FATA. They conduct hearings according to Islamic law and tribal custom. The accused have no right to legal representation, bail, or appeal. The usual penalties consisted of fines. Federal civil servants assigned to tribal agencies oversee proceedings and may impose prison terms of up to 14 years." **[2b] (section 1e)**

5.28 Human Rights Watch's World Report 2005 notes that:

"Since March 2004, the Pakistan Army has engaged in an ongoing operation in Pakistan's Federally Administered Tribal Areas (FATA) along the Afghan border, with particularly heavy fighting in the South Waziristan region. The Pakistan government did not apply international humanitarian law to the conflict, arguing that though the offensive was being conducted by its army, it was an anti-terrorist operation. The government used the draconian Frontier Crimes Regulations to justify the use of methods such as collective punishment, and economic blockades of civilians. While Pakistani authorities have prohibited most independent verification of the events in the South Waziristan, reports of extrajudicial executions, house demolitions, arbitrary detentions, and the harassment of journalists abound." **[13a] (p3)**

TRIBAL JUSTICE SYSTEM

5.29 The US State Department Report 2004 (USSD), published on 28 February 2005, reported that:

"Feudal landlords in Sindh and tribal leaders in Patan and Baloch areas continued to hold jirgas in defiance of the established legal system. Such jirgas, particularly prevalent in rural areas, settled feuds and imposed tribal penalties on perceived wrongdoers that could include fines, imprisonment, or even the death sentence. In Pashto areas, such jirgas were held under the outlines of the Pashtun Tribal Code. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs – either real or perceived – to redeem their honor. Frequently, these disputes arose over women and land, and often resulted in violence (see Section 5 [of USSD 2004])." **[2b] (section 1e)**

5.30 The Human Rights Commission of Pakistan's report, "State of Human Rights in 2004", stated that:

"The Sindhi High Court judgement (April) [2004], in which all jirgas that assumed judicial functions in Sindh were banned, caused flutter in many a human rights activist's heart. But their joy was extremely short-lived. The jirga not only continued to interfere with the rights of the people, an attempt was made by the Sindh government to legitimize the jirga system…The court in a 48-page judgement observed that at one time the West Pakistan Criminal Law Amendment Act 1963 had allowed jirga trials but following the repeal of that law, the jirga system had become unlawful and illegal. The police were duty

bound to take action to prevent the holding of jirga in their areas…The Sindh High Court judgement had little effect on the jirga system. Soon after the verdict, according to a press report, a jirga was held in Dadu district and, a 13 year old girl was married to a man of 40 in a compromise." **[27d] (p49)**

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SHARIA LAW

5.31 Europa Regional Surveys of the World: South Asia 2005 reported that:

"The Nawaz Sharif Government also successfully addressed the highly controversial issue of providing legal status to *Shari'a…*The amended Shari'a Bill was adopted by the Assembly in mid-May [1991] and approved by the Senate two weeks later…In order to make the Shari'a Bill effective, a series of legislative and administrative measures, termed as Islamic reforms, were adopted. These included the Constitution Amendment Bill, declaring *Shari'a* as the law of the land; legislation providing for the Islamization of the educational, judicial and economic systems, the promotion of Islamic values through the mass media, and the eradication of corruption, obscenity and other social evils…Benazir Bhutto criticized it as being a 'fundamentalist' Bill, while the JUI [Jamiat-e-Ulema-e-Islam] claimed that the new law's provisions were not stringent enough." **[1] (p395)**

5.32 The US State Department Report 2004 (USSD), published on 28 February 2005 notes that:

"All Hudood convictions resulting in sentences of more than 2 years are appealed in first instance to the Federal Shariat Court. The Federal Shariat Court was subject to political and religious pressure. Attorneys in such cases must be Muslims familiar with Koranic law. The Shari'a bench of the Supreme Court hears appeals from the Federal Shariat Court. The Federal Shariat Court may overturn legislation that it judges to be inconsistent with Islamic tenets, but such cases are appealed and finally heard by the Shari'a bench of the Supreme Court. **[2b] (section 1e)**

(See also Section 4, History, Shari'a Acts sub-section)

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HUDOOD ORDINANCES

5.33 A Human Rights Commission of Pakistan publication accessed on 22 July 2005 stated that:

"In 1979 the following four Hudood Ordinances were enforced:

1. Offence of Zina [ie rape, abduction, adultery and fornication] (Enforcement of Hudood) Ordinance, 1979
2. Offence of Qazf [ie false accusation of zina] (Enforcement of Hadd) Ordinance, 1979
3. Offence Against Property [ie theft] (Enforcement of Hudood) Ordinance, 1979

4. Prohibition [ie of alcohol and narcotics] (Enforcement of Hadd) Order, 1979" **[27b] (p1)**

5.34 A 2005 Freedom House report on Pakistan reported that "The Sharia court enforces the 1979 Hudood Ordinances, which criminalize nonmarital rape, extramarital sex, and several alcohol, gambling, and property offences, and provide for Koranic punishments, including death by stoning for adultery, as well as jail terms and fines…In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments." **[19a] (p483)**

5.35 The US State Department Report 2004 (USSD), published on 28 February 2005 noted that:

"The Hudood Ordinances provide for harsh Koranic [Hadd] punishments for violations of Islamic law (Shari'a), including death by stoning and amputation. These punishments, which require a high standard of evidence, were not used during the year [2004]. **[2b] (section 1c)** …At the trial level, ordinary criminal courts hear cases involving violations of the Hudood ordinances, which criminalize nonmarital rape (see Section 5 [in USSD 2004]), extramarital sex, gambling, alcohol, and property offenses. The Hudood ordinances set strict standards of evidence, which discriminate between men and women and Muslims and non-Muslims, for cases in which Koranic punishments are to be applied (see Sections 1.c. and 5 [in USSD 2004]). For Hudood cases involving the lesser secular [Tazir] penalties, different weight is given to male and female testimony in matters involving financial obligations or future commitments." **[2b] (section 1e)**

5.36 The USSD 2004 also recorded that "The Government's National Commission on the Status of Women advocated for the repeal of the Hudood Ordinances. On October 26, the National Assembly adopted legislation that requires senior police officials to evaluate the merits of adultery and fornication allegations and requires a court order before a woman can be arrested on such charges." **[2b] (section 4)**

(See also Section 6.B, sub-section on Honour killings)

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QISAS AND DIYAT ORDINANCES

5.37 The US State Department International Religious Freedom Report 2004, published on 15 September 2004, stated that:

"The Penal Code incorporates the doctrines of Qisas ('a life for a life') and Diyat ('money paid as compensation for murder'). Qisas was invoked in tribal areas. For example, victims' families reportedly have been allowed to kill murderers after conviction by a 'jirga' (council of tribal elders). Diyat occasionally was applied as well, particularly in the NWFP, in place of judicial punishment. According to this principle, only the family of the victim, not the Government, may pardon a defendant. Christian activists alleged that when a Muslim kills a non-Muslim, the killer can redress the crime by paying Diyat to the victim's family; however, a non-Muslim who kills a Muslim does not have that option and must serve a jail sentence or face the death penalty. The compensation paid to the family of a non-Muslim or a woman is also less than that offered to a man." **[2a] (section II)**

5.38 The US State Department Report 2004 (USSD), published on 28 February 2005 recorded that "The Penal Code allows for the victim or his/her family to pardon criminal defendants in exchange for monetary restitution (Diyat) or physical restitution (Qisas). While Diyat was invoked, particularly in NWFP and in honor cases in Sindh, it was not known that Qisas have been used." **[2b] (section 1e)**

(See also Section 5, sub-section on Shari'a Law**)**

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BLASPHEMY LAWS

5.39 The US State Department International Religious Freedom Report 2004, published on 15 September 2004 reported that:

"The 'blasphemy laws' are contained in Sections 295, 296, 297, and 298 of the Penal Code and address offenses relating to religion. Section 295(a), a colonial-era provision, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. In 1991 this sentence was increased to 10 years. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for 'whoever willfully defiles, damages, or desecrates a copy of the holy Koran.'

In 1986 another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling 'the sacred name of the Holy Prophet Mohammed.' In 1991 a court ruled invalid the option of life imprisonment for this offense. Section 296 outlaws voluntary disturbances of religious assemblies, and Section 297 outlaws trespassing on burial grounds. Section 298(a), another colonial-era provision, forbids the use of derogatory remarks about holy personages. Personal rivals and the authorities have used these blasphemy laws, especially Section 295(c), to threaten, punish, or intimidate Ahmadis, Christians, and Muslims. No person has been executed by the State under any of these provisions; however, some persons have been sentenced to death, or have died while in official custody…The blasphemy laws also reportedly have been used to 'settle scores' unrelated to religious activity, such as intra-family or property disputes. Information related to blasphemy cases is difficult to obtain because records often are not maintained properly in prisons and courts; however, according to CLAAS [Centre for Legal Aid Assistance and Settlement], 14 new blasphemy cases were registered during the period covered by this report; 12 of the accused are Muslims, and 2 are Christians." **[2a] (section II)**

5.40 The US State Department Report on International Religious Freedom 2004 also noted that:

"President Musharraf attempted to modify the blasphemy laws in April 2000. In an attempt to reduce the number of persons who are accused wrongly under the laws, the reform would have required complainants to register new blasphemy cases with the local deputy commissioners instead of with police officials. However, religious and sectarian groups mounted protests against the proposed change, and some religious leaders stated that if the laws were changed, even procedurally, persons would be justified in killing blasphemers.

In May 2000, in response to increasing pressure and threats, Musharraf abandoned the proposed reforms to the blasphemy laws." **[2a] (section II)**

5.41 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"Complaints under the blasphemy laws, which prohibit derogatory statements or action against Islam, the Koran, or the prophets, were used to settle business or personal disputes and to harass religious minorities or reform-minded Muslims. Most complaints were filed against the majority Sunni Muslim community. Most blasphemy cases were ultimately dismissed at the appellate level; however, the accused often remained in jail for years awaiting a final verdict. Trial courts were reluctant to release on bail or acquit blasphemy defendants for fear of violence from religious extremist groups. On October 26, the National Assembly passed a bill that revises the complaint process and requires senior police officials' review of such cases in an effort to eliminate spurious charge. During the year, there were 8 persons convicted under the blasphemy laws and another 50 ongoing cases." **[2b] (section 2c)**

5.42 A 2005 Freedom House report on Pakistan reported that:

"Human rights groups say that instances of Muslims bribing low-ranking police officials to file false blasphemy charges against Ahmadis, Christians, Hindus, and occasionally other Muslims have been increasing in recent years…To date, appeals courts have overturned all blasphemy convictions, but suspects are generally forced to spend lengthy periods in prison, where they are subject to ill-treatment, and they continue to be targeted by religious extremists after they are released." **[19a] (p481-482)**

5.43 The USSD 2004 noted that "On October 26, the National Assembly passed a bill that revises the complaint process and requires senior police officials' review of such cases in an effort to eliminate spurious charge. During the year, there were 8 persons convicted under the blasphemy laws and another 50 ongoing cases." **[2b] (section 2c)** However, Amnesty International's Annual Report 2005 stated that "However, the amendments had not been signed into law by the end of the year". **[4e] (p3)**

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NATIONAL ACCOUNTABILITY BUREAU (NAB)

5.44 A 2005 Freedom House report on Pakistan stated that "A November 1999 ordinance vested broad powers of arrest, investigation, and prosecution in a new National Accountability Bureau and established special courts to try corruption cases." **[19a] (p482-483)**

5.45 The Homepage of NAB's website, accessed 22 July 2005, states that "NAB is a statutory body enjoying total operational independence. The Chairman is appointed for fixed tenure by the President in consultation with Chief Justice of the Supreme Court." **[26a]**

5.46 A NAB organisational chart, accessed on 22 July 2005, shows that NAB operates in Baluchistan [Balochistan], Sindh, Punjab, the North West Frontier Province and Rawalpindi, and is organised as follows:

"Identification and Inquiry Wing is the feeding point of all operations… Investigation Wing is headed by a Director, assisted by case officer to guide and monitor the process of investigation. All investigations are conducted by a team of Case Officer, Investigation Officer, a lawyer, and relevant expert…[Prosecution Wing] This Wing is responsible for preparation filing and pursuance in a court of law up to and including appeal stage…[Financial Crime Investigation Wing] Headed by Senior Executive Vice President, is a forensic accounting investigation team…[Overseas Operations Cell] Is responsible for liaison with international agencies for investigation, mutual legal assistance, extraditions and issuance/execution of Red Warrants. It is also responsible for tracing of international assets of accused persons…Administration wing in NAB/RABS is responsible for logistics, budgets and central registry subjects." **[26b]**

5.47 The US State Department Report 2004 (USSD), published on 28 February 2005 noted that:

"Special rules apply to cases brought by the NAB or before antiterrorist courts. Suspects in NAB cases may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, are not allowed access to counsel. Accountability courts may not grant bail; the NAB chairman has sole power to decide if and when to release detainees. **[2b] (section 1d)** …Special accountability courts try corruption cases (see Section 1.d. [in USSD 2004]), including defaults on government loans by wealthy debtors, brought by the NAB. The NAB has not targeted genuine business failures or small defaulters. Accountability courts are expected to try cases within 30 days. In accountability cases, there is a presumption of guilt. Despite government claims that NAB cases would be pursued independent of an individual's political affiliation, opposition politicians were more likely to be prosecuted (see Section 1.d. [in USSD 2004]); however, in November [2004], NAB issued orders for sitting Minister of Kashmir and Northern Areas Faisal Saleh Hayat to appear in court on corruption charges originally filed in 2000. NAB prosecuted no serving members of the military or judiciary." **[2b] (section 1e)**

5.48 A BBC news report of 22 February 2005, noting that the Government had failed to get the Supreme Court to withdraw the above-mentioned corruption case (filed against Hayat prior to his defection from the Pakistan's Peoples Party) stated that "The NAB was originally constituted by President Musharraf to probe allegations of corruption against previous and incumbent officials and those who hold public office. But opposition parties say during the last few years the organisation has been used for witch-hunt and to pressurise politicians into changing loyalty." **[35g] (p1-2)**

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ARBITRARY ARREST

5.49 The US State Department Report 2004 (USSD), published on 28 February 2005 stated that:

"The law prohibits arbitrary arrest and detention; however, in practice the authorities did not always comply with the law. The District Coordinating Officer (DCO) may order preventive detention for up to 90 days; however, human rights

monitors reported instances in which prisoners have been held in preventive detention for up to 6 months. Human rights organizations charged that a number of individuals affiliated with terrorist organizations were held in preventive detention indefinitely. Under the criminal code, police may hold a suspect in investigative detention for 24 hours. A magistrate may permit continued detention for up to 14 days if necessary to complete the investigation. In corruption cases, the National Accountability Board (NAB) may hold suspects indefinitely, provided judicial concurrence is granted every 15 days (see Section 1.e [in USSD 2004])." **[2b] (section 1d)**

5.50 The USSD 2004 also noted that:

"A First Information Report (FIR) is the legal basis for all arrests. Police are to issue FIRs provided complainants offer reasonable proof that a crime has been committed. A FIR allows police to detain a named suspect for 24 hours after which only a magistrate can order detention for an additional 14 days, and then only if police show such detention is material to the investigation. In practice, the authorities did not fully observe these limits on detention. FIRs were frequently issued without supporting evidence as part of harassment or intimidation. Police routinely did not seek magistrate approval for investigative detention and often held detainees without charge until a court challenged them. Incommunicado detention occurred (see Section 1.c. [in USSD 2004]). When asked, magistrates usually approved investigative detention without reference to its necessity. In cases of insufficient evidence, police and magistrates colluded to continue detention beyond the 14-day period provided in the law through the issuance of new FIRs. The police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Some women continued to be detained arbitrarily and sexually abused (see Sections 1.c. and 5. [in USSD 2004]). Police also detained relatives of wanted criminals in order to compel suspects to surrender (see Section 1.f. [in USSD 2004])." **[2b] (section 1d)**

5.51 A Human Rights Watch report on Pakistan dated January 2005 recorded that "The government continued to use the National Accountability Bureau (NAB) and a host of anti-corruption and sedition laws to jail political opponents or blackmail them into changing their political stance or loyalties or at the very least to cease criticizing the military authorities." **[13a] (p3)** Furthermore, Amnesty International's 2005 Annual Report on Pakistan, covering the year 2004, noted that:

"The Anti Terrorism Act (ATA) was amended in October [2004] to provide life imprisonment for supporters of "terrorists" and to allow police to seize the passports of "terrorist" suspects. In April [2004], the Supreme Court ruled that those convicted of "terrorism" could not benefit from provisions under the law relating to murder, which allow the heirs of the victims to forgive the offender at any stage, thereby ending criminal proceedings.

Scores of people were arrested during demonstrations or for allegedly belonging to banned organizations. Most were released after several hours but some were held for prolonged periods in arbitrary and incommunicado detention. Some remained "disappeared" for longer periods despite families' efforts to trace them through the courts." **[4e] (p1)**

5.52 Lahore High Court's Instructions to Criminal Courts, accessed 22 July 2005, state that it is mandatory to maintain a Daily Station Diary of investigations made under Chapter XIV of the Code of Criminal Procedure. **[29d] (p3)**

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DEATH PENALTY

5.53 The US State Department International Religious Freedom Report 2004, published on 15 September 2004 reported that "Actions or speech deemed derogatory to Islam or to its prophets are punishable by death." **[2a] (section II)** It further noted that

"In 1986 another amendment [to the Penal Code] Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling 'the sacred name of the Holy Prophet Mohammed.' In 1991 a court ruled invalid the option of life imprisonment for this offense. Section 296 outlaws voluntary disturbances of religious assemblies, and Section 297 outlaws trespassing on burial grounds. Section 298(a), another colonial-era provision, forbids the use of derogatory remarks about holy personages. Personal rivals and the authorities have used these blasphemy laws, especially Section 295(c), to threaten, punish, or intimidate Ahmadis, Christians, and Muslims. No person has been executed by the Government under any of these provisions; however, some persons have been sentenced to death, or have died while in official custody." **[2a] (section II)**

5.54 An Amnesty International Press Release of 9 December 2004 reported that:

"A full bench of the Lahore High Court on 6 December 2004 revoked the JJSO [Juvenile Justice System Ordinance], reportedly finding it *'unreasonable, unconstitutional and impracticable'*. The High Court decision means that juvenile courts will be abolished and children will once again be tried in the same system as adults and can be sentenced to death. Convictions of juveniles who were spared the death penalty while the JJSO was in force between 2000 and December 2004, will not be affected by this judgement but cases pending against juveniles in juvenile courts will be transferred to regular courts…

The Juvenile Justice System Ordinance which came into force in July 2000, abolished the death penalty for people under 18 at the time of the offence, in most parts of the country. However, the Ordinance was not extended to the Provincially and Federally Administered Tribal Areas in the north and west. One young man, Sher Ali, was executed in the Provincially Administered Tribal Area in November 2001 for a murder committed in 1993 when he was 13 years old. To Amnesty International's knowledge, no other juvenile has been executed in Pakistan since 1997.

Only in October 2004, Amnesty International welcomed the extension of the JJSO to the The [sic] Provincially Administered Tribal Areas (PATA). Federally Administered Tribal Areas (FATA), the Northern Areas and Azad Jammu and Kashmir remained outside its ambit." **[4c] (p1)**

5.55 A June 2005 publication by Amnesty International, 'Death Penalty News', stated that "Appeals against the revocation by the Lahore High Court in December 2004 of the Juvenile Justice System Ordinance, which banned the execution of

child offenders, (see DP News December 2004) are currently pending in the Supreme Court of Pakistan. The revocation has been stayed until the Supreme Court reaches a decision." **[4f] (p5)**

5.56 Amnesty International's Annual Report 2005, covering events between January – December 2004, noted that "At least 394 people were sentenced to death and 15 were executed." **[4e] (p1)**

(See also Section 6.A, sub-section on Policies and Constitutional provisions **– no death penalty for converts from Islam)**

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INTERNAL SECURITY

POLICE

5.57 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"Police have primary internal security responsibilities, although paramilitary forces, such as the Rangers and the Frontier Constabulary, provide support in areas where law and order problems are acute. Provincial governments control police and the paramilitary forces when they assist in law and order operations. During some religious holidays, the regular army was deployed in sensitive areas to help maintain public order. The civilian authorities maintained control of the security forces; however, there were instances when local police acted independently of government authority. Some members of the security forces committed numerous serious human rights abuses." **[2b] (introduction)**

5.58 The USSD 2004 also noted that, "The Government frequently investigated police officials for extrajudicial killings; however, failure to discipline and prosecute consistently and lengthy trial delays contributed to a culture of impunity." **[2b] (section 1a)** …"Corruption was most prominent among Station House Officers (SHO), who ran each precinct. Some reportedly operated arrest for ransom operations and established unsanctioned stations to increase illicit revenue collection." **[2b] (section 1d)**

(See also Section 6.A, sub-section on Police **and Section 5, sub-section on** Arbitrary arrest**)**

ARMY

5. 59 On 24 December 2003, the BBC reported that:

"Pakistan's military has directly and indirectly managed the country's affairs for more than half the period of it's [sic] independence…In a country riven by ethnic and sectarian divisions, the military, dominated by the majority Punjabi and influential Pashtun communities, saw itself as the only truly national institution. Its long stints in power during which civilian institutions were stunted have given it the ability to subvert civilian institutions. This power grew significantly after military dictator General Zia ul-Haq helped US President Ronald Reagan's war against Soviet forces in Afghanistan. At this time Islamists secured their position in the elite and encouraged their cadres to join the army as officers. This

resulted in a polarisation between religious and secular schools that would divide the force for years…Pervez Musharraf's coup in 1999 strengthened the secular tendencies in the army, but has not guaranteed its permanence. The domestic political consequences of Islamabad joining the war on terror, the withdrawal of Inter Services Intelligence [ISI – see following sub-section] support from the Taleban and militants fighting in Kashmir, and the sectarian violence across Pakistan, mean that national politics remain febrile, and stability fragile. The army's hold is being contested in many areas, and this is often viewed by the establishment as a threat to national integrity." **[35h] (p1-2)**

5.60 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that "According to press reports, the Pakistan Armed Forces were responsible during the year for approximately 65 civilian casualties that occurred during its offensives against suspected terrorists hiding in the Federally Administered Tribal Areas (FATA)." **[2b] (section 1a)**

INTER-SERVICES INTELLIGENCE (ISI)

5.61 A 2005 entry on website 'encyclopedia.thefreedictionary.com' stated that:

"The Directorate for Inter-Services Intelligence (also Inter-Services Intelligence or I.S.I.) is the principal intelligence body of the nation of Pakistan. The ISI provided most of the operational and organizational leadership during the U.S -funded insurgency in Afghanistan against the USSR. It was also critical in supporting the Taliban in Afghanistan. India accuses the ISI of supporting rebels in the separatist Kashmir region, but Pakistan maintains that the ethnic instability in India is playing out in Kashmir by indigenous freedom fighters.

The ISI was founded in 1948 to serve as the Intelligence Bureau for Pakistan. A British army officer, Maj Gen R Cawthome, then Deputy Chief of Staff in the Pakistan Army, created it. Field Marshal Ayub Khan, the president of Pakistan in the 1950s, expanded the role of ISI in safeguarding Pakistan's interests, monitoring opposition politicians, and sustaining military rule in Pakistan.

The ISI is tasked with collection of foreign and domestic intelligence; co-ordination of intelligence functions of the three military services; surveillance over its cadre, foreigners, the media, politically active segments of Pakistani society, diplomats of other countries accredited to Pakistan and Pakistani diplomats serving outside the country; the interception and monitoring of communications; and the conduct of covert offensive operations." **[39] (p1)**

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PRISONS AND PRISON CONDITIONS

5.62 The website, 'Foreign Prisoners Support Service', last updated on 24 June 2004, reported that:

"Under the 1962 West Pakistan Jail Warden Service Rules, prisons are managed by a career prison service, which sets qualifications for wardens, but these guidelines are reportedly not well observed. The service is organized by province under an inspector general of prisons. At division level, the senior official is the director of prisons, and there are jail superintendents at district and

municipal levels. Simple lockups are maintained in some villages. There are some female wardens to handle female prisoners, but more are needed.

Prisons are not salubrious places. The common criminal from a poor background is assigned to Class C confinement, with virtually no amenities. Abuse is common. Prisoners of higher social status are assigned to Class B prisons, where conditions are better, and they can procure better food and some amenities from their own pocket. Class A prisons are for 'prominent' offenders. Conjugal visits are not the rule but are allowed in some cases.

Juveniles are handled separately in both the court system and in confinement. The criminal code prescribes special courts for offenders under age fifteen unless they are charged with a particularly serious offense and a high court orders that they be tried before a regular sessions court. There are juvenile wards in regular jails for offenders up to age twenty-one. In addition, a few reform institutions for boys between eleven and twenty years of age attempt to rehabilitate young offenders.

The Pakistan Prisons Act of 1894 and the Prison Rules of Pakistan, both relics from the colonial era, permit the use of whipping as a punishment in prisons. They also permit the use of fetters and chains as instruments of restraint and punishment under certain conditions." **[42] (p1-2)**

5.63 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"Prison conditions were extremely poor, except those for wealthy or influential prisoners. Overcrowding was widespread. According to HRCP [Human Rights Commission of Pakistan], there were 85,000 prisoners occupying 87 jails originally built to hold a maximum of 36,075 persons. Nine prisoners died in the Faisalabad Jail due to a lack of medical assistance." **[2b] (section 1c)**

5.64 The USSD 2004 also noted that:

"On December 5 [2004], the Lahore High Court struck down the Juvenile Justice System Ordinance, designed to protect the rights of children, on the grounds of being unconstitutionally vague. At year's end, the judgment [sic] remained in abeyance during appeals to the Supreme Court. Child offenders were generally kept in the same prisons as adults, albeit in separate barracks. Children in prison were subjected to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs estimated 3,000 children were in prison at year's end. Child offenders could alternatively be sent to one of two residential reform schools in Karachi and Bahawalpur until they reached the age of majority. Abuse and torture reportedly also occurred at these facilities. Nutrition and education were inadequate. Family members were forced to pay bribes to visit children or bring them food. Facility staff reportedly trafficked drugs to children incarcerated in these institutions." **[2b] (section 1c)**

5.65 The USSD 2004 further recorded that:

"Special women's police stations with all female staff have been established in response to complaints of custodial abuse of women, including rape. The Government's National Commission on the Status of Women claimed the stations did not function effectively in large part due to a lack of resources.

Court orders and regulations prohibit male police from interacting with female suspects, but women were often detained and interrogated at regular stations. Instances of abuse of women in prisons were less frequent. Sexual abuse of child detainees by police or guards reportedly also was a problem…Female detainees and prisoners were held separately from male detainees and prisoners. According to women's rights NGOs, there were approximately 3,000 women in jail nationwide at year's end. Pretrial detainees often were not segregated from convicted criminals." **[2b] (section 1c)**

5.66 The USSD 2004 further stated that:

"There were reports of prison riots. On September 2 [2004], a riot broke out in the Sargodha district jail following the death of an inmate, allegedly from torture. Four inmates were killed and six guards and several inmates were injured. Several guards were briefly held hostage. The riots ended when an autopsy showed that the inmate in question died of a heart attack rather than torture. In the Sialkot prison riot of July 2003, 17 police officials were charged. None had been arrested by year's end." **[2b] (section 1c)**

5.67 The Integrated Regional Information Networks, IRINNEWS.ORG, reported on 18 April 2005 that:

"Pakistan's leading child rights organisation has started renovation work at the main juvenile prison facility in the provincial capital of Pakistan's North West Frontier Province (NWFP), Peshawar. The physical condition of almost all 22 jails in the province is grim, a rights activist told IRIN, with little renovation work having been carried out in more than half a century in most cases.

'This is a part of our overall programme to improve the living conditions of juveniles in prisons throughout the country by providing them with recreational facilities and improving drinking water and sanitation systems,' Arshad Mehmood, deputy national coordinator of the child rights' body, the Society for the Protection of the Rights of the Child (SPARC), told IRIN from Peshawar.

According to the SPARC official, out of a total [sic] some 256 juvenile prisoners in the NWFP, the juvenile section of Peshawar central jail houses some 193 children in three blocks. Here, renovation is going in with financial support from the Swiss Agency for Development and Cooperation (SDC).

Jail conditions have long been a major concern for rights activists, since complaints regarding inadequate food, poor sanitation and lack of medical care in overcrowded jails are common, according to the 2004 annual report of a leading human rights body, the Human Rights Commission of Pakistan (HRCP).

According to an interior ministry report released in June 2004, 73 prisons in the country held more than 80,000 prisoners against a permitted capacity of 35,365 inmates.

Given the prevailing conditions, the HRCP report said, riots erupted in about eight jails across the country on several occasion[s] during 2004. Prisoners in Multan, Faisalabad, and Lahore jails went on hunger strike to protest against inhumane conditions in prisons and the provision of unhygienic food.

As of December 2004, over 2,500 male juvenile offenders were imprisoned in various jails across the country, Mehmood said, noting, 'the number of female juvenile inmates is not known since they are counted with adult female prisoners in all four provinces.' **[41f]**

(See also Section 6.A, sub-section on Torture**)**

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MILITARY SERVICE

5.68 The Child Soldiers Global Report on Pakistan reports that:

"The Pakistan National Service Ordinance of 1970 regulates national service. It states that officers and jawans (soldiers) may be recruited between the ages of 17 and 23, although they must have at least a year's training before participating in active service. Those in technical services, such as signals and nursing, may be recruited between the ages of 16 and 23. The 1952 Pakistan Army Act allows compulsory military service to be introduced in times of emergency, but this provision has not been used.

There were no statistics on the number of under-18s serving in government armed forces.

A number of cadet colleges admit children from the age of ten. The government has said that the colleges are focused exclusively on academic pursuits and that no military training is provided. The pupils are not considered members of the army and may choose whether or not to join the armed forces after completing schooling and attaining the age of 18. The minimum entrance age to Pakistan's higher military academies was not known. **[16] (p1)**

MEDICAL SERVICES

5.69 The World Health Organisation's (WHO's) Country Profile on Pakistan updated August 2004 advised that, for every 10,000 people, there were 7.3 physicians, 0.40 dentists, 3.4 pharmacists, 4.7 nursing and midwifery personnel and 6.8 hospital beds. **[5] (p2)** In 2005, the website Medics Travel published a list of medical organisations in Pakistan, including hospitals in Lahore, Islamabad, Karachi, Rawalpindi and some rural areas. (see source **[15]**)

5.70 The US State Department's Consular Information Sheet on Pakistan, dated 20 July 2005 and current as at 25 July 2005, reported that "Adequate medical care is available in major cities in Pakistan but is limited in rural areas. With the exception of the Agha Khan Hospital in Karachi, Doctors Hospital in Lahore, and Shifa International Hospital in Islamabad, Americans may find hospital care and cleanliness below U.S. standards." **[2c] (p4)**

5.71 The US State Department Report 2004 (USSD), published on 28 February 2005, reported that "Child health care services remained seriously inadequate. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition. While boys and girls

had equal access to government facilities, families were more likely to seek medical assistance for boys." **[2b] (section 5)**

5.72 The USSD 2004 also reported that "Those suffering from HIV/AIDS faced broad societal discrimination. While the Government has launched education and prevention campaigns, these have done little to protect victims." **[2b] (section 5)**

5.73 An April 2005 Health Profile on Pakistan by USAID (US Agency for International Development) stated that:

"Despite Pakistan's current low prevalence, several socioeconomic conditions conducive to the spread of HIV exist within the country, including poverty and low levels of education and literacy…In 1988, shortly after the first diagnoses of HIV/AIDS in the country, the Ministry of Health of the Government of Pakistan established the National AIDS Control Programme (NACP), based at Pakistan's National Institute of Health…With FHI [Family Health International], USAID supports the NACP in the promotion of HIV/AIDS awareness and healthy behaviors through information, education, and communication programs on the risk factors for HIV…In 2004, activities were initiated in three cities to support local nongovernmental organizations in the development of youth awareness programs…In its work with seven Pakistani nongovernmental organizations in three large urban areas, FHI has educated 30,000 young people on risk factors and prevention strategies regarding HIV infection." **[3] (p1-3)**

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EDUCATIONAL SYSTEM

5.74 Europa Regional Surveys of the World: South Asia 2005 states that "Universal and free primary education is a constitutional right, but education is not compulsory. Primary education begins at five years of age and lasts for five years. Secondary education, beginning at the age of 10, is divided into two stages, of three and four years respectively. **[1] (p469)** Europa records the adult literacy rate as being 44.0 per cent (males 58.2 per cent, females 28.8 per cent) in 2001, and that there were 29 universities/degree-awarding institutes in the country. **[1] (p442)**

5.75 The US State Department Report 2004 (USSD), published on 28 February 2005, further notes that:

"The Government does not demonstrate a strong commitment to children's rights and welfare through its laws and programs. There is no federal law on compulsory education. Public education is free; however, fees were charged for books, supplies, and uniforms. Public schools, particularly beyond the primary grades, were not available in many rural areas, leading parents to use the parallel private Islamic school (madrassa) system. In urban areas, many parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system.

According to a foreign aid organization, out of 18 million children between ages 5 and 9, only 42 percent were in school. Less than half of children who enrolled completed more than 5 years of education. Out of every 100 children who enrolled, only 6 complete grade 12. The national literacy rate of 38 percent showed a significant gap between males (50 percent) and females (24 percent) due to historical discrimination against educating girls. While anecdotal

evidence suggested increasing female participation in education, such discrimination continued, particularly in rural areas." **[2b] (section 5)**

5.76 The USSD 2004 continues:

"Madrassas served as an alternative to the public school system in many areas. Many madrassas failed to provide an adequate education, focusing solely on Islamic studies. Graduates were often unable to find employment. A few madrassas, particularly in the Afghan border area, reportedly continued to teach religious extremism and violence. The Government continued its efforts to modernize madrassa education during the year. An agreement was reached with the country's five independent madrassa boards to register the 85 percent of madrassas under their control and to introduce a modern educational curriculum. Government funding has been allocated in the budget to assist with teacher training.

At the vast majority of madrassas, students were reasonably well-treated. However, press reports claimed that there were some madrassas where children were confined illegally, kept in unhealthy conditions, and physically or sexually abused." **[2b] (section 5)**

5.77 Following the London suicide bombings on 07 July 2005, the BBC reported that:

"News that one of the London suicide bombers studied at a Muslim religious school – or madrassa – in Pakistan has once again raised questions over the country's sprawling system of religious education and what it is producing…It is widely acknowledged that most madrassas are moderate institutions, providing much needed education and board and lodgings for poorer students. The Koran is studied intensively. But are some of them 'breeding-grounds of terror'? It is estimated that there are now around 20,000 madrassas in Pakistan, compared to around 137 at the time of partition. According to the Pakistani newspaper, The News, there are today around 1.7m students who attend such institutions, mainly from poor rural families. The reasons for the huge growth in the number of madrassas dates back to 1979, when the Soviet Union's invasion of Afghanistan led to large amounts of money flowing into Pakistan from the West and countries in the Gulf. Much of this money was directed towards madrassas, and was used by anti-Soviet Mujahideen groups to provide religious and military training for thousands of young fighters prepared to fight the Russians. Students ('talebs') from Pakistani madrassas were often in the frontlines of the Mujahideen groups that drove the Soviets out of Afghanistan. Most members of the Taleban government overthrown by the Americans following the 11 September, 2001 attacks in the United States had attended madrassas in Pakistan. Hardliners trained in madrassas have also been blamed for outbreaks of sectarian violence over the last decade in Pakistan in which hundreds of Shias and Sunnis have been killed. Critics of the madrassas focus on the narrow curriculum often taught. 'Many students develop an intolerant, prejudiced... and narrow-minded view of the world,' says Pakistani journalist Ahmed Rashid. He says that a few hardline madrassas in Pakistan employ teachers sympathetic to al-Qaeda, who encourage students to join extremist groups in Kashmir and Chechnya. 'They gradually become radicalised through this process,' he says, 'so that it would be no surprise if they ended up joining al-Qaeda.' Many conservative Pakistani families in Britain and elsewhere in the West send their children to madrassas in Pakistan for between six to nine months to complete their children's education." **[35x] (p1-2)**

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6 Human rights

6.A HUMAN RIGHTS ISSUES

GENERAL

OVERVIEW

6.01 The US State Department Report 2004 (USSD), published on 28 February 2005, reported that:

"The Government's human rights record remained poor; although there were some improvements in several areas, serious problems remained. In 2002, citizens participated in national government elections, although many observers found serious flaws in their legal framework. Local police used excessive force and committed or failed to prevent extrajudicial killings. Sectarian killings continued to be a problem. Police abused and raped citizens. Prison conditions remained extremely poor, and police arbitrarily arrested and detained citizens. Some political leaders remained imprisoned or in exile abroad. Case backlogs led to long delays in trials, and lengthy pretrial detention was common. The judiciary was subject to executive and other outside influence. Corruption and inefficiency remained severe problems. The Government violated due process and infringed on citizens' privacy rights. The press was partly free and in some instances, the Government took retaliatory actions against media outlets and journalists; however, media criticism of security forces and the Government continued to increase during the year." **[2b] (introduction)**

6.02 The USSD 2004 also noted that:

"The Government imposed some limits on freedom of association, religion, and movement. Governmental and societal discrimination against religious minorities remained a problem. Domestic violence against women, rape, and abuse of children remained serious problems. Honor killings continued; however, new legislation stiffens penalties for honor killings; and criminal procedures for the blasphemy laws and Hudood Ordinances were changed to prevent abuses. Discrimination against women was widespread, and traditional social and legal constraints generally kept women in a subordinate position in society. Trafficking in women and children for the purposes of forced prostitution and bonded labor, and the use of child labor remained widespread. Workers' rights were restricted, and debt slavery remained a problem." **[2b] (introduction)**

(See also Section 6.B, sub-sections on Domestic violence and Honour killings)

6.03 A Human Rights Watch report on Pakistan dated January 2005 stated that:

"Since President Pervez Musharraf seized office in a military coup d'etat five years ago, Pakistan's military has acted with increasing impunity to enforce its writ over the state and to protect its grip on Pakistan's economic resources, especially land. For instance, in the Okara district of the military's traditional stronghold of Punjab, paramilitary forces acting in conjunction with the army

killed and tortured farmers who refused to cede their land rights to the army. [BUT see paragraph 6.4, below] Other pressing human rights concerns in the country include a rise in sectarian violence; legal discrimination against and mistreatment of women and religious minorities; arbitrary detention of political opponents; harassment and intimidation of the media; and lack of due process in the conduct of the 'war on terror' in collaboration with the United States. A major military offensive against alleged Taliban and Al-Qaeda forces in the South Waziristan area bordering Afghanistan resulted in massive displacement of civilians and scores of deaths." **[13a] (p1)**

6.04 With reference to paragraph 6.3, above, the USSD 2004 stated that "Unlike in previous years, there were no reports of paramilitary forces or the army torturing or killing farmers for refusing to sign contracts ceding their land rights to the Army in Okara." **[2b] (section 1c)**

6.05 A 2005 Freedom House report on Pakistan, last updated 11 August 2005, noted that:

"The constitution and other laws authorize the government to curb freedom of speech on subjects including the constitution, the armed forces, the judiciary, and religion; blasphemy laws have also been used to suppress the media…Pakistan is an Islamic republic, and there are numerous restrictions on religious freedom…Religious minorities also face unofficial economic and societal discrimination and are occasionally subjected to violence and harassment. The government often fails to protect religious minorities from sectarian violence, and discriminatory legislation contributes to creating a general climate of religious intolerance.

The government generally does not restrict academic freedom. However, student groups, some of whom have ties to radical Islamist organizations, violently attack or otherwise intimidate students, teachers, and administrators at some universities, which contributes to a climate of intolerance…Despite legislation outlawing bonded labor and canceling enslaving debts, illegal bonded labor continues to be widespread; a November [2004] BBC report estimated that at least five million laborers are bonded to their employers…Feudal landlords and tribal elders throughout Pakistan continue to adjudicate some disputes and impose punishment in unsanctioned parallel courts called *jirgas*. A 2002 Amnesty International report raised concerns that the jirgas abuse a range of human rights and are particularly discriminatory toward women." **[19a] (p481-483)**

6.06 Amnesty International's 2005 Annual Report on Pakistan, covering the year 2004, recorded that:

"Arbitrary arrests and detentions in the context of the "war on terror" continued. Several people reportedly "disappeared". In the tribal areas, arbitrary arrests and possible extrajudicial executions were reported during security operations. The government failed to control sectarian violence which cost hundreds of lives. The blasphemy laws continued to be used to prosecute members of minorities. Government initiatives to improve protection of rights of women and juveniles provided only limited relief. Some children continued to be prosecuted as adults. At least 394 people were sentenced to death and 15 were executed." **[4e] (p1)**

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HUMAN RIGHTS GROUPS

6.07 The US State Department Report 2004 (USSD), published on 28 February 2005, reported that:

> "A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. They are required to be registered, although this requirement was not generally enforced. Government officials often were cooperative and responsive to their views. Human rights groups reported that they generally had good access to police stations and prisons. The HRCP [Human Rights Commission of Pakistan] continued to investigate human rights abuses and sponsor discussions on human rights issues during the year.
>
> International observers were permitted to visit the country and travel freely. The Government generally cooperated with international governmental human rights organizations. The ICRC [International Committee of the Red Cross] had a delegation in country." **[2b] (section 4)**

6.08 The USSD 2004 also noted that "The Government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers with some restrictions (see Section 1.d. [in USSD 2004]). Visits by local human rights monitors occurred during the year; however, the International Committee of the Red Cross (ICRC) was denied access to alleged terrorist detainees." **[2b] (section 1c)**

6.09 The USSD 2004 further reported that:

> "The National Assembly Standing Committee on Law, Justice, and Human Rights held hearings on a number of issues during the year, including honor crimes, the Anti-Defamation Law, the Blasphemy Law, and the Hudood Ordinance. While the Committee served as a useful forum to raise public awareness of such issues, its final action generally adhered to government policy. The Senate Standing Committee on Law, Justice, and Human Rights debated a number of issues of significant concern during the year and published a well-regarded investigatory report into the 2002 and 2003 dispute at Okara Farms in which security force personnel were implicated in abuse. The Parliamentarians Commission for Human Rights, an inter-party caucus of parliamentarians, was active in lobbying for reform in key areas. **[2b] (section 4)**

6.10 The US State Department report for International Religious Freedom 2004, published on 15 September 2004, noted that "The government provided protection to human rights lawyers defending accused blasphemers following threats and attacks on lawyers by religious extremists." **[2a] (section II)** The report also recorded that "A 3-year Human Rights Mass Awareness and Education Project, begun by the Government in 2001 with funding from the Asian Development Bank, was ongoing during the period covered by this report. Several nongovernmental organizations (NGOs) were engaged actively in the process." **[2a] (section II)**

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POLICE

6.11 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"The police force was generally considered ineffective, abusive, and corrupt. Failure to punish abuses created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. Police charged fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Persons paid police to humiliate their opponents and to avenge their personal grievances. Corruption was most prominent among Station House Officers (SHO), who ran each precinct. Some reportedly operated arrest for ransom operations and established unsanctioned stations to increase illicit revenue collection.

The 2002 Police Order was not fully implemented during the year. While the central government has allocated funding for the envisioned reforms, the national, provincial, and local police oversight bodies were not operating in most locations, ostensibly due to disputes between provincial and federal officials as to the scope of their authority." **[2b] (section 1d)**

6.12 The USSD 2004 also noted that:

"The extrajudicial killing of criminal suspects in staged encounters and during torture in custody occurred. Human rights monitors reported that 251 persons were killed in police encounters during the year. Police said that many of these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide; however, family members and the press said that many of these deaths were staged. Unlike in previous years, there were no reports of police killing suspected criminals to prevent them from implicating police in crimes during court proceedings…The Government frequently investigated police officials for extrajudicial killings; however, failure to discipline and prosecute consistently and lengthy trial delays contributed to a culture of impunity." **[2b] (section 1a)**

6.13 The USSD further reported that:

"Special women's police stations with all female staff have been established in response to complaints of custodial abuse of women, including rape. The Government's National Commission on the Status of Women claimed the stations did not function effectively in large part due to a lack of resources. Court orders and regulations prohibit male police from interacting with female suspects, but women were often detained and interrogated at regular stations. Instances of abuse of women in prisons were less frequent. Sexual abuse of child detainees by police or guards reportedly also was a problem." **[2b] (section 1c)**

6.14 The US State Department report on International Religious Freedom 2004, published on 15 September 2004 noted that:

"Police torture and other forms of mistreatment of persons in custody are common…There have been instances in which police have used excessive force against individuals because of their religious beliefs and practices;

however, sometimes it was difficult to determine whether religious affiliation was a factor in police brutality. The police also have failed to act against persons who use force against others because of their religious beliefs. The Government admits that police brutality against all citizens is a problem. However, both the Christian and Ahmadi communities have documented instances of the use of excessive force by the police and police inaction to prevent violent and often lethal attacks on members of their communities." **[2a] (section II)**

6.15 The same report also stated that "The Government also continued to promote human rights awareness in its training of police officers." **[2a] (section II)**

6.16 The publication 'Freedom House – Freedom in the World 2005' reported that:

"Anecdotal evidence suggested that police continue to routinely engage in crime; use excessive force in ordinary situations; arbitrarily arrest and detain citizens; extort money from prisoners and their families; accept money to register cases on false charges; rape female detainees and prisoners; commit extrajudicial killings; and torture detainees, often to extract confessions. According to Human Rights Watch, political opponents, former government officials, and other critics of the regime are particularly at risk of arbitrary arrest or abduction, torture, and denial of basic due process rights at the hands of military authorities." **[19a] (p483)**

(See also Section 5, sub-section on Arbitrary arrest**, re FIRs – First Information Reports)**

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TORTURE

6.17 The US State Department Report 2004 (USSD), published on 28 February 2005, recorded that:

"The Constitution and the Penal Code prohibit torture and other cruel, inhuman, or degrading treatment; however, security forces tortured and abused persons, often to elicit confessions. Ordinary courts at times dismissed such confessions. Under provisions of the Anti-Terrorist Act, coerced confessions are admissible in Special Courts; however, police had not used this provision to obtain convictions.

Security force personnel continued to torture persons in custody throughout the country. Human rights organizations reported that methods used included beating; burning with cigarettes; whipping the soles of the feet; prolonged isolation; electric shock; denial of food or sleep; hanging upside down; and forced spreading of the legs with bar fetters. Officials from the Human Rights Commission of Pakistan (HRCP) estimated 5,000 cases of police torture annually; the Lawyers for Human Rights and Legal Aid Madadgaar Project recorded 1,101 cases of torture during the year. At times, torture resulted in death or serious injury (see Section 1.a. [in USSD 2004])." **[2b] (section 1c)**

6.18 A report on Torture Worldwide by Human Rights Watch issued 27 April 2005 stated that:

"Torture is routinely used in Pakistan by civilian law enforcement agencies, military personnel, and intelligence agencies. While acts of torture by the police are generally aimed at producing confessions during the course of criminal investigations, torture by military agencies primarily serves to frighten a victim into changing his political stance or loyalties or at the very least to stop him from being critical of the military authorities. Suspects are often whipped to the point of bleeding, severely beaten, and made to stay in painful stress positions. A July 2004 Human Rights Watch report focuses on abuses against farming families in the Punjab, including testimony about killings and torture by paramilitary forces." **[13c]**

6.19 An HRCP (Human Rights Commission of Pakistan) Newsletter of July 2004 reported that:

"The fact is that those in jails in each of the four provinces often face a fate as grim as those of the hapless men, and women, at Abu Ghraib [in Iraq]. The use of beatings, torture of various kinds and deliberate humiliation is a reality at virtually every jail in the country. Those held at police lock-ups often suffer still worse abuses, with an alarming number dying each year as a consequence of the beatings or severe torture inflicted on them.

Other hapless citizens, such as the women stripped naked in public, or the population, with all jails in the country severely overcrowded, adds greatly to the difficulties of staff in managing prison affairs. Policies aimed at setting in place community-based restraints and changes in laws to avoid police arresting those accused of petty offences must form a part of any effort to each [sic] a solution. Similarly, an improved level of judicial and police efficiency is crucial to relieve prisons of the large numbers of under-trial prisoners, who often make up the bulk of those held in jails." **[27c] (p1)**

(See also Section 5, sub-section on Prisons and prison conditions**)**

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FREEDOM OF SPEECH AND MEDIA

OVERVIEW

6.20 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"The Constitution provides for freedom of speech and of the press, and citizens generally were free to discuss public issues; however, some journalists were intimidated and others practiced self-censorship.

There were numerous English and Urdu daily and weekly newspapers and magazines. All were independent. The Ministry of Information controls and manages the country's primary wire service, the Associated Press of Pakistan (APP), which is the official carrier of Government and international news to the local media. The few small privately owned wire services practiced self-censorship. Foreign magazines and newspapers were available, and many maintained in-country correspondents who operated freely. Newspapers were free to criticize the Government, and most did. Condemnation of government policies and harsh criticism of political leaders and military operations were

common. The only known retribution against a publication was denial of government advertising for several months to one English-language and one Urdu-language newspaper." **[2b] (section 2a)**

6.21 The USSD also reported that:

"The Government directly owned and controlled Pakistan Television and Radio Pakistan, the only national free electronic broadcasters. The semi-private Shalimar Television Network, in which the Government held the majority ownership stake, expanded its broadcast range during the year. All three reflected the Government point of view in news coverage. Private cable and satellite channels Geo, ARY, Indus, and Khyber all broadcast domestic news coverage and were critical of the Government. Cable and satellite television with numerous international news stations was generally affordable. Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction through talk shows, although they were careful to avoid most domestic political discussions. International radio broadcasts, including from the British Broadcasting Corporation and the Voice of America, were available." **[2b] (section 2a)**

6.22 The USSD 2004 further noted that "The press was partly free and in some instances, the Government took retaliatory actions against media outlets and journalists; however, media criticism of security forces and the Government continued to increase during the year." **[2b] (introduction)** The USSD also stated that:

"The Government directly and indirectly censored the media during the year. For example, on May 9, satellite broadcaster ARY cancelled an interview with opposition politician Shahbaz Sharif due to what its executives termed 'huge government pressure'…Media outlets also practiced self-censorship… Constitutional prohibitions on ridiculing Islam, the armed forces, and the judiciary and blasphemy laws have been used in the past to censor journalists, although there were no reports of the use of these provisions during the year…Many private media organizations were dependent on government advertising revenue, and two major anti-government newspapers were denied government advertising for several months." **[2b] (section 2a)**

6.23 The USSD also advised that:

"An Anti-Defamation Law passed during the year [2004] significantly expanded the definition of and increased penalties for defamatory statements. The Government claimed the Bill's language exempted members of the media, and no member of the media had been prosecuted under the new law.

The Anti-Terrorist Act prohibits the possession or distribution of material designed to foment sectarian hatred or obtained from banned organizations. Court rulings mandate the death sentence for anyone blaspheming against the 'prophets.' The Penal Code provides for life imprisonment for desecrating the Koran and up to 10 years in prison for insulting another's religious beliefs with the intent to outrage religious feelings (see Section 2.c. [in USSD 2004])." **[2b] (section 2a)**

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JOURNALISTS

6.24 The Third Annual IFJ [International Federation of Journalists] Press Freedom Report for South Asia (2004-2005) reported that:

"Several uncomfortable patterns have crystallised this year in terms of attacks and intimidation of media in Pakistan. For instance, more journalists and media organisations were attacked and intimidated this year [mid-year 2004-2005] (at least 120 journalists), than in the previous year (about 70). The worst case was when two journalists were gunned down in cold blood, putting Pakistan among the grim list of countries in the world where journalists have been killed…The range of media intimidation varied from attacks at the office, in the field and in at least two instances even at home. The growing variety of identified intimidators of the media was also troubling: the government, military, police, intelligence agencies, religious groups and even political parties were involved. Worryingly, in some cases the identity of the attackers also remains a mystery. This year's targets of media intimidation expanded from last year's list of newspapers, journalists, freelancers and television stations to include independent radio. Censorship took its familiar form of press advice from the government, the banning of publications, a ban on government advertising for newspapers, and in selective instances, controlling or regulating content." **[21] (p24)**

6.25 The above report gave details of attacks and restrictions. **[21] (p70-74)** The Committee to Protect Journalists issued an article of instances of attacks and restrictions on the press in 2005; see source **[22]** for full details. Reporters Without Borders [Reporters Sans Frontieres - RSF] also issued an annual report for 2005 highlighting instances where journalists had been attacked and restricted. Their report noted that:

"The authorities regularly targeted journalists deemed to be harming the country's interests. Armed forces spokesman Gen. Shaukat Sultan in September [2004] accused the Pakistani media of 'selling the national interest in return for a few hundred dollars.' He said a ban on journalists circulating in South Waziristan was justified because some had acted unethically and 'helped the foreign media to discredit Pakistan.'"…Reporters Without Borders registered more than 25 cases of journalists being arrested, or prevented from circulating freely, or having their equipment confiscated in this area. In June [2004], at least four reporters were detained, a BBC World Service stringer was threatened and journalists from Peshawar were prevented from entering the Tribal Areas…On a few occasions, the army invited journalists to witness the victories of its military offensive.

The restrictions on the work of the press did not only affect South Waziristan. Foreign journalists did not get visas to go to Karachi, Islamabad and Lahore. The press was closely watched in other areas adjoining the Afghan border such as Balochistan, and in the Pakistani part of Kashmir. Kargil International, a pro-independence magazine in the Kashmir region, was banned in 2004.

Military intelligence services, especially the ubiquitous Inter-Services Intelligence (ISI), targeted their threats and intimidation against independent journalists…The withdrawal of state-sector advertising was a weapon that was also used to effect by the government. It was withdrawn from the conservative

press group, Nawa-i-Waqt Publications, in February and from the Urdu-language daily Jinnah in July." **[23] (p1)**

6.26 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"The Government arrested, harassed, and intimidated journalists during the year [2004]…Several local journalists were denied entry to the FATA [Federally Administered Tribal Areas] during the year…Several individual journalists were threatened and intimidated by government agencies for reports that called into question the Government's commitment to fight terrorism. Amir Mir, who was seriously harassed by the Government in 2003 for an article alleging that the Government condoned the presence of a terrorist suspect in Karachi, was able to republish the story in a book without incident. Extremist groups also harassed and physically assaulted journalists." **[2b] (section 2a)**

(See also Section 6.A, sub-section on Freedom of speech and media)

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FREEDOM OF RELIGION

OVERVIEW

BACKGROUND AND DEMOGRAPHY

6.27 The US State Department International Religious Freedom Report 2004, published on 15 September 2004, notes that: "The country is an Islamic republic; Islam is the state religion," **[2a] (introduction)** and that "According to the most recent census, taken in 1998, an estimated 96 percent of the population are Muslim; 2.02 percent are Hindu; 1.69 percent are Christian; and 0.35 percent are 'other' (including Ahmadis). The majority of Muslims in the country are Sunni [an estimated 10% of Muslims being Shi'a]." **[2a] (section I)**

6.28 As noted in the US State Department International Religious Freedom Report 2004, published on 15 September 2004:

"Religious minority groups believe that they are under represented in government census counts and claim that they represent 10 percent of the population, rather than the census figure of 4 to 5 percent….The most recent official census estimates place the number of Hindus at 2.44 million, Christians at 2.09 million, and the Ahmadi population at 286,000. The figure for the Ahmadis is inherently inaccurate because they have been boycotting census and registration for electoral rolls since 1974 when they were declared non-Muslims. The Hindu and Christian communities each claim membership of approximately 4 million. Estimates for the remaining communities are less contested and place the total number of Parsis (Zoroastrians), Buddhists, and Sikhs as 20,000 each; and Baha'is at 30,000." **[2a] (section I)**

6.29 The same report advises that more than 90 per cent of Pakistan's Christians reside in Punjab (where they form the largest religious minority of the province). The report notes that "Approximately 60% of Punjab's Christians live in rural villages. The largest group of Christians belongs to the Church of Pakistan, an umbrella Protestant group that is a member of the Anglican Communion; the

second largest group belongs to the Roman Catholic Church. The rest are from different evangelical and church organizations." **[2a] (section I)**

6.30 The above report further records that:

"Hindus constitute approximately 8 percent of the population of Sindh province. A few tribes in Sindh and Balochistan practice traditional indigenous religions, and there is also a small population of Parsis (approximately 7,000 persons). The Ismailis are concentrated in Karachi (in Sindh Province) and the Northern Areas, locally referred to as Gilgit and Baltistan. According to experts, the Shi'a population is estimated to be 23 percent of the total Karachi population while they are approximately 10 percent of the country's total population. The tiny but influential Parsi community is concentrated in Karachi, although some live in Islamabad and Peshawar (in the NWFP). Christians constitute approximately 2 percent of Karachi's population. The Roman Catholic diocese of Karachi estimates that 120,000 Catholics live in Karachi, 40,000 in the rest of Sindh, and 5,000 in Quetta, Baluchistan. Evangelical Christians have converted a few tribal Hindus of the lower castes from interior Sindh. An estimated 100,000 Hindus live in Karachi. According to local Christian sources, between 70,000 and 100,000 Christians and a few thousand Hindus live in the Northwest Frontier Province (NWFP).

Ahmadis, who consider themselves Muslims but do not accept that Muhammad was the last prophet, are concentrated in Sindh and Punjab. The spiritual center of the Ahmadi community is in Punjab in the large, predominately Ahmadi town of Rabwah." **[2a] (section I)**

6.31 As noted by the USSD report on International Religious Freedom 2004:

"There have been instances in which police have used excessive force against individuals because of their religious beliefs and practices; however, sometimes it was difficult to determine whether religious affiliation was a factor in police brutality. The police also have failed to act against persons who use force against others because of their religious beliefs. The Government admits that police brutality against all citizens is a problem. However, both the Christian and Ahmadi communities have documented instances of the use of excessive force by the police and police inaction to prevent violent and often lethal attacks on members of their communities." **[2a] (section II)**

6.32 The same report also stated that "Relations between different religious groups frequently were tense, acts of sectarian and religious violence continued, and over 100 deaths were attributed to sectarian violence during the period covered by this report. The worst religious violence was directed against the country's Shi'a minority, which continued to be disproportionately the victims of individual and mass killings." **[2a] (introduction)**

6.33 The Human Rights Watch World Report 2005 on Pakistan noted that:

"Sectarian violence increased significantly in Pakistan in 2004. While estimates suggest that at least 4,000 people, largely from the minority Shi'a Muslim sect, have died as a result of sectarian violence since 1980, the last five years have witnessed a steep rise in incidents of sectarian violence. For example, in October 2004, at least seventy people were killed in sectarian attacks perpetrated by both Sunni and Shi'a extremist groups in the cities of Multan and

Karachi. In recent years, Sunni extremists, often with connections to militant organizations such as Sipah-e Sahaba Pakistan, have targeted the Shi'a. There has been a sharp increase in the number of targeted killings of Shi'a, particularly Shi'a doctors, in recent years. Those implicated in acts of sectarian violence are rarely prosecuted and virtually no action has been taken to protect the affected communities.

Discrimination and persecution on grounds of religion continued in 2004 and an increasing number of blasphemy cases were registered. The Ahmadi religious community in particular was the target of religious extremists. Ahmadis also continued to be arrested and faced charges under various provisions of the Blasphemy Law for allegedly contravening the principles of Islam. Charges filed include 'preaching,' distributing 'objectionable literature,' and preparing to build a 'place of worship.' Other religious minorities, including Christians and Hindus, also continue to face discrimination." **[13a] (p2)**

6.34 In a letter addressed to the Immigration and Nationality Directorate, Home Office, dated 13 April 2005, UNHCR stated that:

"Discrimination is evident as many positions in both local and national government are specifically unavailable to Ahmadis, or are only available to Muslims willing to sign an affidavit attesting to the absolute finality of the Prophethood of Muhammad, which is a direct affront to the Ahmadi belief system.

It is important to note that this culture of intolerance has been directed at all religious minorities within Pakistan, although particularly targeting Ahmadis and Christians." **[20a] (p2)**

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POLICIES AND CONSTITUTIONAL PROVISIONS

6.35 The US State Department report on International Religious Freedom 2004, published on 15 September 2004, states that:

"The Constitution provides for freedom of religion and states that adequate provisions are to be made for minorities to profess and practice their religions freely; however, in practice the Government imposes limits on freedom of religion. The country is an Islamic republic; Islam is the state religion. Islam also is a core element of the national ideology; the country was created to be a homeland for Muslims, although its founders did not envisage it as an Islamic state. Religious freedom is 'subject to law, public order, and morality;' accordingly, actions or speech deemed derogatory to Islam or to its Prophet are not protected. In addition the Constitution requires that laws be consistent with Islam and imposes some elements of Koranic law on both Muslims and religious minorities." **[2a] (introduction)**

6.36 The same report also stated that:

"There were no significant changes in the Government's treatment of religious minorities during the period covered by this report [2004]. The Government fails in many respects to protect the rights of religious minorities. This is due both to public policy and to the Government's unwillingness to take action against

societal forces hostile to those who practice a different faith. The accretion of discriminatory religious legislation has fostered an atmosphere of religious intolerance, which contributes to acts of violence directed against non-Muslims and members of minority Muslim groups. There were instances in which the Government failed to intervene in cases of societal violence directed at minority religious groups. The lack of an adequate government response contributed to an atmosphere of impunity for acts of violence and intimidation against religious minorities. However, the Government promotes religious tolerance, does not encourage sectarian violence, and, at the highest levels, specifically condemned sectarian extremism during the period covered by this report. It has banned all significant sectarian extremist groups and arrested hundreds of members of these groups suspected of violent attacks. Parties and groups with religious affiliations have been known to target minority groups."
[2a] (introduction)

(See also Section 6.A, sub-section on Hudood Ordinances and Blasphemy Laws**)**

6.37 The above report further states that:

"The Constitution safeguards "educational institutions with respect to religion." For example, under the Constitution, no student can be forced to receive religious instruction or to participate in religious worship other than his or her own. The denial of religious instruction for students of any religious community or denomination also is prohibited under the Constitution.

'Islamiyyat' (Islamic studies) is compulsory for all Muslim students in state-run schools. Although students of other faiths legally are not required to study Islam, they are not provided with parallel studies in their own religions. In some schools, non-Muslim students may study 'Akhlaqiyyat,' or Ethics, rather than Islamiyyat. In practice teachers compel many non-Muslim students to complete Islamic studies." **[2a] (section II)**

6.38 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005, "Members of religious minorities were subject to violence and harassment, and police at times refused to prevent such actions or to charge persons who committed them." **[2b] (section 2c)**

6.39 However, the USSD International Religious Freedom Report 2004, published on 15 September 2004, also noted that:

"The Government took some steps to improve the situation of religious minorities during the period covered by this report. In November 2003, the Government banned, under the Anti-Terrorism Act of 1997, three extremist groups that were reconstituted versions of organizations previously banned in 2002. Each of the newly banned groups promoted sectarian violence and intolerance. The groups banned were Millat-e-Islami (the former Sipah Sahaba), a Sunni extremist group whose leader had been ambushed and killed in Islamabad in October 2003; Islami Tehreek Pakistan (the former Tehreek-e-Jafariya), a Shi'a extremist group whose leader was arrested for involvement in the killing of the leader of Millat-e-Islami; and Khuddamul Islam (the former Jaish-e-Muhammad), a Sunni extremist group that also promoted jihad in Kashmir and Afghanistan. The bans on these groups were accompanied by the detention of their top leaders, the closing of their offices across the country, and

the freezing of their assets held in all Pakistani banks, both domestic and foreign based. Nearly all of those detained following the initial bans were later released. However, members of the groups were placed on "Schedule Four" of the Anti-Terrorism Act, which, among other limitations, allows the government to restrict their movements in the country and to monitor their activities.

A 3-year Human Rights Mass Awareness and Education Project, begun by the Government in 2001 with funding from the Asian Development Bank, was ongoing during the period covered by this report. Several nongovernmental organizations (NGOs) were engaged actively in the process. The Government also continued to promote human rights awareness in its training of police officers." **[2a] (section II)**

6.40 This report further noted that "Although the Government removed colonial-era entries for sect from government job application forms to prevent discrimination in hiring, the faith of some, particularly of Christians and Hindus, often can be ascertained from their names." **[2a] (section III)**

6.41 As stated by the above report, "While there is no law instituting the death penalty for apostates (those who convert from Islam), social pressure against conversion is so powerful that most such conversions reportedly take place in secret. According to missionaries, police and other local officials harass villagers and members of the poorer classes who convert. Reprisals and threats of reprisals against suspected converts are common." **[2a] (section III)**

6.42 According to the same report:

"Missionaries are allowed to operate in the country, and proselytizing is permitted (except by Ahmadis) as long as there is no preaching against Islam and the missionaries acknowledge that they are not Muslim. However, all missionaries are required to have specific missionary visas, which have a validity of 2 to 5 years and allow only one entry into the country per year. Only 'replacement' visas for those taking the place of departing missionaries are available, and long delays and bureaucratic problems are frequent." **[2a] (section II)**

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HUDOOD ORDINANCES AND BLASPHEMY LAWS

6.43 The US State Department report on International Religious Freedom 2004, published on 15 September 2004, records that:

"Specific government policies that discriminate against religious minorities include the use of the 'Hudood' Ordinances, which apply different standards of evidence to Muslims and non-Muslims and to men and women for alleged violations of Islamic law; list specific legal prohibitions against Ahmadis practicing their religion; and incorporate blasphemy laws that have been used to target reformist Muslims, Ahmadis, Christians, and Hindus. Both the Hudood Ordinances and the blasphemy laws have been abused, in that they are often used against persons to settle personal scores. Approximately 1,600 to 2,100 persons were imprisoned under the Hudood Ordinances as of the end of the reporting period.

More than 100 persons were detained for blasphemy offenses as of the end of the reporting period. Resolving cases is very slow; there is generally a long period between filing the case and the first court appearance. Lower courts are frequently intimidated, delay decisions, and refuse bail for fear of reprisal from extremist elements. According to the Center for Legal Aid, Assistance, and Settlement (CLAAS), 14 new blasphemy cases were registered during the period covered by this report. Several high profile blasphemy cases remained unresolved because the courts repeatedly postponed hearings, and the Government did not press the courts to proceed. However, during the period covered by this report, the Lahore High Court overturned a few lower court convictions and acquitted several blasphemy defendants." **[2a] (introduction)**

6.44 The same report further notes that:

"The blasphemy laws were intended to protect both majority and minority faiths from discrimination and abuse; however, in practice rivals and the authorities frequently use these laws to threaten, punish, or intimidate religious minorities. Credible sources estimate that several hundred persons have been arrested since the laws were implemented; however, significantly fewer persons have been tried. Most of the several hundred persons arrested in recent yearshave [sic] been released due to a lack of sufficient evidence. However, many judges reportedly have issued guilty verdicts to protect themselves and their families from retaliation by religious extremists. When blasphemy and other religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. Lower level magistrates generally are more susceptible to pressure by religious extremists than the higher-level judiciary. The government provided protection to human rights lawyers defending accused blasphemers following threats and attacks on lawyers by religious extremists. Many of those accused of blasphemy face harassment and even death before reaching trial, during incarceration, or even after acquittal on clear-cut proof that the charges were false. Islamic extremists have vowed categorically to kill all accused blasphemers, regardless of judicial acquittals. As a result, the accused often are denied requests for bail on the grounds that their lives would be at risk from vigilantes if released. When released, many of the acquitted go into hiding until they can secure asylum outside the country." **[2a] (section II)**

6.45 The above report also records that:

"Blasphemy laws and the anti-Ahmadi law (Sections 298(b) and 298 (c) of Ordinance XX of 1984) often target members of the Ahmadi community. According to Ahmadi sources, 89 Ahmadis were charged formally in criminal cases on a 'religious basis' (including blasphemy) in 2002, compared with 70 cases in 2001 and 166 cases in 2000. In 2003 approximately 80 Ahmadis were arrested, and according to Ahmadi sources, 6 Ahmadis similarly were charged since January [2004]…The blasphemy laws also have been used to harass Christians and other religious minorities, often resulting in cases that persist for years. Religious extremists, who are often part of an organized group, also have killed persons accused under the provisions but acquitted." **[2a] (section II)**

6.46 In a letter addressed to the Immigration and Nationality Directorate, Home Office, dated 13 April 2005, UNHCR stated that:

"Many blasphemy cases are often filed due to personal or religious enmity which is illustrated by the fact that the majority of blasphemy cases are acquitted in court for lack of sufficient evidence. It may also be possible that anti-Ahmadi sentiment may result in Ahmadis being falsely accused of non-Blasphemy related crimes.

Local trial judges under pressure from religious groups may also be more likely to find the accused guilty of blasphemy, while the charges are frequently dropped at the higher level where religious/political influence is less of a factor." **[20a] (p2)**

6.47 Amnesty International's 2005 Annual Report on Pakistan, covering the year 2004, noted that:

"At least 25 people were criminally charged with blasphemy and at least six of them remained in detention at the end of 2004. Hostility to anyone charged with blasphemy endangered their lives…The government did not take adequate measures to prevent attacks on religious congregations. In the month of October alone, some 80 people died in sectarian violence. There were frequent reprisal attacks. Following a bomb attack on a Shi'a gathering in Sialkot on 1 October [2004] which killed some 30 people, a bomb was thrown at a Sunni mosque in Multan which killed some 41 people. Scores of people were arrested after sectarian attacks but most were released due to lack of evidence." **[4e] (p2)**

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VOTING RIGHTS

6.48 As reported in the USSD International Religious Freedom Report 2004, published on 15 September 2004:

"In January 2002, the Government eliminated the country's system of separate religious-based electorates, which had been a longstanding point of contention between religious minorities and human rights groups on one side and the Government on the other. With the elimination of the separate electorate system, political representation is to be based on geographic constituencies that represent all residents, regardless of religious affiliation. Minority group leaders believe this change may help to make public officials take notice of the concerns and rights of minority groups. Because of their often geographically concentrated populations, religious minorities could have significant influence as swing voting blocks in some constituencies. Few non-Muslims are active in the country's mainstream political parties due to limitations on their ability to run for elective office under the previous separate electorate system." **[2a] (section II)**

6.49 The report continued; "While most minority leaders welcomed the return of joint electorates, some complained that the elimination of reserved seats made the election of any minority members unlikely. In response to this complaint, the Government announced in August 2002 that reserved parliamentary seats for religious minorities would be restored. Non-Muslims are now able to vote both for a local candidate in their geographic constituencies and for a representative of their religious group." **[2a] (section II)**

6.50 The 'Text of Legal Framework Order 2002' stated that ten National Assembly seats would be reserved for non-Muslims **[14c] (p3)** and that, in the Provincial

Assemblies, there would be three seats reserved for non-Muslims in both Balochistan [Baluchistan] and NWFP, eight in Punjab and nine in Sindh. **[14c] (p8)**

6.51 According to the USSD International Religious Freedom Report 2004:

"In May 2002, under increasing pressure from fundamentalist leaders, the Government reinstated a column on the voter registration form that required Muslims to take an oath accepting the finality of the Prophethood of Mohammed. When joint electorates were restored in January 2002, this oath was removed from voter registration forms, but religious leaders protested because voter lists no longer identified Ahmadis. In June 2002, the Election Commission announced that it would accept challenges from members of the public to the voting status of Ahmadis who registered to vote as Muslims. Voters with objections filed against them are required either to sign an oath swearing to the finality of the Prophethood of Mohammed or be registered as non-Muslims on the voter list. In protest the Ahmadi community notified the President in September 2002, that it would boycott the October 2002 elections. No Ahmadis are known to have voted, but there has been no change in the Government's policy." **[2a] (section II)**

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AHMADIS

INTRODUCTION

6.52 The USSD International Religious Freedom Report 2004, published on 15 September 2004, stated that the most recent official census [1998] placed the number of Ahmadis in Pakistan at 286,000. However, the report noted that "The figure for the Ahmadis is inherently inaccurate because they have been boycotting census and registration for electoral rolls since 1974 when they were declared non-Muslims." **[2a] (section I)**

6.53 The website 'Encyclopedia.com', which provides articles from the Columbia Encyclopedia, Sixth Edition, records that Aymadiyya is:

"a contemporary messianic movement founded (1899) by Mirza Ghulam Ahmad (1839-1908), b. Qadiyan, the Punjab. His *Barahin-i Ahmadiyya*, which he began to publish in 1880, was well received by his Islamic community. In 1889, he announced that he had received a divine revelation authorizing him to accept the *baya*, the allegiance of the faithful; he later also declared himself the **Mahdi** [he who is divinely guided] and the promised Messiah (*masih*) of Islam (1891). His doctrine, incorporating Indian, Sufi, Islamic, and Western elements, attempted to revitalize Islam in the face of the British raj, Protestant Christianity, and resurgent Hinduism." **[8]**

6.54 The article also reports that:

"After his [Mirza Ghulam Ahmad] death, his followers elected Mawlana Nur ad-Din as his successor. Nur ad-Din died in 1914, and the community split into two branches. The majority remained in Qadiyan and recognized Ghulam Ahmad as prophet (*nabi*). The basic belief held by the Qadiyani community was and is that it is the sole embodiment of 'True Islam.' The founder's son, Hadhrat Mirza

Bashir ad-Din Mahmud Ahmad (1889-1965), was chosen as Khalifatul-Masih [caliph of the Messiah] by the Qadiyani branch, known today as the Ahmadiyya Movement in Islam (*jamaat-i ahmadiyya*). His half-century of leadership shaped the movement, operating after 1947 out of the city of Rabwah (which they founded and gave a Qur'anically inspired name) in Pakistan and administering a network of schools and hospitals. His successors have been chosen from among Ghulam Ahmad's descendants; the leader of the movement (since 2003) is Mirza Masroor Ahmad (b. 1950).

The other branch, less willing to distinguish itself from mainstream Islam, recognized Ghulam Ahmad as a reformer (*mujaddid*) and established what came to be known as the *ahmadiyya anjuman ishaat-i Islam* movement in Lahore, Pakistan, also known as the Lahore Ahmadiyya Movement. Both branches engage in energetic missionary activity in Nigeria, Kenya, Indonesia, and the Indian subcontinent." **[8]**

6.55 The article further notes that:

"Orthodox Islam has never accepted Ghulam Ahmad's visions, and Ahmadis in Pakistan have faced religious and political attacks to the extent that they have been declared apostate and non-Muslim by the country's religious and political elite. A 1984 Pakistani government decree banned the use of Islamic forms of worship by Ahmadis, and the fourth Khalifatul-Masih went into exile in London until his death in 2003. The most widely cited figure for membership in the Ahmadiyya Movement in Islam is 10 million, although this figure dates to the 1980s; current official movement figures are significantly higher." **[8]**

AHMADI HEADQUARTERS, RABWAH

6.56 The USSD International Religious Freedom Report 2004, published on 15 September 2004, states that "Ahmadis, who consider themselves Muslims but do not accept that Muhammad was the last prophet, are concentrated in Punjab and Sindh. The spiritual center of the Ahmadi community is in Punjab in the large, predominantly Ahmadi town of Rabwah. In 1998, during Shahbaz Sharif's government, Rabwah was renamed when the Punjab Assembly unanimously adopted the resolution to change the name to Chenab Nagar; this change was against the wishes of the Ahmadi community." **[2a] (section I)**

6.57 In a letter addressed to Immigration and Nationality Directorate, Home Office, dated 13 April 2005, UNHCR stated that:

"While an internal relocation alternative may be viable in some circumstances, particularly for low-level members of the community, relocation may only be a temporary solution given the ease with which Ahmadi affiliation can be detected. This is because Ahmadis cannot, for example, attend the same mosques as majority Muslims and cannot register as Muslims for political/official purposes. Ahmadis therefore remain somewhat visible within Muslim communities, especially within small communities. Due to the efforts of groups such as Khatme Nabuwat [Nabuwwat], a general intolerance for Ahmadis exists throughout Pakistan such that large numbers of agitators can be raised and catalysed in a short time, in any area of the country.

Rabwah is the headquarters of the Ahmadi movement in Pakistan which is made up of 95% Ahmadis. Although Rabwah does provide a degree of

community support to individual Ahmadis, there are reports suggesting that Rabwah is highly targeted by fundamentalist Islamic groups for anti-Ahmadi protests and other actions. So relying on the internal flight alternative as a solution for an Ahmadi facing persecution may result in a pattern of constant movement, as an individual may be forced to relocate each time his religious affiliation is discovered." **[20a] (p3)**

LAHORI AHMADIS

6.58 A comparative study of the Lahore and Quadiyani (Qadiani) branches made by the Lahore Ahmadiyya Movement for the Propagation of Islam, accessed on their website 15 March 2005, states that the (majority) Qadiyani Ahmadis believe that Muhammed was not the last prophet, that Mirza Ghulam Ahmad was a prophet, that marriage to non-Ahmadis is not permitted, whilst Lahore Ahmadis believe that Muhammed was the last prophet, that Mirza Ghulam Ahmad was not a prophet but a Mujaddid (Reformer), and that marriage to non-Ahmadis is permitted. **[9]** This website gives the group their full name of the Ahmadiyya Anjuman Isha'at-e-Islam Lahore (Lahore Ahmadiyya Movement for the Propagation of Islam). **[9]**

(See also Section 6.A, Ahmadis, Introduction **sub-section)**

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LEGISLATIVE RESTRICTIONS

6.59 The USSD International Religious Freedom Report 2004 recorded that:

"The Government does not ban formally the public practice of the Ahmadi faith, but the practice is restricted severely by law. A 1974 constitutional amendment declared Ahmadis to be non-Muslims because they do not accept Mohammed as the last prophet of Islam. However, Ahmadis consider themselves to be Muslims and observe Islamic practices. In 1984 the Government added Section 298(c) into the Penal Code, prohibiting Ahmadis from calling themselves Muslims or posing as Muslims; from referring to their faith as Islam; from preaching or propagating their faith; from inviting others to accept the Ahmadi faith; and from insulting the religious feelings of Muslims. This section of the Penal Code, commonly referred to as the "anti-Ahmadi law," has caused problems for Ahmadis, particularly the provision that forbids them from "directly or indirectly" posing as Muslims. This vague wording has enabled mainstream Muslim religious leaders to bring charges against Ahmadis for using the standard Muslim greeting form and for naming their children Mohammed. The constitutionality of Section 298(c) was upheld in a split-decision Supreme Court case in 1996. The punishment for violation of this section is imprisonment for up to 3 years and a fine. This provision has been used by the government and anti-Ahmadi religious groups to target and harass Ahmadis. Ahmadis also are prohibited from holding any public conferences or gatherings, and since 1983 they have been denied permission to hold their annual Ahmadi conference. Ahmadis are banned from preaching or adopting social practices that make them appear to be Muslims. Their publications also are banned from public sale; however, they publish religious literature in large quantities for a limited circulation." **[2a] (section II)**

6.60 The USSD International Religious Freedom Report 2004 additionally stated that:

"Specific government policies that discriminate against religious minorities include the use of the 'Hudood' Ordinances, which apply different standards of evidence to Muslims and non-Muslims and to men and women for alleged violations of Islamic law; list specific legal prohibitions against Ahmadis practicing their religion; and incorporate blasphemy laws that have been used to target reformist Muslims, Ahmadis, Christians, and Hindus. Both the Hudood Ordinances and the blasphemy laws have been abused, in that they are often used against persons to settle personal scores. Approximately 1,600 to 2,100 persons were imprisoned under the Hudood Ordinances as of the end of the reporting period. [2004]" **[2a] (introduction)**

6.61 The USSD International Religious Freedom Report 2004 also noted that:

"The 'blasphemy laws' are contained in Sections 295, 296, 297, and 298 of the Penal Code and address offenses relating to religion. Section 295(a), a colonial-era provision, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. In 1991 this sentence was increased to 10 years. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for 'whoever willfully defiles, damages, or desecrates a copy of the holy Koran.'

In 1986 another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling 'the sacred name of the Holy Prophet Mohammed.' In 1991 a court ruled invalid the option of life imprisonment for this offense. Section 296 outlaws voluntary disturbances of religious assemblies, and Section 297 outlaws trespassing on burial grounds. Section 298(a), another colonial-era provision, forbids the use of derogatory remarks about holy personages. Personal rivals and the authorities have used these blasphemy laws, especially Section 295(c), to threaten, punish, or intimidate Ahmadis, Christians, and Muslims. No person has been executed by the Government under any of these provisions; however, some persons have been sentenced to death, or have died while in official custody." **[2a] (section II)**

6.62 The USSD International Religious Freedom Report 2004 further noted that "Blasphemy laws and the anti-Ahmadi law (Sections 298(b) and 298 (c) of Ordinance XX of 1984) often target members of the Ahmadi community. According to Ahmadi sources, 89 Ahmadis were charged formally in criminal cases on a 'religious basis' (including blasphemy) in 2002, compared with 70 cases in 2001 and 166 cases in 2000. In 2003 approximately 80 Ahmadis were arrested, and according to Ahmadi sources, 6 Ahmadis similarly were charged since January [2004]." **[2a] (section II)**

(See also Section 6.A, sub-section on Voting rights **and sub-section on** Freedom of assembly and association**)**

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PASSPORT DECLARATION

6.63 The USSD International Religious Freedom Report 2004, published on 15 September 2004, recorded that "The Government designates religion on citizens' passports. To obtain a passport, citizens must declare whether they are Muslim or non-Muslim; Muslims also must affirm that they accept the unqualified finality of

the Prophethood of Mohammed, declare that Ahmadis are non-Muslims, and specifically denounce the founder of the Ahmadi movement." **[2a] (section II)**

6.64 The Foreign and Commonwealth Office's Annual Report on Human Rights 2005 stated that:

"Pakistan introduced new machine-readable passports in early 2004. Unlike previous passports these did not state the holder's religion. This attracted criticism from religious leaders who accused President Musharraf of secularising the country. Following pressure from the religious opposition, the government set up a parliamentary committee to investigate the issue. Its findings in favour of a religion column in passport were supported by the cabinet and all passports printed since March 2005 again include the holder's religion…The practice discriminates against minorities, particularly Ahmadis. Application forms for passports (and voting papers) require the applicant to sign a declaration specifically rejecting Mirza Ghulam Ahmad Qadiyani as a religious figure. If Ahmadis cannot obtain a passport stating their religion as Muslim, they are not permitted on the Haj, one of the tenets of their faith." **[11c] (p216-217)**

BAI'AT

6.65 According to information supplied by the Ahmadiyya Muslim Association UK in 1998, "Bai'at (literally means to sell oneself to a cause, or to be initiated into such a cause, or the nearest equivalent, an oath of allegiance undertaken at someone's hands) is a pledge made by a person who is not an Ahmadi by birth to fulfil certain conditions and abide by the doctrines of Islam…An Ahmadi is a person who believes in the Ahmadiyya doctrine. An Ahmadi by birth, as the term applies [sic], is a person who was born of Ahmadi parents. He is not required to be initiated and therefore is not required to go through the bai'at procedure, unless there has been a change in the Supreme Head of the community (the Khalifatul Masih) when all Ahmadis perform the bai'at effectively renewing their allegiance to the new Head…There is no objection for Ahmadis by birth to perform the bai'at but they will of course not be issued with a Certificate of Bai'at." **[18] (p1-2)**

CURRENT SITUATION

6.66 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005:

"The Constitution declares the Ahmadi community, which considers itself a Muslim sect, to be a non-Muslim minority. Provisions of the penal code prohibited Ahmadis from engaging in any Muslim practices, including using Muslim greetings, referring to their places of worship as mosques, reciting Islamic prayers, and participating in the Hajj or Ramadan fast. Ahmadis are prohibited from proselytizing, holding gatherings, or distributing literature. Government forms, including passport applications and voter registration documents, require anyone wishing to be listed as a Muslim to denounce the founder of the Ahmadi faith. Ahmadis were frequently discriminated against in government hiring and in admission to government schools." **[2b] (section 2c)**

6.67 The USSD International Religious Freedom Report 2004, published on 15 September 2004, stated that:

"In principle the Government does not restrict organized religions from establishing places of worship and training members of the clergy. However, in practice Ahmadis suffer from restrictions on this right. Several Ahmadi mosques reportedly have been closed; others reportedly have been desecrated or had their construction stopped…Ahmadis also are prohibited from being buried in Muslim cemeteries. According to press reports, the authorities continued to conduct surveillance on the Ahmadis and their institutions.

The Federal Ministry of Religious Affairs issues registration documents to pilgrims for their pilgrimage to Mecca. In July 2003, it added a new section to the documents in which the applicant has to certify on a printed oath that the founder of the Ahmadiyya movement, Mirza Ghulam Ahmad Qadiani, was a 'cunning person and an imposter.'" **[2a] (section II)**

6.68 The same report further noted that:

"Ahmadis suffer from societal harassment and discrimination. Even the rumor that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Most Ahmadis are home-schooled or go to private, Ahmadi-run schools. Ahmadi students in public schools often are subject to abuse by their non-Ahmadi classmates. The quality of teachers assigned to predominately Ahmadi schools by the government reportedly is poor. In 2002, in response to a question from Islamic clerics, President Musharraf (who has been accused of favoring Ahmadis) declared that he believed Ahmadis are 'non-Muslims.'" **[2a] (section III)**

6.69 A January 2005 Report of a fact-finding mission to Pakistan made by FIDH – the International Federation for Human Rights – in the latter half of 2004 recorded that "The Ahmadis are perhaps the single most targeted group in Pakistan, for whom the denial of freedom of expression, of religion and of association is near complete…It has to be added that the anti-Ahmadi politics extend to supporters of the Ahmadi cause: human rights defenders or journalists who advocate their rights have also been subjected to threats and harassments." **[10] (p61)**

6.70 The FIDH Report also stated that

"An estimated 2000 cases have been brought against Ahmadis under the Blasphemy Law since its adoption; more generally, approximately 4000 Ahmadis have been prosecuted under various laws because of their faith. The laws clearly violate internationally recognised standards of freedom of religion and freedom of expression. The political and religious context in Pakistan also means that the police and the judiciary preferably side with accusers in blasphemy cases rather than with Ahmadi defendants, however little evidence is presented, for fear of retaliation – just as they tend to be biased in favour of authors of anti-Ahmadi violence against their victims. It is a fact that the perpetrators of such violence have very seldom been prosecuted. In effect, there is virtual impunity for anti-Ahmadi criminals." **[10] (p61)**

6.71 In a letter addressed to the Immigration and Nationality Directorate, Home Office, dated 13 April 2005, UNHCR stated that:

"It would appear that Ahmadis are not always able to avail themselves of police protection. In fact, police may contribute to acts perceived as persecutory by Ahmadis. For example police are authorised to assist in the removal of Islamic

signs from Ahmadi religious buildings and personal property. While police protection is not always unavailable to Ahmadis, law enforcement's lack of power against dominant political groups or collusion between the police and anti-Ahmadi mullahs is common enough that Ahmadis may be reluctant to call upon the police for protection." **[20a] (p2)**

6.72 On 8 August 2005, the BBC noted that:

"Pakistani authorities have closed down the offices of 16 publications run by followers of the Ahmadiyya sect in the central Punjab city of Jhang. Two printing presses were sealed and cases registered against editors and publishers for 'propagation of offensive material', police said. At least two people were arrested and raids are continuing…Jhang police chief, Hamid Mukhtar Gondal, told the BBC the action had been taken on orders of the Punjab home department. He said the 16 publications had already been banned but the Jamaat-e-Ahmadiya – Pakistan's largest Ahmadiyya party – had continued to print and distribute them. Literature deemed religiously offensive and banned under Pakistani law was recovered from the offices of some of the publications. The latest action was triggered on a complaint by a local religious leader, Maulana Chinioti, who has been in the forefront of the campaign against the minority sect. Mr Gondal said he could have charged Ahmadiyya leaders and editors under anti-terrorism laws but had decided not to do so. 'For the time being, we have booked them for propagating material offensive to people of other faiths,' he said. A spokesman of the Jamaat-e-Ahmadiyya told the BBC that none of its publications were offensive and their closure reflected religious prejudice against the community. The Jamaat-e-Ahmadiya had never been involved in any form of violence or any hate campaign, he said." **[35p]**

KHATME NABUWWAT

6.73 A 1994 report on Ahmadis by the Canadian Refugee and Immigration Board 1994 recorded that, during British rule, the Majlis Tahaffuz Khatme Nabuwwat (Committee to Secure the Finality of Prophethood) was founded under the name Majlis-e-Ahrar, and that it was originally a small Muslim political party opposed to the creation of an independent Islamic state. In the 1970s the group reportedly changed its name to attract orthodox Muslims, and was subsequently commonly known as the Khatme Nabuwwat. **[12b] (p8-9)**

6.74 The same report stated that mullahs within the organisation have in the past called for the banning of Koranic expressions in Ahmadi places of worship and had reportedly collaborated with Pakistani authorities in the destruction of Ahmadi mosques. According to the report, the organisation had also gone as far as calling for the banning of the Ahmadi movement and the death of Ahmadis, and the Ahmadiyya Movement in Islam had stated that the movement had Saudi Arabian support and had expanded its activities beyond Pakistan – notably to the UK. **[12b] (p9-10)**

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CHRISTIANS

INTRODUCTION

6.75 The USSD International Religious Freedom Report 2004, published on 15 September 2004 stated that figures from the most recent census (1998) showed that an estimated 1.69 percent of the population of Pakistan were Christian; however, although the official census estimated the number of Christians as being 2.09 million, the community itself claimed membership of approximately 4,000,000. The Report noted that "While Sunni Muslims are the vast majority in Punjab, more than 90 per cent of the country's Christians also reside there, making them the largest religious minority in the province. Approximately 60 percent of Punjab's Christians live in rural villages." **[2a] (section I)**

6.76 The USSD International Religious Freedom Report 2004 also noted that:

"Foreign missionaries operate in the country. The largest Christian mission group operating in Sindh and Baluchistan engages in Bible translation for the Church of Pakistan, a united church of Anglicans, Methodists, Presbyterians, and Lutherans that is affiliated with the Anglican Communion. An Anglican missionary group fields several missionaries to assist the Church of Pakistan in administrative and educational work. Roman Catholic missionaries, mostly Franciscan, work with persons with disabilities." **[2a] (section I)**

CURRENT SITUATION

6.77 The US State Department Report 2004 (USSD), published on 28 February 2005, recorded that "Christians and Ahmadis were the targets of religious violence…The Ahmadi, Christian, Hindu, and Shi'a Muslim communities reported significant discrimination in employment and access to education, including at government institutions." **[2b] (section 2c)**

6.78 The USSD International Religious Freedom Report 2004, published on 15 September 2004, noted that:

"While many Christians belong to the poorest socioeconomic groups, this condition may be due more to ethnic and social factors than to religion. These factors also may account for a substantial measure of the discrimination that poor Christians face. Many poor Christians remain in the profession of their low caste Hindu ancestors (most of whom were "untouchables"). Their position in society, although somewhat better today than in the past, does not reflect major progress despite more than 100 years of consistent missionary aid and development. Christian students reportedly are forced to eat at separate tables in public schools that are predominately Muslim." **[2a] (section III)**

6.79 The USSD International Religious Freedom Report 2004 also recorded that

"Many religious and community leaders, both Muslim and non-Muslim, reported that a small minority of extremists account for the vast majority of violent acts against religious minorities. However, discriminatory religious legislation has encouraged an atmosphere of religious intolerance, which has led to acts of violence directed against Ahmadis, Shi'as, Christians, Hindus, and Zikris. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such abuses or refuse to charge persons who commit them (see Section II [in USSD 2004]). Wealthy religious minorities and those who belong to religious groups that do not seek converts report fewer instances of discrimination." **[2a] (section III)** The report stated that "Human rights groups report that there have been incidents in which persons from minority

groups, especially Hindus and Christians, have been abducted and forcibly converted. The Center for Legal Aid Assistance and Settlement (CLAAS) and the All Pakistan Minorities Alliance (APMA) reported the attempted forced conversion of two Christians during the period covered by this report." **[2a] (section II)**

6.80 As noted by the USSD International Religious Freedom Report 2004:

"Many Ahmadis and Christians reported discrimination in applying to government educational institutions due to their religious affiliation. Christians and Ahmadis reportedly have been denied access to medical schools, and societal discrimination against Ahmadis persists at many universities. **[2a] (section II)** The report also stated that "The Government admits that police brutality against all citizens is a problem. However, both the Christian and Ahmadi communities have documented instances of the use of excessive force by the police and police inaction to prevent violent and often lethal attacks on members of their communities." **[2a] (section II)**

(See also Section 5, sub-section on Blasphemy Laws**, and Section 6.A, sub-section on** Hudood Ordinances and Blasphemy Laws**)**

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SHI'A AND SUNNI MUSLIMS - HISTORICAL THEOLOGICAL DIFFERENCES

6.81 The World Directory of Minorities (1997) records that:

"Formal Islamic theology regards the Qur'an, supplemented by the traditions (*Sunna*) of the Prophet, as the sole and sufficient repository of the faith. It rejects any priesthood as necessary to mediate the faith to believers or for an infallible interpretation of the scriptures. That infallibility, difficult to pinpoint in practice, belongs to the community as a whole, although the business on interpreting the Qur'an and *Sunna* has been carried out over the centuries through a consensus of jurists and theologians. The Sunnis (followers of the *Sunna*) consider community consensus based on the Qur'an and traditions of the Prophet to be infallible and binding. Sunnis believe that following the Prophet's death in 632 CE, the responsibility of 'caretaker', or caliph, for the community passed to members of the Quraysh tribe, and thereafter to Quraysh descendants and the Umayyad (660-750) and Abbasid (750-1258) dynasties." **[37] (p331)**

6.82 The World Directory further stated that:

"However, a fundamental schism in Islam occurred soon after the Prophet's death, because a party, or *Shi'a*, within the community claimed that the Prophet's cousin and son-in-law, Ali, should have been appointed caliph in 632 CE. Ali was only acknowledged caliph in 656, the fourth since the death of the Prophet, and was killed in 661 during the struggle for supremacy within the Muslim community. Although they lost the struggle, the Shi'i [Shi'a] supporters of Ali clung to their cause with fervent devotion. In 680 Ali's younger son, Husayn, tried to contest Ummayad rule. He and his small party were surrounded and massacred close to Karbala in southern Iraq in 680. Husayn's death became a powerful symbol of martyrdom and suffering for the Shi'i community. The Shi'a articulated belief in a succession of imams, viewed as

infallible in the interpretation of law and doctrine, whose essential qualification was descent from Ali and for whom Shi'ites have an almost mystical devotion." **[37] (p331)**

6.83 The World Directory also reported that "Although the Sunni and Shi'i traditions formally accept each other as Muslim, at a popular level there is a deep animosity which periodically finds expression, particularly in the Shi'i community when it annually commemorates the martyrdom of Imam Husayn on 'Ashura', the tenth day of Muharram." **[37] (p332)**

PAKISTAN'S SHI'AS (AKA SHI'I OR SHI'ITES)

6.84 The CIA World Factbook 2005 noted that 97 per cent of Pakistan's population were Muslims (comprised of 77 per cent Sunni and 20 per cent Shi'a Muslims). **[34] (p3)**

6.85 As recorded by the US State Department Report 2004 (USSD), published on 28 February 2005, "Sectarian violence between Sunni and Shi'a extremists continued during the year. Attacks on mosques and religious gatherings resulted in over 100 deaths (see Sections 1.a. and 5 [in USSD 2004]). Unidentified gunmen allegedly linked to Sunni extremist groups continued to kill Shi'a professionals, primarily doctors and lawyers, during the year. Investigations into the 2003 attack on a Shi'a mosque in Quetta were ongoing." **[2b] (section 2c)**

6.86 The USSD International Religious Freedom Report 2004, published on 15 September 2004, noted that "The worst religious violence was directed against the country's Shi'a minority, which continued to be disproportionately the victims of individual and mass killings" **[2a] (introduction)** and further stated that:

"Many religious and community leaders, both Muslim and non-Muslim, reported that a small minority of extremists account for the vast majority of violent acts against religious minorities. However, discriminatory religious legislation has encouraged an atmosphere of religious intolerance, which has led to acts of violence directed against Ahmadis, Shi'as, Christians, Hindus, and Zikris. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such abuses or refuse to charge persons who commit them (see Section II [in USSD 2004]). Wealthy religious minorities and those who belong to religious groups that do not seek converts report fewer instances of discrimination." **[2a] (section III)**

6.87 As reported by the USSD International Religious Freedom Report 2004:

"The Government took some steps to improve the situation of religious minorities during the period covered by this report. In November 2003, the Government banned, under the Anti-Terrorism Act of 1997, three extremist groups that were reconstituted versions of organizations previously banned in 2002. Each of the newly banned groups promoted sectarian violence and intolerance. The groups banned were Millat-e-Islami (the former Sipah Sahaba), a Sunni extremist group whose leader had been ambushed and killed in Islamabad in October 2003; Islami Tehreek Pakistan (the former Tehreek-e-Jafariya), a Shi'a extremist group whose leader was arrested for involvement in the killing of the leader of Millat-e-Islami; and Khuddamul Islam (the former Jaish-e-Muhammad), a Sunni extremist group that also promoted jihad in

Kashmir and Afghanistan. The bans on these groups were accompanied by the detention of their top leaders, the closing of their offices across the country, and the freezing of their assets held in all Pakistani banks, both domestic and foreign based. Nearly all of those detained following the initial bans were later released. However, members of the groups were placed on "Schedule Four" of the Anti-Terrorism Act, which, among other limitations, allows the government to restrict their movements in the country and to monitor their activities." **[2a] (section II)**

6.88 The Integrated Regional Information Networks, IRINNEWS.ORG, reported on 3 March 2004 that Pakistan authorities had arrested a man in connection with the Quetta attack on a religious procession that month. The report stated that:

"At least 44 people were killed and over 150 injured when suspected Sunni Muslim radicals attacked a religious Shi'ite procession mourning the martyrdom of Prophet Muhammad's grandson, held to be one of the most important figures in Shi'ite history…It was the worst sectarian attack in Pakistan since 57 people were killed in a suicide attack on a Shi'ite mosque in Quetta last July [2003]. In retaliation, angry Shi'ite mobs rampaged through the city of 1.2 million setting fire to shops and attacking a cinema and a bank. The local administration immediately announced a curfew and witnesses reported seeing snipers positioned on roof-tops as army trucks with machine-guns were reported to be patrolling the roads…The Pakistani government had ordered a judicial inquiry into the attacks Ahmed [the information minister] said. In another incident, more sectarian clashes were reported from the rural area of Mandi Bahauddin in the eastern province of Punjab where Shi'ite and Sunni mobs confronted each other after a local Shi'ite leader was reportedly shot dead by a Sunni mob." **[41b]**

(Also see Section 4, sub-section on Political events and terrorism in 2004, re bombings at Shi'a mosques in May 2004)

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FREEDOM OF ASSEMBLY AND ASSOCIATION

OVERVIEW

6.89 The US State Department Report 2004 (USSD), published on 28 February 2005, noted that:

"The Constitution provides for freedom "to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order," and the Government generally observed this right, but with some restrictions. While the Government allowed numerous opposition rallies and demonstrations to proceed during the year, at times, it denied permits or imposed restrictions on timing and/or venue. For example, the Jamaat-e-Islami was forced to move its annual September gathering from Lahore to the outskirts of Peshawar when its initial permit application was denied. Ahmadis have been prohibited from holding any conferences or gatherings since 1984 (see Section 2.c. [in USSD 2004]). In the wake of renewed sectarian violence in October [2004], the Government banned religious extremist organizations from holding any public gatherings." **[2b] (section 2b)**

6.90 The USSD 2004 also stated that:

"Police sometimes used excessive force against demonstrators (see Section 1.a. [in USSD 2004])…The PPPP claimed police action was designed to prevent its holding rallies and marches in Punjab Province.

The authorities sometimes prevented leaders of religious political parties from traveling to certain areas if the authorities believed their presence would increase sectarian tensions or cause public violence (see Section 2.d. [in USSD 2004]).

The Constitution provides for the right of association subject to restriction by government ordinance and law. NGOs were required to register with the Government under the Cooperative Societies and Companies Ordinance of 1960. No prominent NGO reported problems with the Government over registrations during the year. Some continued to operate without registering and were not prosecuted." **[2b] (section 2b)**

POLITICAL ACTIVISTS

6.91 As reported by the USSD 2004:

"The Government permitted all existing political parties to function. The Government forced the PPP-P and PML-N to elect leaders other than former P.M.s Benazir Bhutto and Nawaz Sharif by refusing to register any parties whose leaders had a court conviction. The amended Political Parties Act bars any person from becoming Prime Minister for a third time, effectively barring Benazir Bhutto and Nawaz Sharif.

The opposition claimed the Government convicted two of its leaders on politically motivated charges during the year. On April 12, PML-N leader Javed Hashmi was convicted in closed proceedings on charges of sedition and sentenced to more than 20 years in prison (see Section 1.e. [in USSD 2004]). Former PPP National Assembly Speaker Yousaf Raza Gillani was sentenced to 10 years in prison on September 18 on charges of abuse of office. Gillani was accused of using his position as Speaker to obtain jobs for relatives and supporters.

The Government ban on political party activities in the FATA [Federally Administered Tribal Areas] continued. Candidates were not allowed to register by political party, and political party rallies were not allowed. Several political parties campaigned covertly during the 2002 national elections…The National Accountability Ordinance (NAO) prohibits those convicted of corruption by the NAB from holding political office for 10 years (see Section 1.d.). The NAB disproportionately targeted opposition politicians for prosecution and did not prosecute members of the military." **[2b] (section 3)**

6.92 The Human Rights Watch World Report 2005 on Pakistan noted that "The Government continued to use the National Accountability Bureau (NAB) and a host of anti-corruption and sedition laws to jail political opponents or blackmail them into changing their political stance or loyalties or at the very least to cease criticizing the military authorities." **[13a] (p3)**

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EMPLOYMENT RIGHTS

6.93 The US State Department Report 2004 (USSD), published on 28 February 2005, recorded that;

"The Industrial Relations Ordinance (IRO) provides industrial workers the right to form trade unions. The Essential Services Maintenance Act (ESMA), which applies to the security forces, most of the civil service, health care workers, and safety and security personnel at petroleum companies, airports, and seaports, was often invoked to limit or ban strikes or curtail collective bargaining rights. Agricultural workers, non-profit workers, and teachers, among others, are not afforded the right to unionize. According to government estimates, union members were approximately 10 percent of the industrial labor force and 3 percent of the total estimated work force; however, unions claimed that the number of union members was underestimated." **[2b] (section 6a)**

6.94 The USSD 2004 also noted that:

"In those sectors covered by the IRO, unions were allowed to conduct their activities without government interference. The IRO protects the right to collective bargaining subject to restrictions, but limits the right of unions to strike. The IRO allows only one union to serve as the collective bargaining agent within a given establishment, group of establishments, or industry. In cases where more than one union exists, the IRO establishes a secret balloting procedure to determine which union shall be registered as agent." **[2b] (section 6b)**

6.95 The USSD 2004 further reported that:

"Legally required conciliation proceedings and cooling-off periods constrain the right to strike, as does the Government's authority to end any strike that may cause "serious hardship to the community," prejudice the national interest, or has continued for 30 days. The Government can and has prohibited all strikes by public utility services under the IRO. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates fines for offenders. The law does not protect leaders of illegal strikes. Several small strikes occurred during the year." **[2b] (section 6b)**

6.96 As noted by the USSD 2004:

"National labor laws require the Government to determine every 6 months whether collective bargaining is to be allowed. In cases where collective bargaining was prohibited, special wage boards decided wage levels. Such boards were established at the provincial level and were composed of representatives from industry, labor, and the provincial labor ministry. Unions generally were dissatisfied with the boards' findings. Disputes were adjudicated before the National Industrial Relations Commission.

The estimated 12,500 employees working in Pakistan's three Export Processing Zones (EPZs) are exempted by the ESMA from the protection and right to form trade unions provided by the IRO. The Export Processing Zone Authority drafts labor laws within the EPZs." **[2b] (section 6b)**

6.97 The USSD 2004 also stated that:

The national minimum wage for unskilled workers was $42 (Rs. 2,500) per month. It applies only to industrial and commercial establishments employing 50 or more workers. The national minimum wage did not provide a decent standard of living for a worker and family. Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a worker's welfare fund.

Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations did not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, and contractors.

Health and safety standards were poor. There was a serious lack of adherence to mine safety and health protocols. For example, mines often only had one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment.

Provincial governments have primary responsibility for enforcing all labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. Many workers were unaware of their rights." **[2b] (section 6e)**

6.98 The USSD 2004 further reported that:

"The Government has adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax and child labor was a serious problem. The Ministry of Labor has identified 35 hazardous forms of child labor, including street vending, surgical instrument manufacturing, deep-sea fishing, leather manufacturing, brick making, and carpet weaving, among others. Child labor in agriculture and domestic work was also common.

The Employment of Children Act prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations and regulates their conditions of work, e.g. no child is allowed to work overtime or at night; however, there were few child labor inspectors in most districts, and the inspectors often had little training, insufficient resources, and were susceptible to corruption. By law, inspectors may not inspect facilities that employ less than 10 persons, where most child labor occurs. Hundreds of convictions were obtained for violations of child labor laws, but low fines levied by the courts--ranging from an average of $6 (Rs. 364) in the NWFP to an average of $121 (Rs. 7,280) in Baluchistan--were not a significant deterrent. The Employment of Children Act allows for fines of up to $333 (Rs. 20,000). Penalties often were not imposed on those found to be violating child labor laws." **[2b] (section 6d)**

6.99 The USSD 2004 additionally noted that:

"The International Labor Organization–International Program for the Elimination of Child Labor (ILO-ILEC) continued programs in the carpet weaving, surgical instrument, rag picking, and deep sea fishing industries and launched a Time Bound Program for the Elimination of the Worst Forms of Child Labor. Working

with industries and the Government, ILO-IPEC used a combination of monitoring, educational access, rehabilitation, and family member employment to transition children out of these industries. An ILO-IPEC program to eliminate child labor in the soccer ball manufacturing industry was completed and deemed a success." **[2b] (section 6d)**

6.100 The USSD 2004 stated that:

"The Constitution and law prohibit forced or bonded labor, including by children; however, the Government did not enforce these prohibitions effectively. The Bonded Labor System (Abolition) Act (BLAA) outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts. The Act makes bonded labor by children punishable by up to 5 years in prison and up to $833 (Rs. 50,000) in fines.

Conservative estimates put the number of bonded workers at several million…A large proportion of bonded laborers were low-caste Hindus, or Muslim and Christian descendants of low-caste Hindus…Although the police arrested violators of the law against bonded labor, many such individuals bribed the police to release them. Human rights groups reported that landlords in rural Sindh maintained as many as 50 private jails housing some 4,500 bonded laborers. Ties between such landlords and influential politicians hampered effective elimination of bonded labor.

The Constitution and the law prohibit slavery; however, human rights groups claimed that in remote areas of rural Sindh, bonded agricultural labor and debt slavery continued." **[2b] (section 6c)**

6.101 On 25 November 2004, the BBC reported that:

"More than one hundred thousand people in the southern Pakistan province of Sindh are tied to their employers by 'bonded labour' – 12 years after the country's government outlawed the practice. Under bonded labour, landlords – or zamindars – tie their employees to them by debt. Often the debt is many thousands of rupees – much more than the workers actually borrow. Some workers are taken against their will…Pakistan's government has set up a fund of 100m rupees to rehabilitate workers like Laxmi [a woman who escaped from her bondage]. But none of this money has yet been spent. It is estimated five million labourers remain bonded to their employers in Pakistan despite the practice being outlawed. One man, Jafar, told Slavery Today how he had sold one of his kidneys – and other members of his family have done the same – in order to raise money to pay off the debt they owe their employer…Jafar said that selling kidneys was a 'usual practice' amongst bonded labourers now and was simply referred to as 'donation.'" **[35z]**

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PEOPLE TRAFFICKING

6.102 The US State Department Report 2004 (USSD), published on 28 February 2005, records that:

"The law prohibits trafficking in persons; however, trafficking in persons was a serious problem. All forms of trafficking are prohibited under the Prevention and

Control of Human Trafficking, Ordinance 2002, and maximum penalties range from 7 to 14 years' imprisonment plus fines. The Government arrested 67 and prosecuted 39 under the ordinance during the year. The Federal Investigation Agency (FIA) had primary responsibility for combating trafficking. The Government established a dedicated Anti-Trafficking Unit in the FIA during the year. An Inter-Ministerial Committee on Human Trafficking and Smuggling coordinated federal efforts. The Government assisted other countries with international investigations of trafficking." **[2b] (section 5)**

6.103 As noted by the USSD 2004:

"Although no accurate statistics on trafficking existed, the country was a source, transit, and destination country for trafficked persons. Women and girls were trafficked from Bangladesh, Afghanistan, Iran, Burma, Nepal, and Central Asia for forced commercial sexual exploitation and bonded labor in the country based on erroneous promises of legitimate jobs. In a similar fashion, men and women were trafficked from the country to the Middle East to work as bonded laborers or in domestic servitude. Upon arrival, both groups had passports confiscated and were forced to work to pay off their transportation debt. Although the practice declined, families continued to sell young boys between ages 3 and 10 for use as camel jockeys in Middle Eastern countries. Women and children from rural areas were trafficked to urban centers for commercial sexual exploitation and labor. In some cases, families sold these victims into servitude, while in other cases they were kidnapped. Women were trafficked from East Asian countries and Bangladesh to the Middle East via the country. Traffickers bribed police and immigration officials to facilitate passage. During the year, authorities prosecuted 17 governmental officers and arrested 3 FIA inspectors." **[2b] (section 5)**

6.104 The USSD 2004 also reported that:

"The Government rescued some kidnapped victims. In the 14 months following June 2003, the Overseas Pakistani Foundation and the Ansar Burney Welfare Trust repatriated 5,700 citizens trafficked to the Middle East. The Government sponsored shelters and training programs for actual and potential trafficking victims. There were 276 detention centers where women were sheltered and given access to medical treatment, limited legal representation, and some vocational training. The Government provided temporary residence status to foreign trafficking victims. The FIA and the International Organization for Migration held training and seminars on trafficking for government officials and NGOs during the year. The Interior Minister was personally engaged in such efforts. Very few NGOs dealt specifically with trafficking; however, many local and provincial NGOs provided shelter to victims of trafficking and those at risk for trafficking." **[2b] (section 5)**

6.105 The USSD 2004 further stated that:

"Police often treated trafficking victims as criminals, charging them with immigration law violations. Police remained reluctant to assist foreign trafficking victims in filing charges. Women victims who were forced into prostitution at times feared prosecution for adultery and fornication if they pursued cases. Foreign victims, particularly Bangladeshis, faced difficulties in obtaining repatriation to their home countries. Women trafficked abroad and sexually exploited faced societal discrimination on their repatriation.

A few NGOs held workshops on trafficking during the year, and the Government and NGOs worked to publicize the plight of camel jockeys and discourage the continuation of the practice." **[2b] (section 5)**

6.106 The US State Department's Trafficking in Persons Report, dated June 2005, recorded that:

"The Government of Pakistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Pakistan has improved its anti-trafficking performance over the reporting period. Most notably, it has increased trafficking-related prosecutions and convictions, strengthened implementation of its 2002 Prevention and Control of Human Trafficking Ordinance, established an Anti-Trafficking Unit (ATU) within the Federal Investigation Agency (FIA), and co-sponsored several public awareness campaigns…Pakistan's law enforcement efforts greatly increased during the reporting period [2004]. In 2004, 479 trafficking-related cases were registered, 289 individuals arrested, 248 court cases filed, and 72 convictions obtained – a significant improvement over the six convictions obtained in 2003. The government also prosecuted and convicted 17 officials for trafficking-related corruption. There were cases during the reporting period in which law enforcement officials mistakenly identified trafficking victims as voluntary participants in human smuggling and initiated criminal procedures against them. In such cases, supervisory personnel acted promptly to ensure charges were dropped and victims protected… In 2004, Pakistan made progress in its efforts to protect trafficking victims. Currently, NGOs continue to provide the majority of assistance and protection services for victims. However, new regulations for the implementation of Pakistan's 2002 anti-trafficking law obligate the Government of Pakistan to provide assistance to trafficking victims and allocate funding for their repatriation. Pakistan established the FIA's ATU, through which it coordinates its anti-trafficking law enforcement efforts." **[2d] (p173-174)**

6.107 In a report on camel jockeys in the Gulf, the BBC noted on 08 July 2005 that:

"Mr Burney has been Pakistan's premier anti-slavery campaigner for more than 18 years. In this period, his organisation – the Ansar Burney Welfare Trust – has secured the release and repatriation of hundreds of Pakistani children from the Gulf states. Children from other countries in South Asia end up as child jockeys, but most are from Pakistan. A group of 22 children returned recently to be housed at the state-run Child Protection and Welfare Centre in the Punjab. Another 86 arrived back in Pakistan on Friday [01 July 2005]. The children are provided board, lodging and psychiatric help at the centre while their parents are traced. Officials at the centre – which handed over nine children to their parents last week – say that they are reunited only after their parents guarantee that they will not send their children back to the Gulf. But for the likes of Mr Burney, such guarantees mean little…On Tuesday [05 July 2005], the United Arab Emirates passed a decree banning children under 18 from riding as camel jockeys. However, the practice has been illegal since 1980 and it remains to be seen how effective the new law will be." **[35y]**

6.108 The report further stated that:

"Most of the repatriated children hail from the south-east Punjab districts of Bahawalpur, Dera Ghazi Khan and Rahimyar Khan. This is no coincidence. These districts are the preferred hunting grounds for Gulf sheikhs, some of whom go there every year to hunt the houbara bustard – a protected bird whose meat is widely regarded as an aphrodisiac by Arabs. The three districts are also home to the Cholistan – one of Pakistan's two main deserts and one of the few areas in the country where camels are regularly used for travel and trade. It is easy to convince parents here to part with their children for a camel jockey's wage. They may get a meagre $82 a month but it is a sum a family would struggle for months to earn. Civil rights campaigners say strong political will on the part of the government is needed to stop a practice that has already generated hundreds of real-life horror stories." **[35y]**

6.109 In January 2004, at the twelfth SAARC (South Asian Association for Regional Cooperation) Summit, Pakistan adopted the Islamabad Declaration, which stated that "Member states should move towards an early ratification of the two conventions on Child Welfare and Trafficking in Women and Children for Prostitution". **[29e] (p3)**

6.110 The International Organization for Migration (IOM) issued Press Briefing Notes on 30 August 2005, stating that:

"IOM has opened a model shelter home for women victims of human trafficking in Islamabad – the first of its kind in Pakistan. The facility, at an undisclosed secure location in Pakistan's capital, is designed to house up to ten women at a time upon their rescue or escape from traffickers. At the shelter, trained IOM staff will provide them with the medical, psychological and legal help that they need to plan their long-term recovery, rehabilitation and reintegration into society. Shelter staff underwent government security vetting and an intensive training course provided by IOM and Struggle for Change (SACH) – a local NGO, before being hired. The first referrals to the facility from law enforcement agencies and NGOs are expected shortly…The opening of the shelter is the second part of a national three-part counter trafficking project being implemented by IOM in partnership with the Pakistan government with funding from the US State Department. The project has already established and trained a Federal Investigation Agency Anti-Trafficking Unit. A national information campaign, the final part of the project, will be launched shortly." **[45] (p2-3)**

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FREEDOM OF MOVEMENT

6.111 In respect of freedom of movement within the country, foreign travel, emigration and repatriation, the US State Department Report 2004 (USSD), published on 28 February 2005 notes that:

"The law provides for these rights; however, the Government limited them in practice. The Government at times prevented political party leaders and religious leaders from traveling to certain parts of the country (see Section 2.b. [in USSD 2004]). Special permission was required to enter certain restricted areas, including parts of the FATA [Federally Administered Tribal Areas].

Law prohibited travel to Israel. Government employees and students must obtain "no objection" certificates before traveling abroad, although this

requirement rarely was enforced against students. Persons on the publicly available Exit Control List (ECL) are prohibited from foreign travel. There were approximately 2,153 names on the ECL. While the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action is required to add a name to the ECL. Those on the list have the right to appeal for removal to the Secretary of Interior and the Advocate General of the Senior Judiciary. Courts have intervened to have opposition leaders removed from the ECL." **[2b] (section 2d)**

6.112 According to the website of the Government of Pakistan, updated May 2004, proof of identity when applying for a passport is provided by submitting two copies of the National Identity card bearing a photograph. **[29a]**

(See also Section 6.A, Ahmadis, sub-section on Passport Declaration**)**

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6.B HUMAN RIGHTS - SPECIFIC GROUPS

MOHAJIRS

OVERVIEW

6.113 The Encarta Online Encyclopedia 2005 notes that:

"Mohajirs constitute about 8 percent of the population. They are Muslims who settled in Pakistan after the partition of British India in 1947. Unlike other cultural groups of Pakistan, they do not have a tribe-based cultural identity. They are the only people in the country for whom Urdu, the official language, is their native tongue. Mohajirs were the vanguard of the Pakistan Movement, which advocated the partition of British India in order to create the independent nation of Pakistan for Indian Muslims. After the partition, a large number of Muslims migrated from various urban centers of India to live in the new nation of Pakistan. These migrants later identified themselves as *mohajirs*, meaning "refugees" in both Urdu and Arabic. A large number of Mohajirs settled in the cities of Sind Province, particularly Karāchi and Hyderābād. They were better educated than most indigenous Pakistanis and assumed positions of leadership in business, finance, and administration. Today they remain mostly urban." **[32a] (p2)**

FORMATION OF MQM

6.114 Encarta also records that:

"Sindhis felt dispossessed by the preponderance of Mohajirs in the urban centers of Sind. With the emergence of a Sindhi middle class in the 1970s and adoption of Sindhi as a provincial language in 1972, tensions between Mohajirs and Sindhis began to mount. The 1973 constitution of Pakistan divided Sind into rural and urban districts, with the implication that the more numerous Sindhis would be better represented in government. Many Mohajirs felt that they were being denied opportunities and launched a movement to represent their interests. The movement, which evolved into the Mohajir Qaumi Movement (MQM) in the mid-1980s, called for official recognition of Mohajirs as a separate

cultural group and advocated improved rights for Mohajirs. Although factional rivalries and violence within the MQM tarnished its image and shrunk its power base, the movement continues to be a potent force in urban centers of the province, particularly Karāchi. The MQM has contributed to a more defined Mohajir identity within the country." **[32a] (p2)**

6.115 Europa Regional Surveys of the World: South Asia 2005, notes that the MQM was "f. [formed] 1978 as All Pakistan Mohajir Students Organisation; name changed to Mohajir Qaumi Movement in 1984, and to Muttahida Qaumi Movement in 1997, represents the interests of Muslim, Urdu-speaking immigrants (from India) in Pakistan; seeks the designation of Mohajir as fifth nationality (after Sindhi, Punjabi, Pathan and Baluchi); aims to abolish the prevailing feudal political system and to establish democracy, Pres. AFTAB SHEIKH." **[1] (p447)**

6.116 Europa also records that, by the early 1990s, the MQM had split into the majority Altaf faction – MQM(A) – led by Altaf Hussain, and the smaller faction of the MQM Haqiqi – MQM(H)." **[1] (p395)**

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CURRENT SITUATION

6.117 The US State Department Report 2004 (USSD), published on 28 February 2005 notes that:

"There were reports of violence between political factions in the country. For example, the Mohajir Qaumi Movement – Haqiqi (MQM-H), an urban Sindh-based political party that in the past used violence to further its aims, claimed that its rival the Muttahida Qaumi Movement – Altaf (MQM), now a member of the national and provincial governing coalition, used security forces to carry out extrajudicial killings of its members; however, no direct connections between security forces and the killings were made. By year's [2004] end, the MQM political leadership had denounced violence and broken ties with its former militant wing, a group that resembled an armed gang carrying out retaliation against rival gangs, including the MQM-H's armed wing." **[2b] (section 1a)**

6.118 The USSD 2004 also recorded that "MQM-H claimed that security forces acting on behalf of the MQM routinely held its activists incommunicado. Opposition parties charged that the MQM kidnapped and tortured their activists during the March 28 [2004] local government by-elections and the May 12 provincial and national assembly by-elections in Karachi." **[2b] (section 1b)** The report also stated that "Several dozen MQM-H activists, arrested between 1999 and 2003 remained in custody at year's end, some without charge." **[2b] (section 1d)**

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WOMEN

OVERVIEW

6.119 The Human Rights Watch World Report 2005 on Pakistan recorded that:

"Violence against women and girls, including domestic violence, rape, "honor killings," acid attacks, and trafficking, are rampant in Pakistan. The existing legal code discriminates against women and girls and creates major obstacles to seeking redress in cases of violence. Survivors of violence encounter unresponsiveness and hostility at each level of the criminal justice system, from police who fail to register or investigate cases of gender-based violence to judges with little training or commitment to women's equal rights." **[13a] (p1)**

6.120 The US State Department Report 2004 (USSD), published on 28 February 2005, noted that "Domestic violence against women, rape, and abuse of children remained serious problems. Honor killings continued; however, new legislation stiffens [sic] penalties for honor killings; and criminal procedures for the blasphemy laws and Hudood Ordinances were changed to prevent abuses. Discrimination against women was widespread, and traditional social and legal constraints generally kept women in a subordinate position in society." **[2b] (introduction)**

6.121 The USSD 2004 further stated that "The national literacy rate of 38 percent showed a significant gap between males (50 percent) and females (24 percent) due to historical discrimination against educating girls. While anecdotal evidence suggested increasing female participation in education, such discrimination continued, particularly in rural areas." **[2b] (section 5)**

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LEGAL PROVISIONS

GENERAL

6.122 The US State Department Report 2004 (USSD), published on 28 February 2005, records that "The Constitution provides for equality before the law for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on these factors." **[2b] (section 5)**

6.123 Section 25 of Chapter I Part II of Pakistan's Constitution states that "All citizens are equal before law and are entitled to equal protection of law…There shall be no discrimination on the basis of sex alone…Nothing in this Article shall prevent the State from making any special provision for the protection of women and children." **[14a] (p5)**

(See also Section 5, sub-section on Citizenship and Nationality**)**

DISCRIMINATORY LEGISLATION

6.124 The US State Department Report 2004 (USSD), published on 28 February 2005, notes that:

"The Constitution prohibits discrimination on the basis of sex; however, in practice, this provision was not enforced. Women faced discrimination in family law, property law, and in the judicial system (see Section 2.c. [in USSD 2004]). The Hudood Ordinances create judicial discrimination against women. Women's testimony in cases involving proposed Koranic punishment was considered invalid or discounted significantly. In other cases involving property

matters or questions of future obligations, a woman's testimony is equal to half that of a man.

Family law provides protections for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. In practice, many women were unaware of these legal protections or unable to obtain legal counsel to enforce them. Divorced women were often left with no means of support and were ostracized by their families. While prohibited by law, the practice of buying and selling brides continued in rural areas. Women are legally free to marry without family consent, but women who did so were often ostracized or were the victims of honor crimes." **[2b] (section 5)**

6.125 The USSD 2004 further records that:

"Inheritance law discriminates against women. Female children are entitled to only half the inheritance of male children. Wives inherit only one-eighth of their husband's estate. Women often received far less than their legal inheritance entitlement. In rural Sindh, landowning families continued the practice of "Koranic marriages" in an effort to avoid division of property. Property of women married to the Koran remains under the legal control of their father, or eldest brother, and such women are prohibited from contact with any male over 14." **[2b] (section 5)**

6.126 As noted by the USSD 2004:

"At the trial level, ordinary criminal courts hear cases involving violations of the Hudood ordinances, which criminalize nonmarital rape (see Section 5 [of USSD 2004]), extramarital sex, gambling, alcohol, and property offenses. The Hudood ordinances set strict standards of evidence, which discriminate between men and women and Muslims and non-Muslims, for cases in which Koranic punishments are to be applied (see Sections 1.c. and 5 [in USSD 2004]). For Hudood cases involving the lesser secular penalties, different weight is given to male and female testimony in matters involving financial obligations or future commitments." **[2b] (section 1e)**

6.127 The USSD 2004 also records that "According to human rights monitors, 80 to 85 percent of the female prison population was awaiting trial on adultery related offenses under the Hudood Ordinances. Most of these cases were filed without supporting evidence, trials often took years, and bail was routinely denied." **[2b] (section 1d)**

6.128 As stated by the USSD 2004:

"Husbands and male family members often brought spurious adultery and fornication charges against women under the Hudood Ordinances. Even when courts ultimately dismissed charges, the accused spent months, sometimes years, in jail and saw her reputation destroyed. The Government's National Commission on the Status of Women advocated for the repeal of the Hudood Ordinances. On October 26 [2004], the National Assembly adopted legislation that requires senior police officials to evaluate the merits of adultery and fornication allegations and requires a court order before a woman can be arrested on such charges." **[2b] (section 5)**

(See also Section 6.B, sub-sections on Domestic violence **and** Rape**)**

6.129 As noted by the Human Rights Watch World Report 2005 on Pakistan:

"Under Pakistan's existing Hudood Ordinance, proof of rape generally requires the confession of the accused or the testimony of four adult Muslim men who witnessed the assault. If a woman cannot prove her rape allegation she runs a very high risk of being charged with fornication or adultery, the criminal penalty for which is either a long prison sentence and public whipping, or, though rare, death by stoning. The testimony of women carries half the weight of a man's testimony under this ordinance. The government has yet to repeal or reform the Hudood Ordinance, despite repeated calls for its repeal by the government-run National Commission on the Status of Women, as well as women's rights and human rights groups. Informed estimates suggest that over 200,000 cases under the Hudood laws are under process at various levels in Pakistan's legal system." **[13a] (p1)**

(See also Section 6.B, sub-section on Domestic violence**)**

6.130 Amnesty International's publication, The Wire, for July 2004 reported that:

"According to the Human Rights Commission of Pakistan, every two hours a woman is raped in Pakistan and every eight hours a woman is subjected to gang rape. The frequency of rape is thought to be much higher but many rapes remain unreported due to a combination of social taboos, discriminatory laws and victimization by the police…These laws [Hudood Ordinances] place an almost impossible burden of proof on women and girls who are raped. If they report a rape to the police they are often charged with Zina crimes [unlawful sexual intercourse] because they have in effect admitted to sexual intercourse outside of marriage and been unable to prove absence of consent. In such cases, the victims are more likely to be convicted than the perpetrators." **[4d] (p2)**

6.131 On 5 January 2005, an Integrated Regional Information Networks (IRINNEWS.ORG) news article reported that:

"Pakistani President General Musharraf on Tuesday [4 January 2005] gave his assent to a bill setting out enhanced punishment for honour crimes – usually carried out against women and girls who "offend the honour of the family"… Musharraf had earlier called for a law banning honour killings "to lend more strength to Pakistan's efforts to do away with this intolerable practice", he said at the time.

Following his call, the lower house of parliament strengthened a law against honour killing, which was subsequently passed by the upper house on 7 December. The bill provides for the enhancement of punishment of honour-related crimes committed in the name of customary practices…The struggle for women's rights in Pakistan has gained momentum following recent court decisions. Last April a high court decision banned all trials conducted under the traditional system of Jirga in the southern province of Sindh." **[41d] (p1)**

6.132 On 14 April 2005, the BBC noted that:

"Pakistan's hard-line Islamist political parties have spent months in protest campaigns against President Pervez Musharraf. But recently they have

changed tack, concentrating on women's issues. Last week the six-party religious alliance that constitutes one-fifth of the country's parliament, the Muttahida Majlis-e-Amal (MMA) introduced a bill in parliament seeking a complete ban on women in advertising. The move follows the MMA's recent successes in stopping women from participating in outdoor sports. Political observers in Pakistan are intrigued by the sudden shift of emphasis in the MMA's politics…The shift was first noticed when the MMA started to oppose women's participation in sports events open to the general public. A mini-marathon organised in Gujranwala, some 40 miles north of the Punjab capital city of Lahore, was disrupted by MMA workers armed with batons and led by an MNA [Member of the National Assembly] Qazi Hameedullah. Several people were injured, including the MNA, in clashes with the police and the organisers had to abandon the race. A subsequent race scheduled for Sargodha - the home of Pakistan's air force some 150km southwest of capital Islamabad - was shifted to within the boundary walls of a college…Soon after, a private member's bill titled the 'Prohibition of Indecent Advertisements Bill 2005' was submitted to the national assembly. The proposed law seeks that making or publishing 'indecent' advertisements be declared a criminal and non-bailable offence. It proposes one-year imprisonment for any ad agency that uses women models - and at least five years for those found in repeated violation of this law. The word 'indecent' includes everything that is against religion, eastern values and traditions, and promotes licentiousness. Pakistan analysts say that the shift reflects a steady erosion of the MMA's political agenda…'The MMA hardly have any politics left,' says Nighat Said Khan, the head of the Institute of Women Studies at Lahore. Running a left wing women's organization for over 20 years, Ms Khan has often found herself at loggerheads with the Islamists. 'But where they have failed with political issues, they have succeeded on issues such as the religion column [in passports] and women's participation in public life. 'That may be why they are reverting to a cultural agenda where they have had far more success compared to the political front,' she says." **[35w] (p1-2)**

6.133 A Human Rights Watch report of 15 June 2005 described police beating and arresting Asma Jahangir, the United Nations special rapporteur on freedom of religion and head of the Human Rights Commission of Pakistan, for organising a symbolic mixed-gender mini-marathon on 14 May 2005. The report noted that:

"The stated aim of the marathon was to highlight violence against women and to promote 'enlightened moderation' – a reference to President Pervez Musharraf's constant refrain describing the Pakistani military's ostensible shift from state-sponsored Islamist militancy and religious orthodoxy to something else (just what is not entirely clear).

Others arrested included Hina Jilani, the UN special rapporteur on the situation of human rights defenders, and 40 others, this writer included (an observer, not a runner – too many cigarettes). The police, faced with embarrassing media coverage, released us a few hours later.

The marathon was organized by the Human Rights Commission of Pakistan and affiliated nongovernmental organizations in the light of recent 'marathon politics' in Pakistan. Until early April, it was government policy to encourage sporting events for women, so Punjab Province organized a series of marathons in which men and women could compete. The brief experiment ended abruptly on April 3, when 900 activists of the Islamist alliance, the

Muttaheda Majlis-e- Amal, or MMA – which was effectively created as a serious political force by Musharraf and is backed by the military – attacked the participants of a race in the town of Gujranwala.

According to a government statement at the time, the MMA activists were armed with firearms, batons and Molotov cocktails. Yet within days the activists were released without charge and Musharraf's government had reversed its policy of allowing mixed-gender sporting activities in public." **[13b]**

6.134 However, an editorial in the *Pakistan Observer* of 23 May 2005 reported that "ASMA Jehangir of the Human Rights Commission has ultimately succeeded in holding the mixed marathon in the name of civil liberties in Lahore on Saturday [21 May 2005]. The Lahore administration, however, did not intervene though changed the route from Liberty Chowk to Qadhafi Stadium instead of Kalima Chowk. Asma Jehangir later said that the event has proved that Lahorites are enlightened and conscious people." **[47]**

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NATIONAL COMMISSION ON THE STATUS OF WOMEN

6.135 On the 'FAQ' (Frequently Asked Questions) page of the Government of Pakistan's 'National Commission on the Status of Women' website, it is reported that:

"National Commission on the Status of Women (NCSW) is a statutory body established in the year 2000 by the president of Pakistan, under the Ordinance No. XXVI 2000 dated 17th July 2000

The main goal or objective of the Commission is emancipation of women, equalization of opportunities and socio-economic conditions amongst women and men and elimination of all sorts of discriminations amongst women

The main functions of the Commission, include the examination of the policy, programmes and other measures taken by the government for women development and the review of all policies, laws, rules and regulations affecting the status and rights of women and gender equality in accordance with the Constitution." **[29f] (p1)**

6.136 The US State Department Report 2004 (USSD), published on 28 February 2005, noted that: "The Government's Ministry for the Advancement of Women lacked sufficient staff and resources to function effectively. Continuing government inaction in filling vacant seats on the National Commission for the Status of Women hampered its efficacy." **[2b] (section 5)**

FAMILY LAW AND MARRIAGE

6.137 The legislation known as the Muslim Family Laws Ordinance, 1961, states that "It extends to whole of Pakistan [sic], and applies to all Muslim citizens of Pakistan, wherever they may be." It covers marriage, polygamy, divorce and maintenance. **[30] (p1)** The Dissolution of Muslim Marriages Act 1939 lays down the grounds on which a woman may divorce her husband. **[31] (p1)** The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, states that an adult male is

defined as having attained the age of18 years, a female as having attained the age of 16, or reached puberty. **[14b] (p1)**

6.138 The US State Department International Religious Freedom Report 2004, published on 15 September 2004, stated that:

"Civil marriages do not exist; marriages are performed and registered according to one's religion. Upon conversion to Islam, the marriages of Hindu or Christian men remain legal; however, upon conversion to Islam, the marriages of Hindu or Christian women, or of other non-Muslims that were performed under the rites of the previous religion, are considered dissolved. Children born to Hindu or Christian women who do not separate from their husbands, yet convert to Islam after marriage, are considered illegitimate unless their husbands also convert. Children of non-Muslim men who convert are not considered illegitimate. Under Islamic law, a Muslim man can marry a woman of the Book (Jews or Christians) but cannot marry a Hindu woman. Muslim women may only marry Muslim men." **[2a] (section II)**

6.139 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005:

"While the Government generally did not interfere with the right to marry, local officials on occasion assisted influential families to prevent marriage the families opposed. The Government also failed to prosecute vigorously cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members. Upon conversion to Islam, women's marriages performed under the rites of their previous religion were considered dissolved, while the marriages of men who converted remained intact (see Section 2.c. [in USSD 2004])." **[2b] (section 1f)**

6.140 The USSD 2004 also recorded that:

"Family law provides protections for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. In practice, many women were unaware of these legal protections or unable to obtain legal counsel to enforce them. Divorced women were often left with no means of support and were ostracized by their families. While prohibited by law, the practice of buying and selling brides continued in rural areas. Women are legally free to marry without family consent, but women who did so were often ostracized or were the victims of honor crimes." **[2b] (section 5)**

(See also Section 6.B, sub-section on Honour killings**)**

6.141 The Integrated Regional Information Networks (IRINNEWS.ORG) reported on 22 January 2004 that "In another progressive step, last month [December 2003] the highest court in the country empowered women to marry of their own free will without the approval of their parent or legal guardian." **[41c] (p2)**

6.142 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005, "In rural Sindh, landowning families continued the practice of "Koranic marriages" in an effort to avoid division of property. Property of women married to the Koran remains under the legal control of their father, or eldest

brother, and such women are prohibited from contact with any male over 14." **[2b] (section 5)**

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DOMESTIC VIOLENCE

6.143 The US State Department Report 2004 (USSD), published on 28 February 2005 recorded that:

"Domestic violence was a widespread and serious problem. Husbands frequently beat, and occasionally killed, their wives, and often newly married women were abused and harassed by their in-laws. Dowry and family-related disputes often resulted in death or disfigurement through burning or acid…During the year, there were 193 cases of stove deaths, many of these related to disputes with in-laws.

According to the HRCP [Human Rights Commission of Pakistan], one out of every two women was the victim of mental or physical violence. The National Commission on the Status of Women has called for specific domestic violence legislation. In its absence, abusers may be charged with assault, but cases rarely were filed. Police and judges were reluctant to take action in domestic violence cases, viewing it as a family problem. Battered women were usually returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were reluctant to report abuse for fear of dishonoring the family reputation." **[2b] (section 5)**

6.144 Following allegations of abuse at a woman's shelter in Hyderabad, the Integrated Regional Information Networks (IRINNEWS.ORG) reported on 16 August 2004 that "Human rights activists have called for drastic reforms in the existing structure of the state-run women's shelters across the country." The article further reported that:

"In a conservative society like Pakistan, where 70 to 80 percent of women, according to HRW [Human Rights Watch], face domestic violence in the form of physical, sexual and verbal abuse, such centres were established to give women support in their hour of need. But such essential services need proper support, activists maintain.

"Existing state-run women's refuge centres are like 'dumping places' and sub-prisons. Once a woman enters, she can't leave without obtaining a court order," Khalida Saleemi, director of Struggle for Change (SACH), an NGO working for the rehabilitation of violence victims, told IRIN in the Pakistani capital, Islamabad.

"Counselling is one of the most critical needs of women in refuge centres as all of them live under stress, but, none of these abodes have in-house councillors," Saleemi said, adding that the government should arrange proper medical and psychiatric services for physically injured and emotionally disturbed women." **[41a] (p1)**

6.145 The IRIN report also noted that:

"The protection and safety of women in refuges has always been a critical issue. Religious conservatives have often raised concerns over the security situation in these centres and have accused those running such facilities several times of exploiting female residents. Allegations that stem from cultural norms that define a woman's place as being in a male-dominated household.

Additionally, rights activists observe that the rules for visitors are also often violated. In some cases, people are allowed to go inside the shelters without formal permission from the designated authority. While on the other hand, human rights workers are denied access." **[41a] (p1-2)**

(See also Section 6.B, sub-section on Assistance available to women**)**

HONOUR KILLINGS

6.146 The 2005 Freedom House report on Pakistan stated that:

"According to the HRCP [Human Rights Commission of Pakistan], at least 600 women were killed by family members in so-called honour killings in 2003. Usually committed by a male relative of the victim, honor killings punish women who supposedly bring dishonor to the family. In October 2004, the lower house of parliament passed government-backed legislation introducing stiffer sentences and the possibility of the death penalty for those convicted of honor killings. However, given an environment where authorities generally do not aggressively prosecute and convict the perpetrators of violence against women, activists questioned the effectiveness of the bill." **[19a] (p484)**

6.147 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005:

"Honor killings continued to be a problem, and women were the principal victims. Local human rights organizations documented 1,458 cases during the year, and many more likely went unreported. Sindh province had over half of reported cases, although human rights organizations believed the practice also was prevalent in Punjab, NWFP, and Baluchistan…On October 26, [2004] the National Assembly adopted a bill increasing penalties for crimes involving matters of honor and placing restrictions on the victims or heirs' right to pardon perpetrators of such crimes; however, human rights groups remained concerned that perpetrators of such crimes, in a limited number of cases, could still be pardoned by the victim or heirs (see Section 5 [in USSD 2004])." **[2b] (section 1a)**

6.148 The USSD 2004 further reported that:

"Honor killings and mutilations occurred during the year (see Section 1.a. [in USSD 2004]). Women were often the victims at the hands of their husbands or male relatives. Authorities reported 1,261 honor crimes in the 12 months after June 2003, with the majority in Sindh. The practice was also common in Punjab and among tribes in Baluchistan, NWFP, and FATA [Federally Administered Tribal Areas]. On October 26 [2004], the National Assembly adopted legislation that provides for additional penalties for all crimes involving honor and that restricts the right of victims or heirs to pardon perpetrators in exchange for restitution." **[2b] (section 5)**

6.149 On 5 January 2005, an Integrated Regional Information Networks (IRINNEWS.ORG) news article reported news article reported that "According to a local NGO, Lawyers for Human Rights and Legal Aid (LHRLA), some 1,458 women were murdered during the year 2004, while the number of total reported cases of violence against women last year stands at above 4,300." **[41d] (p1)**

6.150 The Foreign and Commonwealth Office's Annual Report on Human Rights 2005 stated that one of their Global Opportunities Fund projects was:

"A two-year project working with the British Council and Samina Khan to raise objection to "honour killings", reaching people in the rural areas, and enhancing the role of women in government by assisting them to oppose honour killings. The approach includes a series of high profile awareness campaigns in rural areas of Sindh and Punjab provinces, including street theatre, video plays, seminars, handouts in local languages and posters. Expenditure for financial year 04/05: £37,100." **[11c] (p263)**

6.151 The Integrated Regional Information Networks (IRINNEWS.ORG) reported on 20 May 2005 that:

"The international NGO, Oxfam, has launched a campaign to fight the increasingly common practice of 'honour' killings in Pakistan's remote southern province of Balochistan…'In recent years, the threat of violence in women's lives has significantly increased. More and more women are being harassed, raped, and murdered by close relatives for personal, sexual and financial gains but in most cases it goes unnoticed,' Dr Arif Mehmood, campaign manager at Oxfam told IRIN in Quetta, the capital of Balochistan province. 'Women, regardless of their age, are being killed to settle disputes, acquire land, or pay off debts. But 'honour' is used as a convenient cover to legitimise crimes against women,' Mehmood noted…Oxfam aims to reduce the social acceptance of such killings through a six year campaign aiming to achieve a significant decrease in the number of women killed under the banner of 'honour'…According to statistics compiled by Pakistan's leading rights body, the Human Rights Commission of Pakistan (HRCP), a total of 579 people, 546 of them women, fell victim to the practice of honour killing during 2004. Different names were used for the crime in different parts of the country…This campaign is a part of Oxfam's South Asia regional campaign to end violence against women that involves more than 400 civil society groups and organisations in Bangladesh, India, Nepal, Pakistan and Sri Lanka.

The campaign started in the Bolan, Sibbi, Naseerabad, Ja'ffarabad, Jhal Magsi and Khuzdar districts of Balochistan province. The 'We Can End Honour Killing' campaign will be launched in November this year and operate in 17 districts of Sindh, Punjab and North West Frontier Province (NWFP)." **[41g]**

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RAPE

6.152 Amnesty International's publication, The Wire, for July 2004 reported that:

"According to the Human Rights Commission of Pakistan, every two hours a woman is raped in Pakistan and every eight hours a woman is subjected to gang rape. The frequency of rape is thought to be much higher but many rapes

remain unreported due to a combination of social taboos, discriminatory laws and victimization by the police…These laws [Hudood Ordinances] place an almost impossible burden of proof on women and girls who are raped. If they report a rape to the police they are often charged with Zina crimes [unlawful sexual intercourse] because they have in effect admitted to sexual intercourse outside of marriage and been unable to prove absence of consent. In such cases, the victims are more likely to be convicted than the perpetrators." **[4d] (p2)**

6.153 As recorded in the US State Department Report 2004 (USSD), published on 28 February 2005,

"Rape, other than by one's spouse, is a criminal offense. One cannot be prosecuted for marital rape or for rape in cases where a marriage between the perpetrator and victim has been contracted but not solemnized. Although rape was widespread, prosecutions were rare. It is estimated that less than one-third of rape cases were reported to the police. Police were at times implicated in the crime (see Section 1.c. [in USSD 2004])." **[2b] (section 5)**

6.154 The USSD 2004 also stated that:

Many rape victims were pressured to drop charges. Police and prosecutors often threatened to charge a victim with adultery or fornication if she could not prove the absence of consent, and there were cases in which rape victims were jailed on such charges. The standard of proof for rape set out in the Hudood Ordinances is based on whether the accused is to be subjected to Koranic or secular punishment. In cases of Koranic punishment, which can result in public flogging or stoning, the victim must produce four adult male Muslim witnesses to the rape or a confession from the accused. No Koranic punishment has ever been applied for rape. The standards of proof are lower for secular punishment, which can include up to 25 years in prison and 30 lashes. Such punishment was applied. Courts, police and prosecutors, at times, refused to bring rape cases when Koranic standards of evidence could not be met." **[2b] (section 5)**

6.155 As noted by the USSD 2004:

"Police frequently discouraged women from bringing rape charges and often abused or threatened the victim, telling her to drop the case, especially when bribed by the accused. Police requested bribes from some victims prior to lodging rape charges, and investigations were often superficial. Medical personnel were generally untrained in collection of rape evidence and were at times physically or verbally abusive to victims, accusing them of adultery or fornication. Women accused of adultery or fornication were forced to submit to medical exams against their will even though the law requires their consent. Judges were reluctant to convict rapists, applied varying standards of proof, and, at times, threatened to convict the victim for adultery or fornication rather than the accused for rape. Families and tribes, at times, killed rape victims or encouraged them to commit suicide." **[2b] (section 5)**

6.156 The USSD 2004 further reported that:

"Husbands and male family members often brought spurious adultery and fornication charges against women under the Hudood Ordinances. Even when courts ultimately dismissed charges, the accused spent months, sometimes years, in jail and saw her reputation destroyed. The Government's National

Commission on the Status of Women advocated for the repeal of the Hudood Ordinances. On October 26 [2004], the National Assembly adopted legislation that requires senior police officials to evaluate the merits of adultery and fornication allegations and requires a court order before a woman can be arrested on such charges." **[2b] (section 5)**

6.157 Much media coverage was given in the early part of 2005 to a rape case that became high profile after the victim, Mukhtar Mai, took her case to court. On 28 June 2005, the BBC recorded that:

"Pakistan's Supreme Court has suspended the acquittals of five men in a notorious gang rape case that has sparked worldwide outrage. The Lahore High Court had in March acquitted the five who are accused of raping Mukhtar Mai in 2002, allegedly on a village council's order…The Supreme Court agreed to suspend the acquittals following appeals by Ms Mai, 33, and the government…Supreme Court Chief Justice Iftikhar Chaudhry said the court would re-examine the evidence in the case. In his ruling, he ordered 14 men – the five acquitted by the Lahore court, a sixth man whose death sentence was commuted to life imprisonment by that court and another eight men acquitted at the original trial – be held in custody…A village council allegedly ordered the rape because her younger brother was seen with a woman from the more influential Mastoi clan. Ms Mai and her brother say the allegations were made to cover up a sexual assault on the boy by a group of Mastoi men. Her lawyers had argued that the Lahore High Court's decision to acquit was faulty and based on conjecture. The case acquired political overtones after President Pervez Musharraf barred Ms Mai from travelling abroad, fearing she might undermine Pakistan's image. The government has stationed police at her home in Meerwala, in central Punjab province, saying she needs protection. But she has complained that she is under virtual house arrest. On Monday [27 June] Ms Mai confirmed she had now been given back her passport. Critics of Pakistan's judicial and social systems say the Mukhtar Mai case is an example of appalling treatment often handed out to women, particularly in feudal, rural areas. President Musharraf says the case is not representative. "We are no worse than any other developing country," he said earlier this month during a tour of New Zealand." **[35r]**

ASSISTANCE AVAILABLE TO WOMEN

6.158 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"The Government has criticized violence against women. Its Crisis Center for Women in Distress refers abused women to NGOs for assistance. During the year, the NGO Struggle for Change, which operated a shelter for abused women, provided rehabilitation assistance (shelter, employment counseling, and legal aid) to 67 women. An additional 157 women received legal or financial assistance. Provincial governments operated shelters for women in distress at the district level. In some cases, managers of such shelters have abused women in their care." **[2b] (section 5)**

(See also Section 6.B, sub-section on Domestic violence**)**

6.159 The CRIN (Child Rights Information Network) website published research by MADADGAAR (a protection and referral centre) in January 2005 on reported cases of child and women abduction. It stated that:

"Madadgaar is a joint venture of Lawyers for Human Rights and Legal Aid (LHRLA) and UNICEF. It is Pakistan's First child Help Line and Protection Service for Children and Women. Madadgaar documents all the cases that are published in newspapers or are otherwise acknowledged, to collect information regarding human rights violation in the country, especially against children and women. In order to maintain an updated database the staff members of Madadgaar monitor twenty-six newspapers daily in Urdu, English and Sindhi languages. With the help of this database Madadgaar attempts to keep the public informed about the incidents of abuse against women and children through media." **[7] (p1)**

6.160 The Madadgaar Research Report recorded that "Last year [2004], 2906 abduction cases were reported in the national as well as vernacular press. Out of the total 2906 cases of children and women kidnapping, there were 1398 cases of women kidnapping, 981 cases of female child abduction and in 527 cases male child [sic] were reported kidnapped from different areas of the country." **[7] (p1)**

6.161 With regard to victims of trafficking, the US State Department Report 2004 (USSD), published on 28 February 2005, noted that:

"The Government rescued some kidnapped victims. In the 14 months following June 2003, the Overseas Pakistani Foundation and the Ansar Burney Welfare Trust repatriated 5,700 citizens trafficked to the Middle East. The Government sponsored shelters and training programs for actual and potential trafficking victims. There were 276 detention centers where women were sheltered and given access to medical treatment, limited legal representation, and some vocational training. The Government provided temporary residence status to foreign trafficking victims. The FIA and the International Organization for Migration held training and seminars on trafficking for government officials and NGOs during the year. The Interior Minister was personally engaged in such efforts. Very few NGOs dealt specifically with trafficking; however, many local and provincial NGOs provided shelter to victims of trafficking and those at risk for trafficking." **[2b] (section 5)**

(See also Section 6.A, sub-section on People trafficking**)**

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TREATMENT OF WOMEN IN DETENTION

6.162 The US State Department Report 2004 (USSD), published on 28 February 2005, stated that:

"Special women's police stations with all female staff have been established in response to complaints of custodial abuse of women, including rape. The Government's National Commission on the Status of Women claimed the stations did not function effectively in large part due to a lack of resources. Court orders and regulations prohibit male police from interacting with female suspects, but women were often detained and interrogated at regular stations.

Instances of abuse of women in prisons were less frequent… Female detainees and prisoners were held separately from male detainees and prisoners. According to women's rights NGOs, there were approximately 3,000 women in jail nationwide at year's end." **[2b] (section 1c)**

Political representation

6.163 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005:

"There were 73 women in the 342-seat National Assembly; there were five women in the Cabinet; and none in the Supreme Court. Sixty seats in the National Assembly are reserved for women, as are 128 of the 758 seats in provincial assemblies and one-third of the seats in local councils. In some districts, social and religious conservatives prevented women from becoming candidates; however, in several districts, female candidates were elected unopposed. Women participated in large numbers in elections, although some were dissuaded from voting by their families, religious and tribal leaders, and social customs. Local leaders in the Lower Dir District in the NWFP did not allow women to contest the local government by-elections in March. As a result of this agreement and similar ones from the past, 196 of 204 seats reserved for women in the local council remained vacant. A similar ban was also agreed in part of Swabi and other NWFP districts. Provincial chief ministers have named women to serve in their cabinets." **[2b] (section 3)**

6.164 Following the first phase voting for the local elections [see Section 4, History], the BBC stated on 18 August 2005:

"In Lyari, one of the most colourful and multi-ethnic area of the city [Karachi], hundreds of people complained that their names were missing from the [voter] lists. The problem seems to be particularly acute at women's polling stations, says the BBC's Aamer Ahmed Khan in Karachi…Tribal elders had banned women from voting in three councils in the province, but the government had persuaded local jirgas – or tribal councils – to lift the ban late on Wednesday. Nonetheless, reports from the area suggested that women were not turning out to vote in large numbers. In one women's polling station in a suburb of Peshawar, capital of NWFP, not a single vote was cast in the first five hours of polling, the BBC's Haroon Rashid in Peshawar says. Human rights activists are demanding the cancellation of election results in such districts." **[350]**

(See also Section 4, sun-section on Political events and terrorism in 2005**, re women's participation in these elections)**

PROPERTY AND INHERITANCE RIGHTS

6.165 The US State Department Report 2004 (USSD), published on 28 February 2005, further records that:

"Inheritance law discriminates against women. Female children are entitled to only half the inheritance of male children. Wives inherit only one-eighth of their husband's estate. Women often received far less than their legal inheritance entitlement. In rural Sindh, landowning families continued the practice of "Koranic marriages" in an effort to avoid division of property. Property of women married to the Koran remains under the legal control of their father, or eldest

brother, and such women are prohibited from contact with any male over 14." **[2b] (section 5)**

(See also Section 6.B, sub-section on Discriminatory legislation)

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CHILDREN

OVERVIEW

6.166 Section 2 (a), Chapter 1, of The Offence of Zina (Enforcement of Hudood) Ordinance, 1979, states "In this Ordinance, unless there is anything repugnant in the subject of context: (a) "adult" means a person who has attained, being a male, the age of eighteen years or, being a female, the age of sixteen years, or has attained puberty." **[14b] (p1)**

6.167 An Amnesty International report of 2003 stated that:

"In July 2000 Pakistan promulgated a Juvenile Justice System Ordinance [JJSO] as part of its efforts to fulfil obligations under the United Nations (UN) Convention on the Rights of the Child (CRC) to protect the rights of children who come into conflict with the law. Amongst other things, the Ordinance defines the age of a child as being less than 18 years of age, prohibits the death penalty for juveniles, sets out clear guidelines for the granting of bail and calls for the creation of more borstal institutions." **[4a] (p1)** (BUT the JJSO was revoked on 6 December 2004 – see below)

6.168 The same report further noted that:

"In April 2003, Pakistan submitted its second periodic report to the Committee on the Rights of Child. In its concluding observations and recommendations issued of 3 October 2003, the Committee expressed concern at the "poor implementation of the [JJSO] and that many of the authorities in charge of its implementation ... are unaware of its existence." The Committee further expressed deep concern at the high number of children in prisons who were detained in poor conditions, held with adult offenders and vulnerable to abuse and ill-treatment…During a recent Amnesty International research mission to Pakistan, delegates found that at each stage of arrest, trial and imprisonment there was wide-scale failure to implement the provisions of the JJSO. Children who were accused of petty crimes were often held for several months without trial, they had no real access to bail and were not provided with the legal representation to which they are entitled. When accused of more serious offences, such as murder, children may spend several years in prison awaiting the conclusion of their trial. Recent figures indicate that while 75% of the children in detention in Pakistan are under-trials, actual conviction rates are as low as 15-20%. During detention boys and girls are frequently held with adults and transported in chains in violation of domestic legal provisions." **[4a] (p1)**

6.169 The US State Department Report 2004 (USSD), published on 28 February 2005, recorded that:

"On December 5, the Lahore High Court struck down the Juvenile Justice System Ordinance, designed to protect the rights of children, on the grounds of

being unconstitutionally vague. At year's end, the judgment [sic] remained in abeyance during appeals to the Supreme Court. Child offenders were generally kept in the same prisons as adults, albeit in separate barracks. Children in prison were subjected to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs estimated 3,000 children were in prison at year's end. Child offenders could alternatively be sent to one of two residential reform schools in Karachi and Bahawalpur until they reached the age of majority. Abuse and torture reportedly also occurred at these facilities. Nutrition and education were inadequate. Family members were forced to pay bribes to visit children or bring them food. Facility staff reportedly trafficked drugs to children incarcerated in these institutions." **[2b] (section 1c)**

6.170 A June 2005 publication by Amnesty International, 'Death Penalty News', stated that "Appeals against the revocation by the Lahore High Court in December 2004 of the Juvenile Justice System Ordinance, which banned the execution of child offenders, (see DP News December 2004) are currently pending in the Supreme Court of Pakistan. The revocation has been stayed until the Supreme Court reaches a decision." **[4f] (p5)**

(See also Section 5 on Prisons and prison conditions **)**

6.171 The US State Department Report 2004 (USSD), published on 28 February 2005, notes that:

"The Government does not demonstrate a strong commitment to children's rights and welfare through its laws and programs. There is no federal law on compulsory education. Public education is free; however, fees were charged for books, supplies, and uniforms. Public schools, particularly beyond the primary grades, were not available in many rural areas, leading parents to use the parallel private Islamic school (madrassa) system. In urban areas, many parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system…At the vast majority of madrassas, students were reasonably well-treated. However, press reports claimed that there were some madrassas where children were confined illegally, kept in unhealthy conditions, and physically or sexually abused." **[2b] (section 5)**

(See also Section 5, sub-section on Educational system**)**

6.172 As recorded by the USSD 2004:

"Child abuse was widespread. According to child rights NGOs, abuse was most common within families. In rural areas, poor parents sold children as bonded laborers (see Section 6.d. [in USSD 2004]) and at times, sold daughters to be raped by landlords.

Trafficking and commercial sexual exploitation were problems (see Section 5, Trafficking [in USSD 2004]).

Child labor was a significant problem (see Section 6.d. [in USSD 2004]).

NGOs like Sahil and Rozan worked on child labor, child sexual abuse, and child trafficking. NGOs played an important role in providing counseling and medical services to victims and in raising awareness of these problems." **[2b] (section 5)**

6.173 The USSD 2004 also stated that:

> "The Government has adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax and child labor was a serious problem. The Ministry of Labor has identified 35 hazardous forms of child labor, including street vending, surgical instrument manufacturing, deep-sea fishing, leather manufacturing, brick making, and carpet weaving, among others. Child labor in agriculture and domestic work was also common.
>
> Forced and bonded labor, sexual exploitation, and the trafficking of children occurred (see Section 5 [in USSD 2004])." **[2b] (section 6d)**

6.174 The USSD further noted that:

> "The Employment of Children Act prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations and regulates their conditions of work, e.g. no child is allowed to work overtime or at night; however, there were few child labor inspectors in most districts, and the inspectors often had little training, insufficient resources, and were susceptible to corruption. By law, inspectors may not inspect facilities that employ less than 10 persons, where most child labor occurs. Hundreds of convictions were obtained for violations of child labor laws, but low fines levied by the courts – ranging from an average of $6 (Rs. 364) in the NWFP to an average of $121 (Rs. 7,280) in Baluchistan – were not a significant deterrent. The Employment of Children Act allows for fines of up to $333 (Rs. 20,000). Penalties often were not imposed on those found to be violating child labor laws." **[2b] (section 6d)**

6.175 As recorded in the USSD 2004:

> "The International Labor Organization–International Program for the Elimination of Child Labor (ILO-ILEC) continued programs in the carpet weaving, surgical instrument, rag picking, and deep sea fishing industries and launched a Time Bound Program for the Elimination of the Worst Forms of Child Labor. Working with industries and the Government, ILO-IPEC used a combination of monitoring, educational access, rehabilitation, and family member employment to transition children out of these industries. An ILO-IPEC program to eliminate child labor in the soccer ball manufacturing industry was completed and deemed a success." **[2b] (section 6d)**

6.176 The USSD 2004 also stated that "The Constitution and law prohibit forced or bonded labor, including by children; however, the Government did not enforce these prohibitions effectively. The Bonded Labor System (Abolition) Act (BLAA) outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts. The Act makes bonded labor by children punishable by up to 5 years in prison and up to $833 (Rs. 50,000) in fines." **[2b] (section 6c)**

6.177 The USSD 2004 noted that "Women and children from rural areas were trafficked to urban centers for commercial sexual exploitation and labor. In some cases, families sold these victims into servitude, while in other cases they were kidnapped". **[2b] (section 5)**

(See also Section 6.A, sub-section on People trafficking**)**

6.178 The 2005 Freedom House report on Pakistan stated that "The enforcement of child labor laws continues to be inadequate; recent surveys indicate that there are at least eight million child workers in Pakistan." **[19a] (p482)**

(See also Section 6.A, sub-section on Employment rights**)**

6.179 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005, "Child health care services remained seriously inadequate. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition. While boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys." **[2b] (section 5)**

CHILD CARE ARRANGEMENTS

6.180 An article published on the 'Women's e-News' website dated 17 October 2004 reported that:

"Baby girls are discarded in huge numbers in Pakistan and an outdoor "cradle program" for drop-offs merely stem the loss. Social workers trace the problem to parents – often middle class – who regard female offspring as financial liabilities…There are no studies available on the number of children abandoned annually in Pakistan but Edhi [the Edhi Foundation] personnel are involved in the recovery of an average of 1,500 babies a year through the foundation's "jhoola baby" (cradle baby) program. Thousands more, they fear, are simply never found. Of the babies recovered, an overwhelming majority – 80 percent – are female…In 1970, two decades after he began the Edhi Foundation – South Asia's largest indigenous private social service network – Abdul Sattar Edhi installed the first cradle outside one of his Karachi-based centers. These days there are 315 such cradles across Pakistan and the "cradle baby" program saves an average of 650 abandoned children a year…After the children receive a bill of clean health they are put up for adoption. Since 1970, 15,000 cradle babies have been placed in adoptive homes. Those who are not adopted – about 40 percent – remain under the foundation's protection, with Edhi himself as their legal guardian until they reach 18." **[43] P1-2)**

6.181 The Pakistan page of SOS Children's Villages website, accessed 31 August 2005, reports that the charity has seven communities in Pakistan (in Lahore, Dhodial, Rawalpindi, Faisalabad, Karachi, Sargodha and Multan) and two under construction in Muzaffarbad and Sialkot, offering schooling, medical services and vocational training to those in need. **[28]**

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HOMOSEXUALS

6.182 The US State Department Report 2004 (USSD), published on 28 February 2005, records that "Homosexual intercourse is a criminal offence; however, prosecution was rare. Homosexuals did not openly reveal their sexual orientation, and there were no allegations during the year of discrimination on the basis of sexual orientation. Those suffering from HIV/AIDS faced broad societal discrimination.

While the Government has launched education and prevention campaigns, these have done little to protect victims." **[2b] (section 5)**

6.183 A report by the Canadian Immigration and Refugee Board dated 27 July 2004 stated that:

"According to an article published in Hindustan Times, in Pakistan, gay marriages are illegal, and death by stoning is the suggested punishment for anyone found to be engaging in a homosexual act (2 July 2004; see also University of Florida 2003). Similarly, The Boston Globe reported in July 2004 that in Pakistan, homosexuality is a crime that carries the punishment of whipping, imprisonment or death, although no one has been "executed for sodomy in Pakistan's recent history" (11 July 2004).

One homosexual who lives in Pakistan said that homosexuality "'is seen as an aberration. It's seen as something to be ashamed of. It's seen as something to be hated'" (Hindustan Times 2 July 2004). During a presentation at the Ninth European Country of Origin Information Seminar held in Dublin, Ireland, on 26 and 27 May 2004, an Islamabad-based representative of the United Nations High Commissioner of Refugees (UNHCR) indicated that there is social stigma towards homosexuals in Pakistan, who are treated by society as "outcasts" (27 May 2004).

The Boston Globe reported that most individuals interviewed for its article did not identify themselves as homosexual, despite engaging in homosexual relations, and believed that homosexuality should remain illegal because it is against Islam (11 July 2004)." **[12c] (p1)**

6.184 The same report also noted that:

"Although societal attitudes towards homosexuality among the urban and educated population seem to be increasingly accepting, the conservative and religious population of the country view it as "an abnormality and religious sin" (Hindustan Times 2 July 2004; see also The Boston Globe 11 July 2004). Accordingly, most homosexuals adhere to the cultural requirement of marriage with a member of the opposite sex and have children (Hindustan Times 2 July 2004; The Boston Globe 11 July 2004). Some of these individuals continue to have homosexual relationships even through they are married to a member of the opposite sex and have had children with them (Hindustan Times 2 July 2004). Similarly, The Boston Globe reported that homosexuality is "tacitly accepted…as long as it doesn't threaten traditional marriage" (11 July 2004).

Sexual relations between men are common in Pakistan, particularly between young boys and older men (The Boston Globe 11 July 2004). Many of these boys later become prostitutes (ibid.). The Boston Globe alleges that it is easy to sexually entice a boy in most parts of Pakistan (ibid.)." **[12c] (1-2)**

6.185 The report further recorded that:

"Homosexuality is most tolerated, though quietly, in North-West Frontier Province (NWFP), "one of the most religiously conservative regions of Pakistan" (ibid.). Within the Pashtun community, which forms the majority of the population in NWFP,

…having a young, attractive boyfriend is a symbol of prestige and wealth for affluent middle-aged men. Indeed, Pashtun men often keep a young boy in their hujra, the male room of the house that the wife rarely enters. The practice is so common that there are various slang terms for the boyfriends in different regional languages: larke (boy), warkai, alec (ibid.).

In such relationships a strict set of unwritten rules require the boy, who agrees not to leave or marry, to be a passive partner (ibid.). In exchange, the boy is supplied with food and clothing, and if he decides to abandon the relationship and marry, he will be "considered damaged [and will] end up wandering the streets as [an] outcast…." (ibid.).

Sexual relations between males are also common in madrassas (religious schools for boys) where "the situation resembles that found among prison inmates, where sex is mostly about availability and dominance rather than preference" (ibid.)." **[12c] (p2)**

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6.C HUMAN RIGHTS - OTHER ISSUES

AFGHAN REFUGEES

6.186 As noted by the US State Department Report 2004 (USSD), published on 28 February 2005:

"The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol; however, the Government has a system to protect refugees. The Government provided protection against refoulement, the return of persons to a country where they feared persecution. Since 1979, the Government has provided temporary protection to millions of refugees from neighboring Afghanistan. The Government maintained there were 3.2 million Afghan refugees in the country at year's end. The Government continued to work closely with the United Nations High Commission for Refugees (UNHCR) to provide support to this population. The Government cooperated with UNHCR in the voluntary repatriation of 384,032 Afghan refugees during the year [2004]." **[2b] (section 2d)**

6.187 The USSD 2004 also reported that:

"Police in some cases demanded bribes from Afghan refugees. There were credible reports that intelligence communities harassed refugees during their search for al-Qa'ida. Some women refugees who accepted jobs with NGOs reported harassment from Taliban sympathizers in their own community. Refugees faced societal discrimination and abuse from local communities, which resented economic competition and blamed refugees for high crime rates. Single women, female-headed households, and children working on the streets were particularly vulnerable to abuse. In November [2004], Afghan refugees attacked health clinics in the Girdi Jungle refugee camps run by Save the Children after desecrated Korans were found outside the buildings. Save the Children temporarily suspended its operations in the camp until the Government provided enhanced security." **[2b] (section 2d)**

6.188 A UNHCR News Story dated 31 August 2005 reported that:

> "The governments of Afghanistan, Pakistan and the UN refugee agency have agreed to extend the Tripartite Agreement which regulates the repatriation of Afghans, giving those Afghans still living in Pakistan more time to return home under the existing UNHCR repatriation programme.
>
> The agreement, which was to have expired on March 2006, will be extended in its present form to December 2006 pending the approval of the respective governments and UNHCR. The decision was taken during a meeting of the Tripartite Commission, which comprises representatives of the three parties, held in Kabul on Monday [29 August 2005]. It was the eighth meeting of the Commission since the Tripartite Agreement was signed in March 2003." **[20c] (p1)**

6.189 The same News Story further stated that:

> "The decision by the government of Pakistan to close refugee camps in the Federally Administered Tribal Areas (FATA) near the Afghan border was also discussed. Pakistan has declared that all camps in FATA will be closed on August 31 for security reasons. Camp residents are given a choice of going home under the UNHCR voluntary repatriation programme or relocating to existing camps in Pakistan…Most returns from the FATA camps are to the provinces of Khost, Nangarhar, and Paktya in eastern Afghanistan as well as central Kabul province." **[20c] (p1-2)**

6.190 The UNHCR News Story also noted that:

> "Plans by the government of Pakistan to register all Afghans living in the country in 2006 were supported by the government of Afghanistan and UNHCR and all parties agreed to finalize a proposal for the exercise over the coming weeks.
>
> A census conducted earlier this year by the Pakistani government with assistance from UNHCR showed that more than 3 million Afghans are living in Pakistan. Some 280,000 Afghans have returned home from Pakistan so far this year, bringing to more than 2.5 million the number that has gone back to Afghanistan from this neighbouring country since early 2002." **[20c] (p2)**

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"AZAD" KASHMIR

INTRODUCTION

6.191 A BBC News 'Q & A' on the Kashmir dispute published on 7 April 2005 reports that:

> "The territory of Kashmir was hotly contested even before India and Pakistan won their independence from Britain in August 1947. Under the partition plan provided by the Indian Independence Act of 1947, Kashmir was free to accede to India or Pakistan. The Maharaja, Hari Singh, wanted to stay independent but eventually decided to accede to India, signing over key powers to the Indian Government – in return for military aid and a promised referendum. Since then,

the territory has been the flashpoint for two of the three India-Pakistan wars: the first in 1947-8, the second in 1965. In 1999, India fought a brief but bitter conflict with Pakistani-backed forces who had infiltrated Indian-controlled territory in the Kargil area. In addition to the rival claims of Delhi and Islamabad to the territory, there has been a growing and often violent separatist movement against Indian rule in Kashmir since 1989." **[35c] (p1)**

6.192 The report stated that:

"Islamabad says Kashmir should have become part of Pakistan in 1947, because Muslims are in the majority in the region. Pakistan also argues that Kashmiris should be allowed to vote in a referendum on their future, following numerous UN resolutions on the issue. Delhi, however, does not want international debate on the issue, arguing that the Simla Agreement of 1972 provided for a resolution through bilateral talks. India points to the Instrument of Accession signed in October 1947 by the Maharaja, Hari Singh. Both India and Pakistan reject the option of Kashmir becoming an independent state." **[35c] (p1-2)**

6.193 The same report also recorded that:

"There are several groups pursuing the rival claims to Kashmir. Not all are armed, but since Muslim insurgency began in 1989, the number of armed separatists has grown from hundreds to thousands. The most prominent are the pro-Pakistani Hizbul Mujahideen. Islamabad denies providing them and others with logistical and material support. The Jammu and Kashmir Liberation Front (JKLF) was the largest pro-independence group, but its influence is thought to have waned. Other groups have joined under the banner of the All-Party Hurriyat (Freedom) Conference, which campaigns peacefully for an end to India's presence in Kashmir." **[35c] (p2-3)**

LINE OF CONTROL

6.194 The BBC report of 7 April 2005 on the Kashmir dispute stated that:

"A demarcation line was originally established in January 1949 as a ceasefire line, following the end of the first Kashmir war. In July 1972, after a second conflict, the Line of Control (LoC) was re-established under the terms of the Simla Agreement, with minor variations on the earlier boundary. The LoC passes through a mountainous region about 5,000 metres high. The conditions are so extreme that the bitter cold claims more lives than the sporadic military skirmishes. North of the LoC, the rival forces have been entrenched on the Siachen glacier (more than 6,000 metres high) since 1984 – the highest battlefield on earth. The LoC divides Kashmir on an almost two-to-one basis: Indian-administered Kashmir to the east and south (population about nine million), which falls into the Indian-controlled state of Jammu and Kashmir; and Pakistani-administered Kashmir to the north and west (population about three million), which is labelled by Pakistan as "Azad" (Free) Kashmir. China also controls a small portion of Kashmir"." **[35c] (p4-5)**

6.195 As noted by the same report, "The UN has maintained a presence in the disputed area since 1949. Currently, the LoC is monitored by the UN Military Observer Group in India and Pakistan (Unmogip). According to the UN, their

mission is "to observe, to the extent possible, developments pertaining to the strict observance of the ceasefire of December 1971." **[35c] (p5)**

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CURRENT SITUATION

6.196 Europa Regional Surveys of the World: South Asia 2005 recorded that, in November 2003, Pakistan announced a unilateral cease-fire along the Line of Control – LoC – (the informal border dividing Indian and Pakistani-administered Kashmir). Europa also recorded that "In December 2003 prospects for constructive dialogue also improved after both nations reached agreements on restoring airline overflight and landing rights and a railway service between Lahore and New Delhi." **[1] (p418)**

6.197 Keesing's Record of World Events for January 2004 noted that a ground-breaking summit – the South Asian Association for Regional Co-operation (SAARC) – took place between leaders of the two countries in early January, though Pakistani militant separatist groups insisted that the 'armed struggle' would continue. **[24a] (p45787)**

6.198 The Foreign and Commonwealth Office's Country Profile on Pakistan, reviewed on 22 April 2005, recorded that:

"On 7 April 2005 the first bus service since 1947 between Muzzaffarabad in Pakistani administered Kashmir and Srinagar on the Indian side of the line of control was inaugurated.

President Musharraf visited New Delhi from 16 to 18 April 2005 for talks with Prime Minister Manmohan Singh and to watch a one day cricket match between the two countries. Their joint statement stated that 'they determined that the peace process was now irreversible.'" **[11b] (p5)**

6.199 A BBC news report of 29 August 2005 stated that "India and Pakistan have begun talks on drug trafficking, terrorism and on the fate of prisoners stuck in jails on both sides of the border. The talks are part of an ongoing dialogue process which began nearly two years ago… The home secretaries of both countries are leading the latest round of talks which are being held in Delhi…Later this week, the top official in the two foreign ministries will meet in Islamabad." **[35k]**

6.200 On 31 August 2005, the BBC reported that:

"Indian PM Manmohan Singh has announced he is to hold his first talks with Kashmiri separatists opposed to Delhi's rule in the divided region. The talks with the moderate faction of the All Parties Hurriyat Conference will be held in Delhi on 5 September. The faction held two rounds of talks with the previous Hindu nationalist government. Hardliners in the APHC oppose dialogue. More than 40,000 people have died in 14 years of insurgency in Kashmir. The talks with the APHC will be the first for Mr Singh since his election in May last year. A dialogue between the conference and his Congress-led government stalled in August last year when the separatists objected to conditions set by Delhi. In June, the chairman of the alliance, Mirwaiz Umar Farooq, said he had conveyed to Delhi his faction's desire to resume talks…The sticking point has been that

the conference wants to be part of three-way talks with India and Pakistan over the future of Kashmir, something India has not agreed to. In June, leaders of the moderate faction made a landmark visit to Pakistan for talks with President Pervez Musharraf and other leaders. The visit was described as a success by the separatists but was criticised by India's main opposition Bharatiya Janata Party…Kashmir is also likely to be high on the agenda when Mr Singh meets President Musharraf on the sidelines of the UN General Assembly in New York this month." **[35m]**

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NORTHERN AREAS

6.201 The US State Department Report 2004 (USSD), published 28 February 2005:

"Inhabitants of the Northern Areas (Gilgit and Baltistan) are not covered under the constitution and have no representation in the federal legislature. An appointed civil servant administered these areas; an elected Northern Areas Council serves in an advisory capacity. Members of the Azad Kashmir assembly and government are required to claim allegiance to Pakistan before they can stand in elections. Some Kashmiri political parties advocated for an independent Kashmir and have therefore not been allowed to stand in provincial elections." **[2b] (section 3)**

TREATMENT OF NON-GOVERNMENTAL ORGANISATIONS

6.202 The US State Department Report 2004 (USSD), published 26 February 2005, noted that:

"A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. They are required to be registered, although this requirement was not generally enforced. Government officials often were cooperative and responsive to their views. Human rights groups reported that they generally had good access to police stations and prisons. The HRCP [Human Rights Commission of Pakistan] continued to investigate human rights abuses and sponsor discussions on human rights issues during the year.

International observers were permitted to visit the country and travel freely. The Government generally cooperated with international governmental human rights organizations. The ICRC [International Committee of the Red Cross] had a delegation in country." **[2b] (section 4)**

6.203 According to a 2005 Freedom House report on Pakistan, "Although the military regime generally tolerates the work of nongovernmental organizations (NGO's), in recent years, Islamic fundamentalists have issued death threats against prominent human rights defenders and against female NGO activists who work in rural areas." **[19a] (p482)**

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Annex A: Chronology of events

(As reported in the BBC's 'Timeline – Pakistan A chronology of key events' **[35b]** unless otherwise sourced)

1906 Muslim League founded as forum for Indian Muslim separatism.

1940 Muslim League endorses idea of separate nation for India's Muslims.

1947 Muslim state of East and West Pakistan created out of partition of India at the end of British rule. Hundreds of thousands die in widespread communal violence and millions are made homeless.

1948 Muhammed Ali Jinnah, the first governor general of Pakistan, dies.
First war with India over disputed territory of Kashmir.

1951 Jinnah's successor Liaquat Ali Khan is assassinated.

1956 Constitution proclaims Pakistan an Islamic republic.

1958 Martial law declared and General Ayyub Khan takes over.

1960 General Ayyub Khan becomes president.

1965 Second war with India over Kashmir.

1969 General Ayyub Khan resigns and General Yahya Khan takes over.

1970 Victory in general elections in East Pakistan for breakaway Awami League, leading to rising tension with West Pakistan.

1971 East Pakistan attempts to secede, leading to civil war. India intervenes in support of East Pakistan which eventually breaks away to become Bangladesh.

1972 Simla peace agreement with India sets new frontline in Kashmir.

1973 Zulfiqar Ali Bhutto becomes prime minister.

1977 Riots erupt over allegations of vote-rigging by Zulfiqar Ali Bhutto's Pakistan People's Party (PPP). General Zia ul-Haq stages military coup.

1978 General Zia becomes president.

1979 Zulfiqar Ali Bhutto hanged.

1980 US pledges military assistance to Pakistan following Soviet intervention in Afghanistan.

1985 Martial law and political parties ban lifted.

1986 Zulfiqar Ali Bhutto's daughter Benazir returns from exile to lead PPP in campaign for fresh elections.

1988 **August:** General Zia, the US ambassador and top Pakistan army officials die in mysterious air crash.
November: Benazir Bhutto's PPP wins general election.

1990 Benazir Bhutto dismissed as prime minister on charges of incompetence and corruption.

1991 Prime Minister Nawaz Sharif begins economic liberalisation programme. Islamic Shariah law formally incorporated into legal code.

1992 Government launches campaign to stamp out violence by Urdu-speaking supporters of the Mohajir Quami Movement.

1993 President Khan and Prime Minister Sharif both resign under pressure from military. General election brings Benazir Bhutto back to power.

1996 President Leghari dismisses Bhutto government amid corruption allegations.

1997 Nawaz Sharif returns as prime minister after his Pakistan Muslim League party wins elections.

1998 Pakistan conducts its own nuclear tests after India explodes several devices.

1999 **April:** Benazir Bhutto and her husband convicted of corruption and given jail sentences. Benazir stays out of the country.
May: Kargil conflict: Pakistan-backed forces clash with the Indian military in the icy heights around Kargil in Indian-held Kashmir. More than 1,000 people are killed on both sides.
October: Prime Minister Nawaz Sharif overthrown in military coup led by General Pervez Musharraf. Coup is widely condemned, Pakistan is suspended from Commonwealth.

2000 **April:** Nawaz Sharif sentenced to life imprisonment on hijacking and terrorism charges.
December: Nawaz Sharif goes into exile in Saudi Arabia after being pardoned by military authorities.

2001 **20 June:** Gen Pervez Musharraf names himself President while remaining head of the army. He replaced the figurehead president, Rafiq Tarar, who vacated his position earlier in the day after the parliament that elected him was dissolved.
July: Musharraf meets Indian Prime Minister Atal Behari Vajpayee in the first summit between the two neighbours in more than two years. The meeting ends without a breakthrough or even a joint statement because of differences over Kashmir.
September: Musharraf swings in behind the US in its fight against terrorism and supports attacks on Afghanistan. US lifts some sanctions imposed after Pakistan's nuclear tests in 1988, but retains others put in place after Musharraf's coup.
October: India fires on Pakistani military posts in the heaviest firing along the dividing line of control in Kashmir for almost a year.
December: India imposes sanctions against Pakistan, to force it to take action against two Kashmir militant groups blamed for a suicide attack on parliament in New Delhi. Pakistan retaliates with similar sanctions.

December: India, Pakistani mass troops along common border amid mounting fears of a looming war.

2002 **January:** President Musharraf bans five militant groups (Lashkar-e-Taiba, Jaish-e-Muhammad, Sipah-e-Sahaba Pakistan, Tehrik-e-Jafria Pakistan and Tahrik-e-Nifaz-e-Shariat-e-Muhammadi). **[12d] (p1)**
January: Musharraf announces that elections will be held in October 2002 to end three years of military rule.
April: Musharraf wins another five years in office in a referendum criticised as unconstitutional and fraught with irregularities.
May: 14 people, including 11 French technicians, are killed in a suicide attack on a bus in Karachi. The following month 12 people are killed in a suicide attack outside the US consulate in the city.
May: Pakistan test fires three medium-range surface-to-surface Ghauri missiles, which are capable of carrying nuclear warheads. Musharraf tells nation that Pakistan does not want war but is ready to respond with full force if attacked.
June: Britain and USA maintain diplomatic offensive to avert war, urge their citizens to leave India and Pakistan.
August: President Musharraf grants himself sweeping new powers, including the right to dismiss an elected parliament. Opposition forces accuse Musharraf of perpetuating dictatorship.
October: First general election since the 1999 military coup results in a hung parliament. Parties haggle over the make-up of a coalition. Religious parties fare better than expected.
November: Mir Zafarullah Jamali selected as prime minister by the National Assembly. He is the first civilian premier since the 1999 military coup and a member of a party close to General Musharraf.

2003 **February:** Senate elections: Ruling party wins most seats in voting to the upper house. Elections said to be final stage of what Musharraf calls transition to democracy.
June: North-West Frontier Province votes to introduce Sharia law.
November: Pakistan declares a Kashmir ceasefire, which is swiftly matched by India.
December: Pakistan and India agree to resume direct air links and to allow overflights of each other's planes from beginning of 2004 after two-year ban.
December: 2 attempts on the Presidents life, "extremists" blamed
[24c] (p45737)

2004 **January:** Peace talks between India and Pakistan **[24a] (p45787)**
February: Leading nuclear scientist Dr Abdul Qadeer Khan admits to having leaked nuclear weapons secrets. Technology is said to have been transferred to Libya, North Korea and Iran.
April: Parliament approves creation of military-led National Security Council. Move institutionalises role of armed forces in civilian affairs.
May: Pakistan readmitted to Commonwealth.
Factional violence in Karachi: Senior Sunni cleric shot dead; bomb attack on Shia mosque kills 16, injures 40.
June: Military offensive near Afghan border against suspected al-Qaeda [al-Qa'ida] militants and their supporters after attacks on checkpoints. Earlier offensive, in March, left more than 120 dead.
August: Shaukat Aziz is sworn in as prime minister. In July he escaped unhurt from an apparent assassination attempt.

December: President Musharraf announces that he will stay on as head of the army. He had previously promised to relinquish the role.

2005 **January:** Tribal militants in Baluchistan attack facilities at Pakistan's largest natural gas field, forcing closure of main plant.
7 April: Bus services, the first in 60 years, operate between Muzaffarabad in Pakistani-administered Kashmir and Srinagar in Indian-controlled Kashmir.
July: More than 130 people are killed and hundreds are injured in a collision between three passenger trains in Sindh province.
More than 200 suspected Islamic extremists are detained at premises which include religious schools and mosques. The move comes in the wake of deadly bombings in London. Three of the bombers visited Pakistan in 2004.
August: Pakistan tests its first, nuclear-capable cruise missile.

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Annex B: Political parties and militant groups

ALL PAKISTAN MOHAJIR STUDENTS ORGANISATION (See MUTTAHIDA QUAMI MOVEMENT)

ALL PARTIES HURRIYAT (FREEDOM) CONFERENCE (APHC)
Reported by the BBC on 14 June 2005 as being the main separatist alliance in Indian administered Kashmir. The party is currently split into moderate and hard-line factions, the former being led by Mirwaiz Umar Farooq, the latter by Syed Ali Geelani. **[35u]**
Jane's Terrorism and Insurgency Centre website notes that the Srinagar-based APHC purports to represent non-militant groups in finding a peaceful resolution to the Kashmir dispute. **[36b]**

AWAMI NATIONAL PARTY (ANP) (PEOPLE'S NATIONAL PARTY)
Formed 1986 by merger of National Democratic Party, Awami Tehrik (People's Movement) and Mazdoor Kissan (Labourers' and Peasants' Party). Federalist and Socialist, led by Khan Abdul Wali Khan. **[1] (p447)**

BALOCHISTAN NATIONAL MOVEMENT
Based in Quetta, led by Dr Abdul Hayai Baloch. **[1] (p447)**

HARKAT-UL-ANSAR (See HARAKAT-UL-MUJAHIDEEN - HuM)

HARAKAT-UL-MUJAHIDEEN (HuM) (Movement of Holy Warriors) (Also see Jamiat-ul-Ansar)
Jane's Terrorism and Insurgency Centre website notes that the HuM was founded in 1985 and reports that:

"The Harakat-ul-Mujahideen (HuM; Movement of Holy Warriors), was formerly known as Harakat-ul-Ansar (HuA; sometimes Harkat al-Ansar; Ansar is Arabic for 'helpers') but there is confusion over nomenclature, partly because the usual splits have occurred in groups, giving rise to sometimes short-lived factions, but also through planned renaming in attempts to mislead governments which have banned or otherwise sought to neutralise the activities of specifically-named militant organisations and their supporters…The HuM was formed in Pakistan/Afghanistan by members of the breakaway Harakat ul-Jihad-ul-Islami (HUJI). Later the two groups re-merged in October 1993, calling themselves HuA. They reverted back to the HuM nomenclature after the US government had labelled the HuA a terrorist organisation in 1997. Remaining members of the group(s) can variously be described as belonging to the HuM, HuA or HUJI.

The US Government designated HuM [sic] and HuA [sic] as Foreign Terrorist Organisations on 24 September 2001, and HUJI appeared on the State Department list of 'Other Terrorist Groups' of 30 April 2004.

In October 2003 the Government of Pakistan ordered that HuM and associated groups' offices be closed and their activities terminated. The HuM is believed to have continued operating under the name Jamiat-ul Ansar. Other names used have been al-Hadid, al-Hadith and al-Faran…Active, but its activities have been greatly reduced since 1999 when the Jesh-e Mohammadi (JeM) (qv) was formed as a splinter or cover group with almost identical aims…Various figures have been identified as HuM leaders. Masood Azhar was the group's general secretary and described as their most important military commander and strategist. His defection from the group in 1999 to establish JeM

contributed to marginalisation of the HuM/HuA as such. Fazlur Rahman Khalil is believed to be the HuM's overall commander for Pakistan and holds the official title of Amir of the HuM; the US State Department has also identified Maulana Sadaatullah Khan as HuM leader, and it is probable that he is the most senior commander in IAK [Indian-administered Kashmir].

The HuM has separate branches which deal with training, operations and finances. The group's command structure has been in disarray since the end of 1999, because it lost most of its experienced field commanders to the Jesh-e Mohammadi." **[36a] (p1-5)**

HIZBUL MUJAHIDEEN (HM) (AKA HIZB-UL MUJAHIDEEN)

Jane's Terrorism and Insurgency Centre website – Jane's TIC – reports that the HM was founded in 1989 by Master Ahsan Dar, together with Mohammad Abdullah Bangroo. Initially (and briefly) called Al Badr, it is still active and is not a member of the APHC; as of April 2003 it was on the US Government list of 'Other Terrorist Groups.' **[36b] (p2)** Jane's TIC records that:

"HM is the militant wing of the Jamaat-e-Islami political party of Pakistan, and is based in Pakistan-administered Kashmir (PAK), with operational cells in Indian-administered Kashmir (IAK), known in India as Jammu and Kashmir…In the late 1990s, HM lost influence with the Pakistan government as a result of strained relations between the government and Jamaat-e-Islami as well as President Musharraf's growing distrust militants [sic] in general…HM seeks to establish a merger of IAK with PAK and to turn the region into an Islamised entity. This latter ambition does not have great appeal for the Islamabad leadership, neither is it attractive for the majority of Kashmiris in IAK.

Syed Salahuddin (or Salauddin), alias Maulvi Yousuf Shah, [leader of the HM], is based in Muzaffarabad in PAK, although he is officially banned from the region by the Pakistan government…HM's chief commander of operations Saif-ul-Islam, alias Ghulam Rasool Khan alias Engineer Zaman was killed in a major operation by Indian security forces in April 2003. He was replaced by Ghazi Nasiruddin at a meeting of the HM's command council. After Nasiruddin was in turn killed in January 2004, he was replaced by Ghazi Shahabuddin. On 7 May 2004 Ghazi Shahabuddin was also killed by Indian forces. On 11 May it was announced by the 'Central Executive Committee' of the HM that Ghazi Misbahuddin had been appointed the new operational 'commander-in-chief'. Nothing is known of Misbahuddin's antecedents.

As of mid-2004 most of HM's senior and experienced operational commanders within IAK had been killed or otherwise neutralised, mostly by Indian forces, but some by breakaway militant factions intent on avenging internal disputes. It is assessed that the severe blows inflicted on the HM's command structure are verging on the terminal, and that the organisation, although continuing to be dangerous and capable of carrying out random attacks, is being gradually ground down." **[36b] (p2-3)**

ISLAMI TEHRIK-E-PAKISTAN (TJP) (See TEHRIK-E-PAKISTAN)

JAISH-E-MOHAMMAD (JESH-E-MOHAMMADI) (JeM) (Also see JAMIAT-UL-FURQAN)

One of five extremist groups banned by President Musharraf in January 2002, it was banned in November 2003 as **Khudam-ul-Islam** by President Musharraf along with five other groups. **[24b] (p45693)**

Jane's Terrorism and Insurgency Centre website – Jane's TIC – notes that, although officially launched in March 2000, its founding date is usually given as December 1999,

following the release of its founder (Maulana Masood Azhar) from prison in India. Jane's TIC reports that it is an active, radical Sunni group, and is known as "Jesh-e-Mohammadi (Army of the Prophet Mohammad: JeM), or (and more usually) Jaish-e-Mohammad, or sometimes Jaish-e-Mohammed-e-Tanzeem. One alternative name is Khuddam-ul-Islam, under which it was banned in Pakistan in November 2003…On 23 December 2003 the State Department announced it had "amended the designation of Jaish e-Mohammed pursuant to Executive Order 13224 to add the following names as aliases: Khuddam-ul-Islam, Khudamul Islam, Kuddam e Islami". **[36c] (p2)**

Jane's TIC also notes that

"In addition to being proscribed in India and Pakistan, the group is included in the US list of Foreign Terrorist Organisations, publicised on 19 October 2004….JeM has close political ties with Jamiat-i-Ulema-i-Islam (JUI), a radical, pro-Taliban group… It is allied to the Lashkar-e-Taibyya (LeT) with whom it has conducted joint operations, and Lashkar-e-Jhangvi (LeJ). The group is part of the United Jihad Council, which includes Harakat-ul-Mujahideen (HuM); the LeT; LeJ; Hizb-ul-Mujahideen (HM); Al Badar.

The JeM has also been closely associated with the Taliban and Al-Qaeda network which brought it into contact with a wide array of Islamist movements from the Middle East, Asia and Africa.

JeM leaders have also been associated with the radical Sunni organisation Sipah-e-Sahaba Pakistan (SSP) which has strong representation in Karachi." **[36c] (p2-5)**

Jane's TIC further reports that:

"The group's declared primary aim is to unite Indian administered Kashmir (referred to by the group as Indian occupied Kashmir) with Pakistan. It also retains a Pakistani domestic agenda – to establish a radical Islamist state in Pakistan. Some of its allies endorse the wider aims of establishing an Islamist caliphate across south Asia, and expelling Hindus from the Indian subcontinent. The group is a radical Deobandi Sunni organisation, opposed to the presence of Shias, Christians, Hindus and Jews in Pakistan.

Maulana Masood Azhar graduated from the Jamiya Uloom-e-Islamic madrassa in the Binori mosque, established by Maulana Yusuf Binori in 1948. The madrassa was one of those chosen by the ISI to undertake military as well as religious instruction…In May 2000, following an attack on a car outside the Binori mosque which killed Maulana Mohammad Yousuf Ludhianvi and his driver, tributes by the JeM referred to Ludhianvi as the supreme leader of the group, and Azhar as chief commander. Ludhianvi was also noted as Commander in Chief of Sipah-e-Sahaba Pakistan (SSP), indicating the close links between the two organisations.

The exact command structure of the JeM is unknown. Maulana Masood Azhar holds the title Amir, but he was believed to have been warned of his impending arrest by the Pakistani authorities in December 2001 and appointed a deputy, possibly Osama Nazir, who was arrested in Faisalabad on 18 November 2004.

The group has a leadership council, whose members include the following prominent figures, most of whom are former HuM leaders:

Maulana Qari Mansoor Ahmed – information/public relations;
Maulana Abdul Jabbar – military;

Maulana Sajjad Usman – finance;
Shah Nawaz Khan (Sajjid Jihadi or Gazi Baba) – commander Jammu and Kashmir;
Maulana Mufti Mohammed Asghar – commander.

Membership and Support

Following the establishment of the organisation, it is believed that some three quarters of the armed volunteers fighting with the HuM defected to the JeM. Most members are Pakistanis and urban based Kashmiris, although it does have some Arab and Afghan members. The US State Department puts its armed forces at several hundred, although exact figures are difficult to determine because mujahid can belong to more than one organisation, and frequently change allegiances. **[36c] (p3-5)**

JAMAAT-E-ISLAMI PAKISTAN (JIP) (See MUTTAHIDA MAJLIS-E-AMAL - MMA)
Founded 1941. Seeks establishment of Islamic order through adherence to the teaching of Maulana Maududi; rightwing, led by Amir Qazi Hussain Ahmad. **[1] (p447)**

JAMAAT-UD-DAWA (See LASHKAR-E-TAIBA)
Thought by some to be a new identity for the Kashmiri armed separatist group Lashkar-i-Taiba [Toiba] [Toyeba] – LiT – this group escaped a ban but was placed under surveillance when President Musharraf banned six further groups in November 2003. **[24b] (p45693)**

JAMIAT-E-ULEMA- E-ISLAM (JUI) (See MILLAT-E-ISLAMIA PAKISTAN and MUTTAHIDA MAJLIS-E-AMAL - MMA)
Founded 1950; advocates adoption of constitution in accordance with (Sunni) Islamic teachings. **[1] (p447)** The JUI (Islamic Party of Religious Leaders) is led by Maulana Fazlur Rehman, a pro-Taleban cleric, who is also the general secretary of the six-party religious alliance the Muttahida Majlis-e-Amal. **[35v]**

JAMIAT-E-ULEMA- E-PAKISTAN (JUP) (See MUTTAHIDA MAJLIS-E-AMAL - MMA)
Founded 1948; advocates progressive (Sunni) Islamic principles and enforcement of Islamic laws in Pakistan. President Shah Farid-ul Haq. **[1] (p447)**

JAMIAT-UL-FURQAN (aka TANZEEM-UL-FURQAN)
An off-shoot of **Jaish-e-Mohammad**, this extremist Islamic group was banned in November 2003. **[24b] (p45693)**

JAMIAT-UL-ANSAR (see HARKAT-UL-MUJAHIDEEN)

JAMMU AND KASHMIR LIBERATION FRONT (JKLF)
Jane's Terrorism and Insurgency Centre website – Jane's TIC – notes that: the group was originally founded in 1965 as the Jammu and Kashmir National Liberation Front, but soon split. Jane's TIC records that "The group is split in two main factions each calling themselves the JKLF, with a further titled the Jammu Kashmir Democratic Liberation Party…The JKLF (Yasin Malik faction) is now a non-violent organisation seeking peaceful resolution of the Kashmir dispute, but on unrealisable terms." **[36e] (p1-2)** The Chairman of one faction is Amanullah Khan, the Chairman of a second faction is Mohammad Yasin Malik and the Chairman of the Jammu Kashmir Democratic Liberation Party is Hashim Qureishi. **[36e] (p3)** Jane's TIC notes that "Malik is another moderate, who in May-June 2004 was involved in talks aimed at unifying moderates under the aegis of the All Parties Hurriyat Conference (APHC). The talks

were unsuccessful, and the split between moderates and militants has if anything widened." **[36e] (p4-5)**

Jane's TIC further reports that:

"The JKLF factions have little influence in either India or Pakistan, and their impact on upon Kashmiri affairs is negligible. They do not endorse militancy by secessionist groups, but JKLF-led mobs in Indian-administered Kashmir are prone to violence…The various factions of the JKLF are currently not militant, and therefore have no military command structure. However, they retain many vice-chairmen and office bearers, along with numerous committees, including the National Economic Affairs Committee and the State Minorities and Human Rights Protection Committee…Politically, the group's aims, objectives and demands are promulgated through open letters, seminars, rallies, demonstrations and the Internet." **[36e] (2-7)**

JESH-E-MOHAMMADI (JeM) (See JAISH-E-MOHAMMAD)

KHATME NABUWWAT (COMMITTEE TO SECURE THE FINALITY OF PROPHETHOOD) (aka KHATME NUBUWWAT)
Founded before the partition of India as **Majlis-e-Ahrar**, a small Muslim political party. It changed its mane to the **Majlis Tahaffuz Khatme Nubuwwat** in the 1970's, reportedly in order to attract orthodox Muslims, and became more commonly known as **Khatme Nabuwwat**. It is reported to have called for the banning of the Ahmadi movement and the killing of Ahmadis. **[12b] (p8-10)**

KHUDAM-UL-ISLAM (see JAISH-E-MOHAMMAD - JeM)

LASHKAR-E-JHANGVI (LeJ – Army of Jhangvi) (Also see MILLAT-E-ISLAMIA PAKISTAN)
Jane's Terrorism and Insurgency Centre website – Jane's TIC – notes that this radical Sunni group, which follows Deobandi traditions although heavily influenced by Wahhabism, was.founded in 1996 and is "Active; banned by the government of Pakistan (14 August 2001); declared a terrorist organisation by the government of the United States (31 January 2003)." **[36f] (p2)**

Jane's TIC also reports that:

"The LeJ was initially the death squad wing of the Sipah-e Sahaba Pakistan (SSP) (warriers/soldiers of the Prophet's Companions), which was listed as a terrorist organisation by Pakistan in 2002 and consequently banned. Formerly it operated partly as a political party that contested elections. One of its members held office as a government minister…The LeJ aims to establish an Islamist Sunni state in Pakistan based on Sharia law, by violent means if necessary. The group also seeks to have all Shias declared kafirs (non believers; literally, one who refuses to see the truth). Its wider objective is to assist in destruction of other religions, especially Judaism, Christianity and Hinduism." **[36f] (p2-4)**

Jane's TIC further states that:

"The LeJ was founded by Muhammed Ajmal (aka Akram Lahori), Malik Ishaque and Riaz Basra, senior members of the SSP who broke away following disillusionment that the group's leaders were not following the ideals established by Maulana Haq Nawa Jhangvi, assassinated, almost certainly by Shia extremists, in 1990…Although Muhammed Ajmal is still officially LeJ leader, operational command is believed to have

passed on to minor figures…The SSP claims not to have any links with the LeJ (and vice versa), but the latter was once an integral part of the SSP. The Pakistani authorities dismiss SSP denials and point to LeJ's recruitment of the most dedicated SSP members to its own ranks, and the refusal of the SSP leadership to condemn LeJ violence.

The LeJ had extremely close links with the Taliban and its members served and assisted the movement in Afghanistan; it is possible that some members of the LeJ and SSP who were on 'most wanted' lists in Pakistan were given sanctuary by the Taliban.

The LeJ also supports and maintains ties with Harakat-ul-Ansar, Hizb-ulMujahideen, Jamaat-ul Mujahideen, Al-Umar Mujahideen, Al Badar, Tehrik-ul Mujahideen, Harakat-ul-Jihad-ul-Islami, Laskhar-e Tayyiba and Hizb-ul Mujahideen, but the effectiveness of such liaison cannot be judged.

The LeJ's armed enemies are the Shia militias Tehrik-e Jafria Pakistan (TJP) and Sipah-e Mohammed Pakistan (SMP)…The main areas of operation of the LeJ are Punjab, Sindh and Balochistan Provinces, including an organised presence in Faisalabad, Karachi, Lahore, Jhang, Sargodha and, more recently, Quetta." **[36f] (p4-6)**

LASHKAR-E-TAIBA (LASHKAR-E-TOIBA) (LASHKAR-E-TOYEBA) (See JAMAAT-UD-DAWA)

Jane's Terrorism and Insurgency Centre website – Jane's TIC – notes that this group is active, and the name has been spelt as "Lashkar-e Tayyiba (LeT; sometimes LT) – Army of the Pure (sometimes 'Righteous'); usually spelt Taiba in US official papers and most general publications; occasionally Toiba in sub-continent newspapers." **[36g] (p1-2)**
Jane's TIC also reports that its affiliations are "Radical Sunni Muslim with Wahhabi influence, but seemingly not exclusively of that persuasion," and that it was "Banned in India, October 2001; designated a Foreign Terrorist Organisation by the US State Department, December 2001; banned in Pakistan, January 2002. It is also listed by the United Nations as "belonging to or associated with the Al-Qaeda organisation". **[36g] (p2)**

Jane's TIC further records that:

"LeT is the armed wing of Markaz-ud-Dawa-wal-Irshad (MDI: the centre for preaching) – a Pakistan based Sunni religious organisation based in a seminary at Muridke, on the Grand Trunk Road, 30 km north of Lahore…The MDI avoided legalities of the ban on the LeT within Pakistan by renaming itself the Jamaat-ud-Dawa (JD), but this nomenclature is not in common use…The MDI was founded in 1987. In turn, the LeT was formed as its militant wing two years later. Subsequently, Hafiz Mohammad Saeed, a founding member of MDI and a professor at the University of Engineering and Technology in Lahore, became the Amir (leader) of LeT. As the LeT is now a proscribed organisation the location of its operational base(s) is not known, although the MDI as such remains in Muridke.

The LeT joined the resistance movement against the Soviet occupation of Afghanistan, and in the short period until the Soviets were forced out of the country in 1989 it received aid from both the US Central Intelligence Agency and from the Inter Services Intelligence Directorate (ISI) of Pakistan. After the Soviets' defeat, links remained between the ISI and the LeT even after the CIA withdrew funding...The LeT's overall objective is to Islamise the subcontinent, with a primary aim of 'liberating' Muslims in IAK [Indian-administered Kashmir]. Its declared policy is creation of regional Muslim

states – one involving accession of Kashmir to Pakistan, a second formed by the Muslims of North India, and a third formed by the Muslims of South India. The Amir of the LeT called first for a jihad to turn Pakistan into a purely Islamic state and second for the waging of jihad against countries with non-Islamic governments. (And, presumably, against such nations as Shia-ruled Iran.) The Amir cited Chechnya and Afghanistan as models for international jihad. Its main propaganda publication is the monthly magazine Majjala-tul-Dawa, produced under the auspices of Jamaat-ud-Dawa." **[36g] (p2-3)**

Jane's TIC additionally notes that:

"After Pakistan and the US froze the LeT's assets in December 2001, he [Hafiz Mohammad Saeed] tendered his resignation saying that he would devote his time to the preaching of religion. During his resignation speech, he appointed Maulana Wahid Kashmiri in his place as LeT commander. It is doubtful that Saeed's resignation actually took effect, and he can still be considered LeT's leader, although distancing himself from overt militancy…Leadership at other levels is not known. The name Zaki ur Rehman Lakhvi has been mentioned as the leader within IAK, as has Commander Saifullah, but even if these are not pseudonyms they are meaningless in terms of appreciating the effectiveness or otherwise of their bearers…The LeT's strength is unknown but it is estimated that there are several hundred well-trained militants in PAK, Pakistan and IAK. Most LeT members were recruited through madrassas in Pakistan and have been taught that jihad, in its most bellicose and intolerant sense, is an essential facet of Muslim regeneration.

The LeT is composed almost exclusively of non-Kashmiris, with the bulk of its members being Pakistani Punjabis, with some Afghan and Pakistani Pushtuns. There is distinct support for the LeT/MDI in some parts of Pakistan Punjab, but its brutal atrocities in IAK, involving both targeted and random slaughter of innocents, has made the group feared and distrusted.

The LeT probably continues to maintain links with domestic and regional Islamic extremist groups. It is also associated with Osama bin Laden's 'Islamic Front for Jihad against Jews and Crusaders', and the United Jihad Council (UJC), a loose consultative and planning alliance of militant groups fighting against Indian rule in Kashmir, which has lost much of its effectiveness during 2003-04…Primarily, operations occur within IAK. The group has extended its operations to southern districts, particularly in winter when infiltration becomes more difficult due to reduced visibility and heavy snowfall…The LeT employs hit and run along with suicide tactics to attack security force bases, airports, government installations, police stations, garrisons and patrols. Fidayeen suicide squads number from two to five members. These groups typically storm high-value security force camps, bases and police stations." **[36g] (p3-5)**

MAJLIS-E-AHRAR (See KHATME NABUWWAT [COMMITTEE TO SECURE THE FINALITY OF PROPHETHOOD])

MAJLIS TAHAFFUZ KHATME NUBUWWAT (See KHATME NABUWWAT [COMMITTEE TO SECURE THE FINALITY OF PROPHETHOOD]

MARKAZ-UD-DAWA-WAL-IRSHAD (See LASHKAR-E-TAIBA)

MILLAT-E-ISLAMIA PAKISTAN (See JAMIAT-E-ULEMA- E-ISLAM – JUI)
Formed as a breakaway faction of the JUI, formerly known as Sipah-e-Sahaba Pakistan (SSP), it changed its name from the SSP when its activities were proscibed in

January 2002. It is a Sunni extremist sect, and was banned again under the name **Millat-e-Islamia Pakistan** in November 2003. **[1a] (p447)** (See also **Lashkar Jhangvi)**

MUTTAHIDA MAJLIS-E-AMAL (MMA) A coalition comprising Jamaat-e-Islami Pakistan, Jamiet-e-Ulema-e-Pakistan, Jamiet-e-Ulema-e-Islam (S), Jamiet-e-Ulema-e-Islam (F), Islami Tehreek Pakistan and Jamiet Ahl-e-Hadith. **[1] (p446)**

MOHAJIR QUAMI MOVEMENT (See MUTTAHIDA QUAMI MOVEMENT)

MUTTAHIDA QAUMI MOVEMENT (MQM)
Jane's Terrorism and Insurgency Centre website – Jane's TIC – notes that:

"Tapping into years of resentment and frustration over official and unofficial discrimination against Mohajirs, Altaf Hussain founded two groups: the All Pakistan Mohajir Students Organisation (APMSO) in 1978 and the Mohajir Qaumi ('National') Movement (MQM) in 1984…The movement suffered a split in June 1992 when disaffected members led by Afaq Ahmed and Aamir Khan launched the MQM Haqiqi (MQM-H) party [Haqiqi = Urdu for 'real']. The Altaf Hussein faction subsequently became known as MQM-A, the title then being altered from 'Mohajir' to 'Muttahida' (United)." **[36d] (p2)**

Jane's TIC also states that:

"MQM-A operates as a political party that has formed a part of coalition governments at both federal and provincial levels…The MQM-A rejects religious extremism and has been critical of jihadi groups in Pakistan, as well as the alliance of religious parties, the United Action Front (Muttahida Majlis-e-Amal: MMA). This line is followed by the less popular MQM-H, which has some supporters who are more militant than those of the MQM-A…It is opposed to extremist religious organisations, especially radical Deobandi and Wahhabi Islamic groups." **[36d] (p2-4)**

Jane's TIC further records that:

"MQM-A activists are ranged against rival Mohajir groups, principally the MQM-H with which it competes, successfully, for influence among the Mohajir community. Its militants are also involved in violence with other ethnic groups including the Jiye Sindh Movement, which supports the rights of ethnic Sindhis, and Punjabi and Pashtun militants.

The group's main areas of operation are in Karachi and Hyderabad. The traditional operating areas within Karachi are the Landhi, Korangi and Malir districts.

MQM extremists have maintained the tactic of violent riots regardless of the party's involvement in national and provincial governments, with uprisings being designed to put pressure on these governments by disrupting business activities in Karachi and discouraging foreign investment.

The group's militants have also participated in other acts of political violence including the murder of rival organisation's leaders, and targeting journals and newspapers considered critical of its activities." **[36d] (p6-7)**

PAKISTAN MUSLIM LEAGUE (PML)

Founded in 2004 following merger of PML Quaid-e-Azam Group, PML (Junejo), PML (Functional), PML (Zia-ul-Haq Shaheed), PML (Jinnah) and the Sindh Democratic Alliance. President Chaudhry Shujaat Hussain. **[1a] (p447)**

PAKISTAN MUSLIM LEAGUE – NAWAZ (PML-N)
Founded 1993 as a faction of the Pakistan Muslim League (Junejo). **[1a] (p447)** Acting President Javed Hashmi was charged on five counts (including treason, inciting mutiny and forgery) on 24 January 2004. He had been arrested in October 2003 after distributing copies of letters criticising the President that he alleged had been written by junior army officers. **[24a] (p45786)**

PAKISTAN PEOPLE'S PARTY (PPP)
Founded 2004 following the merger of Pakistan People's Party (Sherpao Group) and Pakistan People's Party Parliamentarians (Patriots); advocates Islamic socialism, democracy and a non-aligned foreign policy. **[1a] (p447)**

PAKISTAN PEOPLE'S PARTY PARLIAMENTARIANS (PPPP) (See PAKISTAN PEOPLE'S PARTY)
A faction of the Benazir Bhutto's Pakistan People's Party set up in 2002 to contest the October 2002 elections. **[1a] (p411)** Merged with the PPP in 2004. **[1a] (p447)**

PAKISTAN PEOPLE'S PARTY (SHAHEED BHUTTO GROUP)
Karachi. Formed 1995 as a breakaway faction of the PPP, Chair: Ghinwa Bhutto; Sec-Gen: Dr Mubashir Hasan **[1] (p447)**

PAKISTAN PEOPLE'S PARTY (SHERPAO GROUP) See PAKISTAN PEOPLE'S PARTY)
Merged with the Pakistan People's Party in 2004. **[1a] (p447)**

SIPAH-E-MOHAMMAD (FIGHTERS OF MUHAMMAD)
Shia militant group, banned in 2001 and held responsible for attacks on the Sunni majority. **[35j]**

SIPAH-E-SAHABA PAKISTAN (SSP – ARMY OF THE COMPANIONS OF THE PROPHET) (See MILLAT-I-ISLAMIA PAKISTAN)
Jane's Terrorism and Insurgency Centre website – Jane's TIC – noted that this group, founded in the early 1980s, is "Active as individuals and small groups, probably in association with the Lashkar-e Jhangvi (LeJ). Banned by the government of Pakistan in 12 January 2002; renamed Millat-e-Islamia Pakistan (MIP) in April 2003. Neither of the organisation's names are listed on the US State Department's Current List of Designated Foreign Terrorist Organisations, published on 22 April 2004, although the LeJ, which is barely distinguishable from the SSP, is so listed The SSP has operated as a political party and has contested elections; in 1993 one of its members served as a government minister. However, as the organisation is banned by the government, it can no longer operate in a political or any other role. Many members of the MIP boycotted a by-election in Jhang in June 2004 [The group is] Radical Sunni. The group's doctrine is a combination of hardline Wahabbi and Deobandist traditions and philosophy," **[36h] (p2)**

Jane's TIC also records that "In September 1985 Maulana Haq Nawz Jhangvi, Maulana Zia-ur-Rehman Farooqi, Maulana Eesar ul Haq Qasmi and Maulana Azam Tariq established the Anjuman Sipah-e Sahaba (the Organisation of Warriors of the Prophet's Companions) in Jhang, Punjab, which was later to become the SSP…[The groups's aim is] To establish Pakistan as a Sunni Muslim state. The group is opposed

to any other forms of Islam and other religions, but has particularly targeted Shias. The group's interim objective is to have Shias officially declared as kafirs (non-believers). During periods of particularly severe violence the group has attacked Iranian targets, because it blames Iran for encouraging Shia Islam in Pakistan…Present leadership of the SSP as such is unknown; were it to be public, those named would be detained under Pakistan's anti-terrorism laws." **[36h] (p3-4)**

Jane's TIC further reports that:

"The SSP is closely tied with its offshoot the LeJ [Lashkar-e-Jhangvi] and it is frequently impossible to differentiate one group from the other when determining responsibility for an attack. The SSP's Chairman described the group's relationship with the Pakistan-Kashmiri organisation Jesh-e Mohammadi (JeM) as 'hand in hand...shoulder to shoulder with JeM in jihad', but there is no evidence of an operational role as a group in Indian-administered Kashmir.

The SSP also supports Harakat-ul-Ansar, Jamaat-ul Mujahideen, Al-Umar Mujahideen, Al Badar, Tehrik-ul-Mujahideen, Harakat-i-Jihad-Islami, Laskhar-e Tayyiba and Hizb-ul Mujahideen. It has expressed its support for the Taliban and Al-Qaeda, and is alleged to have had connections of some sort with Ramzi Ahmed Yousuf, convicted of the 1993 bombing of the World Trade Centre…The SSP operated throughout Pakistan, and was one of the most powerful domestic terrorist groups. The heartland of its support came (and still comes) from Punjab where it had 500 offices, but it maintained some representation in all four provinces. The SSP became increasingly influential in North West Frontier Province, largely through its sponsorship of madrassas.

Its strongholds in Punjab were Jhang, Sargodha, Bahawalpu, Multan and Muzaffargarh, and it also had a number of cells in Lahore – the scene of some of its most high profile attacks – and a strong presence in Karachi. There is evidence that it tried to resurrect cells in Lahore in January 2004. The SSP allegedly had an overseas presence, with representatives in 17 countries including Saudi Arabia, Bangladesh, Canada, the United Kingdom and France. It still has considerable influence and support in the areas noted above, but no formal organisation. Individuals and small groups of SSP militants continue to operate, either on their own or with the help of the LeJ (also banned). Its foreign offices have ceased to operate.

The SSP had two basic forms of attack: assassination of key individuals, usually prominent Shias or opponents of the SSP, and massacres, whereby an SSP gunman fired on Shias, usually at large gatherings such as at a mosque, procession or wedding…In spite of banning, there is still considerable SSP influence in madrassas, and it is probable that military-style training is still given to young men studying at such places…The SSP is no longer a significant organised force. Action by police and security forces has all but defeated it as an entity, but individuals and small groups continue to operate, and these present a major threat to Shias and Christians…In mid-July 2004 there had been incidents of targeted assassination of senior members of police forces, and the judiciary, especially those involved with anti-terrorism courts, who are under increased threat." **[36h] (p5-7)**

TANZEEM-E-NIFAZ-E-SHARIAT-E-MOHAMMADI (TNSM) (AKA TEHRIK-NIFAZ-E-SHARIAT-E-MOHAMMADI)

A BBC news report of 7 October 2003 stated that this is a radical Sunni Muslim group founded by Maulana Sufi Mohammad, a follower of Saudi Arabia's Wahhabi school of thought. and that "The group has been engaged in violent agitation for the enforcement of Islamic laws in its stronghold of Malakhand in northwestern Pakistan…In October

last year [2002], Sufi Mohammad crossed into Afghanistan with thousands of his followers to help the Taleban fight US led forces. But he returned soon after the collapse of the Taleban" and was put into detention. **[35s] (p2)** One of five extremist groups banned by President Musharraf in January 2002. **[12d] (p1)**

TANZEEM-UL-FURQAN (See JAMIAT-UL-FURQAN)

TEHRIK-E-INSAF (MOVEMENT FOR JUSTICE)
Lahore. Founded 1996, led by Imran Khan. **[1] (p447)**

TEHRIK-E-JAFRIA-E-PAKISTAN) (TJP) (See ISLAMI TEHRIK-E-PAKISTAN)

TEHRIK-E-PAKISTAN (formerly TEHRIK-E-JAFRIA-E- PAKISTAN)
This Shi'a extremist group was founded 1987 as Tehrik-e-Jafria-e-Pakistan. **[1] (p447)** After it's activities were proscribed in January 2002, it subsequently changed its name to Tehrik-e-Pakistan. **[1] (p447)** Banned under the name of Islami Tehrik-e-Pakistan in November 2003 by President Musharraf; leader Allama Sajid Ali Naqvi. **[24b] (p45693)**

TEHRIK-NIFAZ-E-SHARIAT-E-MOHAMMADI (TNSM) (See TANZEEM-E-NIFAZ-E-SHARIAT-E-MOHAMMADI

UNITED JIHAD COUNCIL
Jane's Terrorism and Insurgency Centre website – Jane's TIC – notes that the aim of this Council is "The accession of Indian-administered Kashmir to Pakistan, and the establishment of an Islamist government in Pakistan," **[36i] (p2)**, and reports that:

"United Jihad Council (UJC) is a conglomerate of a number of previously established organisations. It was formed by Harakat-ul-Mujahideen (HuM); Jesh-e-Mohammadi (JeM); Lashkar-e-Tayyiba (LeT); Hizb-ul-Mujahideen (HM); Al Badar; Jamiat-i-Islami (Jamiat) and Harakat-ul-Ansar (HuA). Membership is loose and changes frequently.

Militant, pro-Pakistani groups are associated with the UJC, whose leader, Syed Salahuddin, on 20 October 2004 endorsed President Musharraf's line on Kashmir negotiations with India. The LeT is the armed wing of Markaz Da'wa wa'I-Irshad, based near Lahore. HM is the armed wing of Jamiat-e-Islami, although the group distances itself from violence in Kashmir…Most radical groups began operations in Kashmir, where an indigenous insurgency began in the late 1990s, and non-Kashmiri militants joined the conflict in significant numbers from 1994 onwards. HuM was founded in the 1980s; Lashkar-e-Tayyiba in 1987; Al Badar in 1998; and JeM in early 2000. Jamiat-e-Islami was founded in 1941…The various groups affiliated to the UJC all have autonomous leaders and organisations. HM is led by Syed Salahuddin (real name Mohammed Yusuf Khan), sometimes known as Maulvi Yousuf Shah. He lives in Muzaffarabad, Pakistan-administered Kashmir, although he is officially banned from the region by the Pakistan government. (He gave a media interview there on 19 November 2004 in his capacity as chairman of the UJC.)

JeM was founded and is led by Maulana Masood Azhar who formed the group following his release from an Indian prison in late 1999 as part of an agreement over the ending of a hijack crisis. The LeT is led by Hafiz Mohammed Saeed, former professor of Islamic Studies at the University of Engineering and Technology in Lahore. Al Badar is led by Nasser Ahmed and Bhakat Aaman. HuM is led by Fazl-ul-Rehman Khalil." **[36i] (p2-3)**

Jane's TIC further notes that:

"The UJC (also known as the Muttahida Jehad Council: MJC) was formed in November 1990 following a ferocious Indian crackdown on insurgency in Indian-administered Kashmir. It is based in Muzaffarabad, in Pakistan-administered Kashmir, with an office in Rawalpindi. The aim of the organisation was, and probably still is, to bring all militant groups under a single banner. To a certain extent this has been achieved, but the organisation is by no means effective in the military sense of having units 'under command'…In early 2005 it was reported that considerable reorganisation of the UJC was talking place but, given the proclivity of the various groups to disagree with each other and among themselves, sometimes to the point of extreme violence, it is uncertain how effective this restructuring will be." **[36i] (p3-4)**

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Annex C: Prominent people

THE GOVERNMENT

([29g] unless otherwise stated)

President
General Pervez Musharraf **[34] (p4)**

Prime Minister
Shaukat Aziz **[34] (p4)**

Foreign Affairs
Mian Khurshid Mahmud Kasuri

Minister of Commerce
Humayun Akhtar Khan

Education Minister
Lt Gen (Rtd) Javed Ashraf

Health Minister
Muhammad Nasir Khan

Industries & Production & Special Initiatives
Jehangir Khan Tareen

Information & Broadcasting
Sheikh Rashid Ahmad

Labour, Manpower, Overseas Pakistanis
Ghulam Sarwar Khan

Railways
Mian Shahmim Haider

Water and Power
Liaquat Ali Jatoi

Defence Minister
Rao Sidandar Iqbal

Interior
Aftab Ahmed Khan Sherpao

Narcotics Control
Ghaus Bux Khan Maher

Petroleum and Natural Resources
Amanullah Khan Jadoon

Information Technology
Awais Ahmed Khan Leghari

Food, Agriculture & Livestock
Sikander Hayat Khan Bosun

States and Frontier Regions
Sardar Yar Muhammad Rind

(NOTE – Not all posts listed here)

AZIZ, Shaukat
A BBC profile of Shaukat Aziz dated 19 August 2004 notes that:

"Pakistan's Prime Minister Shaukat Aziz is a former private banker credited with recent reforms of his country's economy. Well regarded by global financiers, the former Citibank executive was President Pervez Musharraf's choice for the top post. When former Prime Minister Zafarullah Khan Jamali resigned in June, the ruling party swiftly declared that Mr Aziz, the finance minister, would take over. He first had to secure a seat in parliament – a requirement to take up the top post – and did so in August with victory in two by-elections. Mr Aziz replaced ailing Pakistan Muslim League leader, Chaudhry Shujaat Hussain, who was in temporary charge. The urbane and smartly dressed Mr Aziz, 55, joined the government of General Musharraf shortly after the army chief's 1999 military coup. Under his tenure, an economy then in recession now reports growth of 6.4% a year…Analysts say his main duties as premier are to improve the day-to-day running of the federal government and see that policies are more effectively executed. Mr Aziz, who is married with three children, was born and brought up in the southern city of Karachi, Pakistan's commercial capital. He joined Citibank in 1969 after a degree in business administration from the Institute of Business Administration, Karachi and progressed to a senior post with the bank in New York at the height of a 30-year career in global finance...It was while campaigning for the by-elections that he survived an apparent assassination attempt on 30 July [2004] in Punjab province." **[35t]**

BHUTTO, Benazir
A BBC news report of 05 August 2005 notes that:

"Born in 1953 in the province of Sindh and educated at Harvard and Oxford, Ms Bhutto gained credibility from her father's high profile, even though she was initially a reluctant convert to politics. She has twice been prime minister of Pakistan, from 1988 to 1990 and from 1993 to 1996. On both occasions she was dismissed from office by the president for alleged corruption…Ms Bhutto was imprisoned just before her father's death [in 1979, after he was imprisoned and charged with murder by General Zia-ul-Haq in 1977] and spent most of her five-year jail term in solitary confinement…During stints out of prison for medical treatment, Ms Bhutto set up a Pakistan People's Party office in London, and began a campaign against General Zia. She returned to Pakistan in 1986, attracting huge crowds to political rallies. After General Zia died in an explosion on board his aircraft in 1988, she became one of the first democratically-elected female prime ministers in an Islamic country…She has steadfastly denied the corruption charges against her, which she says are politically-motivated. But she left Pakistan in 1999 to live abroad shortly after her conviction – and has not returned since." **[35q]**

Europa Regional Surveys of the World: South Asia 2005 reported that, in April 2001, the Supreme Court nonetheless set aside the corruption conviction and ordered a retrial; in June 2001 she was sentenced *in absentia* to three years imprisonment for not appearing in court to answer charges of corruption (she was residing in Dubai).

[1] (p409) Keesing's Record of World Events for November 2003 recorded that, in November 2003, a Swiss court upheld the appeal of Benazir Bhutto and Asif Ali Zadari against their convictions in August (2003) on a money laundering charge. **[24b] (p45693)**

BHUTTO, Zulfikar Ali
The Encarta Online Encyclopedia 2005 reported that he was born in 1928 in Sind Province and was descended from a long line of Muslim landlords and politicians. Formed the Pakistan People's Party – in 1967. Won a majority of seats in West Pakistan in the 1970 elections. Following the 1971 civil war (culminating in the creation of Bangladesh from East Pakistan) Bhutto became president and chief martial law administrator of Pakistan in December 1971. After the new Constitution was adopted in August 1973, Bhutto became Prime Minister. He was re-elected in March 1977, but deposed by General Muhammed Zia ul-Haq in a military coup in July (1977). He was found guilty of authorising the murder of a political opponent in 1974 – which he denied – and hanged in April 1979. **[32b]**

JINNAH, Muhammad Ali
Europa Regional Surveys of the World: South Asia 2005, reported that he was the leader of the Muslim League and popularly known as Quaid-i-Azam ("Great Leader"). Became the first Governor-General of Pakistan when the country was created in August 1947, but died the following year. **[1] (p387-388)**

HUSSAIN, Altaf
Europa Regional Surveys of the World: South Asia 2005 noted that he is the leader of the Muttahida Qaumi Movement (Altaf) –MQM (A), and in 1994 he was sentenced in absentia to 27 years' imprisonment on charges of terrorism. **[1] (p397)**

MUSHARRAF, Pervez
A BBC article dated 24 September 2004 profiling Musharraf reported that:

"Pervez Musharraf was born in Delhi in August 1943. His family emigrated to Pakistan during the partition of the Indian sub-continent. His rise through the ranks came despite the fact that he does not belong to the predominantly Punjabi officer class of the Pakistani army – but to an Urdu-speaking family in Karachi. He began his military career in 1964. Gen Musharraf rose to the top job in 1998 when Pakistan's powerful army chief, Gen Jehangir Karamat, resigned two days after calling for the army to be given a key role in the country's decision-making process. It was the first time an army chief of staff had ever stepped down and many observers took it as a sign that Prime Minister Sharif's political power had become strong enough to secure the long-term future of civilian administrations…When, in October 1999, Mr Sharif tried to fire him, Musharraf seized power promising to bring "true" democracy to Pakistan." **[35i] (p1-2)**

A BBC Timeline of Pakistan noted that:

"2001 20 June – Gen Pervez Musharraf names himself president while remaining head of the army. He replaced the figurehead president, Rafiq Tarar, who vacated his position earlier in the day after the parliament that elected him was dissolved…

2002 April – Musharraf wins another five years in office in a referendum criticised as unconstitutional and fraught with irregularities…

2002 August – President Musharraf grants himself sweeping new powers, including the right to dismiss an elected parliament. Opposition forces accuse Musharraf of perpetuating dictatorship…

2004 December – President Musharraf announces that he will stay on as head of the army. He had previously promised to relinquish the role." **[35b] (p3-5)**

SHARIF, Mohammad Nawaz

Europa Regional Surveys of the World: South Asia 2005 recorded that he was formerly the Chief Minister of Punjab, led the Islamic Democratic Alliance to victory in the October 1990 elections and was appointed Prime Minister. **[1] (p394)** Dismissed in April 1993 by President Ishaq Khan, who accused him of 'maladministration, nepotism and corruption'. Sharif's government was restored to power after the Supreme Court ruled that the President's order had been unconstitutional. **[1] (p396)** Sharif's faction of the Pakistan Muslim League (Junejo Group) failed to win an outright majority in the October 1993 elections **[1] (p397)**, but the party swept to power in the February 1997 elections, after which Sharif became prime minister once again. **[1] (p401)** He was overthrown in the military coup of 12th October 1999 **[1] (p407)**, and sentenced to two terms of life imprisonment for hijacking and terrorism in April 2000. **[1] (p409)** The US State Department Report 2004 (USSD), published on 28 February 2005, reported that he remains in exile in Saudi Arabia, in accordance with a 2000 agreement with the Government. **[2b] (section 2d)**

UL-HAQ, MOHAMMAD ZIA

Europa Regional Surveys of the World: South Asia 2005 notes that he was both General and Chief of Army Staff, appointed martial law administrator following July 1977 coup. **[1] (p390)** He became president in 1978, and pursued a policy of "Islamisation" of the country's institutions, which was confirmed in the December 1984 referendum. **[1] (p391)** Martial law was repealed in December 1985 and the Constitution restored (as amended the previous October). **[1] (p392)** He was killed in an air crash on 17 August 1988. **[1] (p393)**

ZARDARI, Asif Ali

Europa Regional Surveys of the World: South Asia 2005 reports that he is Benazir Bhutto's husband, and was arrested following dismissal of PPP government in 1990 on charges of extortion, kidnapping and financial irregularities (he was later acquitted on all counts). **[1] (p394)** In July 1996, was controversially appointed to his wife Benazir's cabinet. **[1] (p400)** He and Benazir convicted of corruption in April 1999 and sentenced to five years' imprisonment and disqualified as members of the federal legislature. **[1] (p405)** In April 2001 the Supreme Court set the corruption convictions for Zardari and Benazir Bhutto aside and ordered a retrial. **[1] (p409)** Keesing's Record of World Events for November 2003 reported that in November 2003 a Swiss court upheld the appeal of Benazir Bhutto and Asif Ali Zadari against their convictions in August (2003) on a money laundering charge. **[24b] (p45693)** A BBC news article of 18 April 2005 noted that on 16 April 2005 he returned to Lahore from Dubai, where he had flown to in December 2004 (to rejoin his family following his release from jail the month before). **[35l]**

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