PAKISTAN

COUNTRY ASSESSMENT

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IMMIGRATION AND NATIONALITY DIRECTORATE
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1 Scope Of Document

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

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2 Geography

General

2.1 The Islamic Republic of Pakistan lies in southern Asia, bordered by India to the east and Afghanistan and Iran to the west. It has a short frontier with the People's Republic of China in the far north-east. The capital is Islamabad. The country covers an area of about 307,374 square miles. According to official estimates the population in mid 2001 was 140,470,000.**[1]** The Pakistani administered part of Kashmir (known as "Azad"

Kashmir) is broadly responsible for its own internal administration and covers an additional 4,494 square miles.**[1]**

2.2 Pakistan is divided into four provinces: Baluchistan; North-West Frontier Province; Punjab and Sindh. There are also tribal areas under federal administration. According to the March 1998 census the populations in the provinces were as follows: 72.5 million in Punjab; 29.9 million in Sindh; 17.5 million in the North-West Frontier Province; and 6.5 million in Baluchistan.**[1]**

2.3 The main ethnic group is Punjabi, comprising about two-thirds of the population. Other major groups are Sindhis (24-32%), Pathans (aka Pashtuns, Pushtoons or Pukhtoons) (13%), Baluchis (4%) and Mohajirs(8-18%).**[20c]**

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Languages

2.4 The principal languages are Punjabi (48%), Sindhi (12%), Siraiki - a Punjabi variant (10%), Pashtu (8%) and Urdu - the official language (8%). Other minor languages are Balochi (3%), Hindko (2%) and Brahui (1%). English is also used as the official and lingua franca of the Pakistani elite and in most government ministries.**[34]** Each ethnic group has its own language and numerous dialects are spoken.**[3]**

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3. Economy

3.1 Pakistan is a poor country with great extremes in the distribution of wealth. The Constitution provides for the right of private businesses to operate freely in most sectors of the economy and there continues to be a strong private sector. **[2b]** In a report released in August 2002 the Asian Development Bank estimated the poverty level in Pakistan in 1999 as 36.3% in rural areas, and 22.6% in urban areas. Other economists estimate a higher poverty level of 40% of the total population. The major causes of poverty in Pakistan include lack of employment opportunities, a slowdown in the pace of economic growth in the 1990's and a decline in public sector development programmes.**[41h]**

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4 History

For detailed history prior to August 1990 see Europa World Year book.**[1]**

Pre 1993

4.1 Pakistan was created in August 1947 following the partition of the Indian Empire into the independent states of India and Pakistan. This was in response to demands by elements of the sub-continent's Muslim population for the establishment of a designated

Muslim state. Pakistan originally comprised two distinct regions - East Pakistan and West Pakistan, separated by some 1,600 km of Indian Territory. On 23 March 1971 East Pakistan declared its independence as the People's Republic of Bangladesh.**[1]**

4.2 General Zia ul -Haq came to power in a coup in 1977 in which he overthrew the Pakistan People's Party (PPP) government of Zulfiquar Ali Bhutto. Zia was killed in an air crash in August 1988 and subsequent elections resulted in victory for the PPP with Bhutto's daughter, Benazir Bhutto, becoming Prime Minister.**[26]** On 6 August 1990 President Ghulam Ishaq Khan in accordance with his constitutional powers dismissed the Prime Minister and her Cabinet and dissolved the National Assembly. He accused the Government of corruption, nepotism and incompetence. The charges were denied by Benazir Bhutto.**[1]**

4.3 A general election took place on 24 October 1990. The Islamic Democratic Alliance (IDA) doubled its representation in the National Assembly, leaving it 4 seats short of a majority while the People's Democratic Alliance (PDA) of the PPP and three smaller parties suffered a heavy defeat. On 6 November 1990 Mohammad Nawaz Sharif, the leader of the Pakistan Muslim League (PML), was elected Prime Minister.**[1]**

4.4 In May 1991 the National Assembly adopted legislation imposing the incorporation of Sharia (the Islamic legal code) into Pakistan's legal system. Legislation was also adopted which provided for the Islamisation of the education, economic and judicial systems.**[1]**

4.5 Prime Minister Nawaz Sharif had promised that one of the Government's major priorities was to establish lasting peace in Sindh where ethnic conflict and general lawlessness prevailed.**[1]** In the summer of 1991 violence continued with fighting between PPP and the Mohajir Quami Movement(MQM), as well as between rival MQM factions.**[3]** In response to the continuing violence 'Operation Blue Fox'**[3]** (also known as 'Operation Clean-up') was launched in May 1992, whereby the army was to seize unauthorised weapons and apprehend criminals and terrorists.**[1]** There was a violent clash between two factions of the MQM - the majority Altaf faction and the small breakaway Haqiqi faction - in Karachi. The army took the opportunity to suppress extremist elements in the MQM. The Government repeatedly gave assurances that the operation was aimed at criminals and not at the MQM itself.**[1]**

4.6 In November 1992 the PDA intensified its campaign of political agitation. The rallies and marches organised by Benazir Bhutto were suppressed by the Government through mass arrests, road blocks and the imposition of a two-month ban on the holding of public meetings in Islamabad and Rawalpindi.**[1]**

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1993 - 1997

4.7 During 1993 a rift between the President and the Prime Minister grew (caused by the Government initiating discussions regarding proposed amendments to the Eighth Constitutional Amendment). On 18 April 1993 the National Assembly was dissolved and the Prime Minister and the Cabinet were dismissed. The President accused Sharif of "maladministration, nepotism and corruption". An acting Prime Minister and Cabinet

were appointed, but on 26 May 1993 the Supreme Court ordered that the National Assembly, Prime Minister and Cabinet be restored to power as the President's order had been unconstitutional. The National Assembly and Sharif's government were reinstated immediately.**[1]**

4.8 An All Parties Conference, which included Benazir Bhutto, urged the President to dissolve the National Assembly and hold fresh elections. Benazir announced a "long march" with the intention of laying siege to the capital and forcing Sharif to resign. The army persuaded Benazir to postpone the march. On 18 July 1993 both the President and Sharif resigned, and the National Assembly and the provincial assemblies were dissolved.**[1]**

4.9 The elections were held early October 1993 and were widely considered to be fair. Neither the PPP nor the Sharif faction of the PML won an outright majority in the federal elections, and only the PPP won a majority in the provincial elections in Sindh. Benazir Bhutto was elected to head a coalition government on 19 October 1993. A PPP led coalition assumed control of the provincial administrations in Punjab and Sindh. The provincial governments in North-West Frontier Province and Baluchistan were headed by alliances led by the PML(Nawaz), a PML faction led by Nawaz Sharif.**[1]**

4.10 September 1994 saw an upsurge in political unrest when Sharif organised a nation-wide general strike. Hundreds of PML supporters, including Sharif's father, were arrested. In Karachi there was escalating ethnic and criminal violence, which stemmed from the rivalry of the opposing MQM factions. Other killings were linked to drugs mafia and sectarian disputes between Shia and Sunni Muslims. It was estimated that during 1995 almost 2,000 people were killed in Karachi as a result of political and ethnic violence.**[1]**

4.11 In June 1996 an austere budget was introduced, including the introduction of new taxes which sparked off protests. A large bomb explosion at Lahore airport in July, a series of public sector strikes and resurgence of violence in Karachi intensified the volatile political situation. Benazir's estranged brother, Mir Murtaza Bhutto, was killed in a gun battle with police in Karachi in mid-September. The Prime Minister and her husband were accused of organising the killing, while Benazir implied that she believed the President and the army were to blame. A judicial tribunal exonerated the President of any involvement in the killing, describing the death as an extra-judicial killing.**[1][6c]**

4.12 Against a background of rising public discontent, President Leghari dismissed Prime Minister Benazir Bhutto's government and dissolved the National Assembly on 5 November 1996. The state assemblies were dissolved over the following week. The reasons given by the President were the deteriorating law and order situation, severe economic problems, widespread corruption, disregard for judicial authority and the violation of various constitutional provisions.**[1]**

4.13 The general election was held on 3 February 1997 with a low turnout of 30-40%. The PML (Nawaz) won a decisive victory, gaining 134 of the 204 directly elective seats in the National Assembly. The PPP was routed both at federal and state level, winning only 18 National Assembly seats. The MQM emerged as the country's third political

force with 12 seats. Mohammad Nawaz Sharif was sworn in as Prime Minister on 17 February 1997.**[1]**

4.14 Sharif strengthened his political authority in April 1997 when both the National Assembly and the Senate voted unanimously to repeal the major components of the 1985 Eighth Constitutional Amendment. The President lost his powers to dismiss the Prime Minister and Cabinet, to dissolve the legislature and to order a national referendum on any issue. Authority to appoint provincial Governors, the Chairman of the Joint Chiefs of Staff and the three armed forces chiefs were also taken away. The President thus became a largely ceremonial figure.**[1]**

4.15 According to Amnesty International, sectarian violence escalated between the Shia and Sunni communities during the first half of 1997 in the Punjab and Sindh provinces. The new government called on religious groups to restrain their followers and banned motorcycle pillion riding, as pillion riders had carried out many attacks. The Chief Justice of Pakistan, mindful of concerns about human rights abuses, initiated public hearings into the killings in Karachi and the sectarian violence in Punjab. The Government introduced an Anti-Terrorism Bill in the National Assembly, which was passed and signed into law by the President on 17 August 1997. The Bill was controversial as it gave the police sweeping powers.**[4d]**

4.16 In the second half of 1997 a serious rift developed between Prime Minister Nawaz Sharif and the Chief Justice of the Supreme Court, over the appointment of new judges. Despite a compromise in early November 1997, later in November 1997 the Supreme Court charged Nawaz Sharif and five officials with contempt for slandering the court. The Prime Minister denied the charges and the Chief Justice was forced to adjourn the trial when thousands of the Prime Minister's supporters stormed the Supreme Court in Islamabad. The constitutional crisis came to an end on 2 December 1997, when rebel members of the Supreme Court suspended the Chief Justice, and President Leghari stood down from office. Prime Minister Nawaz Sharif strengthened his hold on power on 31 December 1997 when his nominee, fellow Punjabi Mohammad Rafiq Tarar, won the presidential election by winning a record 80% of the votes cast in the electoral college.**[1]**

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1998 – September 1999

4.17 In January 1998 sectarian violence in Lahore resulted in the massacre of 24 Shia Muslims by a clandestine Sunni group, this was followed by murders in Karachi in February and again in Lahore in March. In May 1998 temporary public euphoria and heightened popularity for the Prime Minister arose from the conduct of controversial nuclear tests. However repercussions in the form of international sanctions left the country in dire financial circumstances.**[1]**

4.18 In August 1998 Nawaz Sharif introduced a bill (the 15th Amendment Bill) to the National Assembly to replace Pakistan's legal code with Sharia Law, he attempted to allay fears of a move towards Islamic extremism by promising to uphold women's rights and to safeguard minorities. In early October 1998 the Chief of Army Staff, General Jehangir Karamat, was forced to resign after publicly criticising Government policies

and demanding that the armed forces be given a direct rather than advisory roll in government decisions. The 15th Amendment Bill won National Assembly approval in October 1998.**[1]**

4.19 In late October 1998 the MQM(A) withdrew its support from the PML(Nawaz) in the Sindh provincial legislature, and the province was placed under governor's rule in an effort to curb the violence. In November 1998 the Prime Minister announced the establishment of anti-terrorist military courts in Karachi, and the suspension of civil rights in Sindh.**[1]**

4.20 In mid February 1999 the Supreme Court ruled that military trials could not be used for cases against civilians, effectively barring the establishment of military courts throughout the country. Cases were ordered to be transferred to civilian anti-terrorist courts.**[1]**

4.21 In February 1999 Nawaz Sharif and the Indian Prime Minister, Atal Bihari Vajpayee, signed the 'Lahore Declaration' which included pledges concerning peace and nuclear security, patently designed to allay world-wide fears of a nuclear "flashpoint" in South Asia. In April 1999 a series of ballistic missile tests was carried out first by India then by Pakistan resulting in deepening concern over the escalating arms race in South Asia.**[1]**

4.22 In May 1999, the Kashmir conflict intensified following the reported infiltration of 600-900 Islamist fundamentalists allegedly reinforced by regular troops. In response India launched a series of air strikes which seriously provoked Pakistan. **[1]**

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October 1999 - December 2000

4.23 Events took a dramatic turn on 12 October 1999, Nawaz Sharif dismissed the Chief of Army Staff and Chairman of the Joint Chief of Staffs Committee, General Pervez Musharraf. The General flew back from an official tour in Sri Lanka and organised a bloodless military coup in Islamabad. Nawaz Sharif and his government were overthrown and the deposed Prime Minister was placed under house arrest. On 15 October 1999 General Musharraf assumed the position of Chief Executive, declared a nationwide state of emergency and suspended the Constitution, the National Assembly, the Senate, the four provincial legislatures and all political officials, with the exception of the President and the judiciary. He insured by means of a Provisional Constitutional Order that his actions could not be challenged by any court of law, thus imposing virtual martial law. **[1]**

4.24 As a result of the coup Pakistan was suspended from participation in Commonwealth Ministerial meetings. On 22 October 1999 General Musharraf appointed four new provincial governors and on 26 October 1999 he installed a three-member Cabinet and named members of a National Security Council, expected to be the supreme executive body of the government. **[1]**

4.25 The majority of the Pakistani people appeared to support the army's coup and there were no large-scale popular demonstrations in support of Nawaz Sharif. Musharraf portrayed himself internationally as a moderate liberal leader but while expressing regret over the effective suspension from the Commonwealth, was mainly concerned with the reaction of the US, and world financial institutions. The new regime's major priority was the revival of an almost bankrupt economy. **[1]**

4.26 In November 1999 Sharif and six other senior officials were arrested and charged with attempted murder, kidnapping, hijacking and criminal conspiracy following their alleged actions on 12 October 1999. **[1]** In the court case that followed, the prosecution argued that Sharif's personal instruction not to allow the aircraft carrying General Musharraf to land had endangered the lives of those on board as the fuel supply was low. On 6 April 2000 Sharif was found guilty on the hijacking and terrorism charges and was sentenced to life imprisonment, instead of the death penalty demanded by the prosecution.**[35e]**

4.27 In late March 2000 General Musharraf announced that new-style local elections would be held nation-wide between December 2000 and August 2001. These were to be held on a non-party basis and it was claimed they would transfer power from the traditional ruling elite to the grassroots level. In May 2000, the Supreme Court unanimously decided to validate the October 1999 coup as having been necessary to spare the country from chaos and bankruptcy, although all the incumbent members of the Supreme Court had sworn allegiance to the military administration a few months earlier. The court also announced that the Chief Executive should name a date, no later than 90 days before the end of a three year period from 12 October 1999, for the holding of elections to the National Assembly, the provincial assemblies and the Senate. General Musharraf stated he would comply with the Supreme Court ruling regarding the restoration of democracy.**[1]**

4.28 In July 2000 General Musharraf issued a decree to revive the Islamic provisions of the suspended constitution and to incorporate them in the Provisional Constitution Order supporting a ban on the passing of any law that conflicts with Islamic principles. In September 2000 an explosion in a crowded Islamabad market, killed 16 and wounded about 100 people, an extreme Hindu organisation claimed responsibility for the attack. **[1]**

4.29 In late 2000 former leaders Nawaz Sharif and Benazir Bhutto and 16 other smaller 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. Nawaz Sharif was released from prison in December 2000 and left Pakistan to live in exile in Saudi Arabia with his wife and 17 other members of his family. The Government announced he had been granted a presidential pardon and was allowed to leave to seek medical treatment. In return he relinquished personal and business assets and promised not to return for ten years and to remain out of politics for 21 years.**[1]**

4.30 In late December 2000, the first phase of local elections was held in 18 districts, the Government claiming a turnout of over 40%, while the opposition PPP claimed under 20%. There were a total of just over 20,000 seats, nearly 4,000 candidates were elected unopposed and just over 2,000 seats remained vacant. 33% of the seats were

reserved for women, but few were able to participate in a largely male-dominated society. Although conducted on a non-party basis it was believed that the majority of candidates were sponsored by the PML(Nawaz) or the PPP. It appeared that the election scheme had failed to challenge the dominance of Pakistani politics by local feudal families.**[1]**

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January 2001 - December 2001

4.31 In January 2001 the Human Rights Commission of Pakistan (HRCP) condemned the arrests and excessive force used in Karachi on a number of people protesting against the blasphemy laws. Seventeen arrests were made following baton-charges and the use of teargas, despite HRCP assertions that there was no threat to the law and order situation. The National Commission for Justice and Peace (NCJP) also expressed deep concern at the level of force used against the peaceful protestors.**[33n]**

4.32 In March 2001 further local elections took place in 20 districts. Once again despite the Government's efforts political parties participated and PPP and PML(Nawaz) candidates won the majority of seats. In March and May 2001 pro- democracy rallies were suppressed by the authorities who detained thousands of ARD supporters in advance of planned demonstrations.**[1]**

4.33 In April 2001 the Supreme Court ordered that the convictions of Benazir Bhutto and her husband Asif Zardari for corruption should be set aside and a retrial held. Later that month the Supreme court concluded that the that the verdict had been politically motivated.**[1]**

4.34 On 20 June 2001 General Musharraf assumed the Presidency, having dismissed Mohammad Rafiq Tarar. Musharraf immediately formally dissolved the national and provincial assemblies. The move was interpreted by some as an attempt to consolidate his position prior to negotiations with the Prime Minister of India. Also in June 2001, in response to escalating sectarian and ethnically motivated violence, the Government approved new legislation to tackle terrorist activity.**[1]**

4.35 The results of the final phase of the local elections were announced in August 2001, although attempts had been made to depoliticise the elections party affiliations and military loyalties were often known. Pro-army candidates won the most seats, but PPP did well taking Sindh province and parts of Punjab. Jamiat-e-Islami came third and won the mayorship of Karachi.**[10]** In August 2001 it was reported that sectarian violence had claimed 108 lives between January and May 2001 compared to 37 fatalities in the same period in the previous year. In his Independence Day address to the nation Musharraf appealed for greater tolerance and understanding and announced an immediate ban on the activities of two militant Islamist groups, the Sunni Lashkar-i-Jhangvi (LeJ) and the Shia Sipah-e-Mohammad Pakistan (SMP).**[1]**

4.36 On 11 September 2001 terrorist attacks took place on the US mainland and members of Al Qa'ida, an Afghan-based organisation, were held responsible. Musharraf made a declaration of co-operation with US requests for shared intelligence and the use of air space. His political opponents in the PML and PPP appeared to accept this

declaration of support for the US. Pakistan had been one of only three states to recognise the legitimacy of the Taliban regime in Afghanistan and was the most significant trading partner and supporter of the regime. Despite Musharraf's insistence that the US-led activities in the region did not represent an attack on Islam protests against the action spread throughout the country. On 21 September 2001 a group of more than 30 Pakistani militant Islamist organisations known as the Afghan Defence Council (ADC) organised a campaign of demonstrations and industrial action nation-wide. Further opposition to Pakistan's support for the intervention in Afghanistan came from within the armed forces, the Inter-Services Intelligence agency having had close links with the Taliban.**[1]**

4.37 In early October 2001 Musharraf implemented a radical reorganisation of the military high command and the intelligence service, replacing a number of senior personnel with known sympathies for the Islamist cause. Popular protests against the US led coalition continued and were fuelled by reports of civilian casualties in the US bombing raids in Afghanistan and the call to jihad (holy war) against all non-Muslims by the ADC and the Jamiat-e-Ulema-e-Islam in October. Despite the uncompromising attitude of the security forces to sporadic rioting, an attempt to capture an airbase in Sindh and an opposition rally attended by 20,000 in Karachi there were few casualties.**[1]**

4.38 In October 2001 sanctions, imposed on Pakistan by the US after the 1999 coup, were waived. Later in the month President Bush signed legislation clearing the way for the full resumption of economic and military aid to Pakistan over the forthcoming two years. It was also announced that President Bush and President Musharraf would meet at a United Nations meeting in November. A package of $500 million was also expected to be announced. These measures were seen by observers as rewards for Pakistan's help in the US-led war in Afghanistan.**[35at]** In early November a package of aid amounting to over a billion dollars was announced when President Musharraf and President Bush met at the United Nations, this was seen as a further indication of warming relations between the U.S and Pakistan.**[35au]**

4.39 Tension with India heightened following an attack on 1 October 2001 in Srinigar, which the Indians blamed on Pakistani based groups. President Musharraf refused Indian requests to ban the activities of the organisations. Later in October 2001 skirmishes between security forces along the Line of Control (LoC separating Indian controlled Kashmir from Pakistan Kashmir) threatened to erupt into open conflict.**[1]** On 29 October 2001 18 people were killed in an attack on a Christian church in the eastern town of Bahawalpur. Dozens more were seriously injured when unidentified gunmen on motorcycles opened fire indiscriminately on the Christian congregation at prayer.**[35ah]** 13 suspects were later arrested in connection with the attack.**[35ai].**

4.40 In early November 2001 the leaders of the JUI and the Jamaat-e-Islami (JIP) were detained following allegations that they were continuing to promote anti-government activities. Early in November 2001 a communication from Usama bin Laden the Saudi born leader to the Al Qa'ida organisation was broadcast on Al-Jazeera the Arab satellite television channel. He called for a renewed jihad against non-Muslims and urged Pakistanis to rise up against the Musharraf administration for its support of the US led campaign. In the border regions of NWFP and Balochistan there were reports of large

numbers of local tribesmen crossing to fight for the Taliban. By mid-November there were believed to be significant numbers of Pakistanis fighting in Afghanistan.**[1]**

4.41 In Afghanistan forces of the United National Islamic Front for the Salvation of Afghanistan (commonly know as the United Front or Northern Alliance) with the support of the US-led coalition were making impressive gains, and by mid-November the Northern Alliance had taken Kabul. The rout of the Taliban continued in December 2001 and Pakistan reinforced border security along its north-western border to in order to intercept fleeing combatants.**[1]**

4.42 Following the fall of the Taliban the Pakistan Government announced that it no longer had any relations with its old allies the Taliban. Foreign Minister Adbul Sattar said that although they had not announced the de-recognition of the Taliban there was no business conducted between Pakistan and whatever was left of the Taliban. The Taliban's embassy in Islamabad, which had formed an important link between the Afghan regime and the outside world, remained open. Mr Sattar said that Pakistan were not hostile to any faction and hoped the United Nation's political process to find a broad-based government for Afghanistan would proceed quickly.**[35ax]**

4.43 The sudden fall of the Taliban had a dramatic effect on relations between the Northern Alliance and Pakistan. By the end of November 2001 they were indicating their willingness to end their hostility and work together. President Musharraf said Pakistan recognised the Northern Alliance and had no problem if it formed a government with other factions in Afghanistan.**[35ay]** On 5 December 2001 in Bonn Germany, following UN brokered talks, delegations from four Afghan factions signed a peace deal under which an Interim Authority headed by Pashtun tribal commander Hamid Karzai would rule for six months prior to the election of a transitional government by a Loya Jirga (traditional assembly).**[35az].** In December 2001 it was reported that President Musharraf became the first world leader to personally call Mr Karzai to congratulate him on his appointment, at the same time he offered all possible help and assistance in the reconstruction and rehabilitation work in Afghanistan.**[35ba]**

4.44 In December 2001 India alleged that activists of Jaish-i-Mohammad, on the instigation of the Inter-Services Intelligence agency, carried out an attack on the Indian parliament. A spokesman for President Musharraf described these allegations as unfounded and fabricated.**[33b]** As a result tensions between the two nuclear powers escalated, leading to the biggest military build up for nearly 15 years. The Indian government demanded that Pakistan act decisively against the two Kashmiri separatist groups it blamed for the raid on the Indian parliament.**[35aj]** At the end of December 2001 India expressed satisfaction that Pakistan had started rounding up members of the more violent Kashmiri groups but wanted more action and gave Pakistan a list of its most wanted terrorists.**[35ak]**

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January 2002 - April 2003

4.45 On 12 January 2002 President Musharraf announced a ban on five extremist groups and put another on the watch list, with a view to cleansing the society of terrorism, sectarian violence and intolerance. The groups banned were Jaish-i-

Mohammad, LashkariI-Taiba, Sipah-i-Sahaba Pakistan, Tehrik-i-Jaferia and Tanzim Nifaz-i-Shariat-i-Mohammadi. Sunni Tehrik was put on the watch list. At the same time he announced that registration would be required for all Madaris (religious schools also called madrassahs) and foreign students and teachers would also have to be registered. He declared that Pakistan would not be allowed to be used for carrying out terrorist activities in and outside the country.**[33c]** A crackdown on extremists followed this announcement with over 1,900 activists, mainly from the five banned groups, being detained in all four provinces and the capital. In addition 600 offices of the banned groups were sealed, literature confiscated and instructions issued to the state bank to freeze their assets.**[33k]** By the end of January 2002 there were indications that the risk of a war between India and Pakistan had receded. President Musharraf's moves to confront Islamic extremists helped to diffuse the tension.**[35al]** January 2002 also saw the announcement of the elimination of the separate electoral system for religious communities.**[2a]**

4.46 In late January 2002 President Musharraf confirmed that elections would be held in October 2002. Addressing a meeting of the Pakistan Human Development Forum the President said his country was ushering in a real democracy with the elections, which will be held for national and provincial assemblies. He said Pakistan would fine tune democracy according to its own requirements and there would be checks and balances on any new civilian government.**[35bg]**

4.47 February and March 2002 saw a number of sectarian killings and attacks during which over 25 people were killed in a period of three weeks.**[35bd]** In late February 2002 two gunmen went into a Shia mosque in Rawalpindi and fired on worshippers during prayers, ten deaths were reported and at least 15 people were wounded.**[32a]** On 12 March 2002 it was reported that a further six Shia Muslims had been shot-five people were killed in two attacks in Karachi and a sixth in Muzaffargarh in Punjab.**[35be]** In March 2002 five people were killed and a further 41 injured in a grenade attack on a church in the heavily guarded diplomatic enclave in Islamabad. Those killed were a US diplomat's wife and daughter, two Pakistanis and an Afghan. It was reported that several attackers entered the premises and threw grenades at worshippers.**[33l]** A few days after the attack all senior policemen in Islamabad were removed from their posts following President Musharraf's statement that he was convinced that the attack resulted from police negligence.**[35bc]** Later in the month some 30 people were detained in connection with the attack.**[35an]** Some two days after the church attack a Sunni Muslim cleric and his driver were shot in Lahore, as the unidentified gunmen drove away they shot a third person a Shia Muslim who was nearby. The spate of sectarian attacks was seen as a setback to efforts to crackdown on religious extremism.**[35bf]**

4.48 In early April 2002 President Musharraf paid his first visit to Afghanistan and, speaking alongside Hamid Karzai at a news conference, pledged never again to allow his country to interfere in the internal affairs of Afghanistan. The meeting was seen as marking a watershed in Pakistan Afghanistan relations, President Musharraf pledged co-operation in wiping out terrorist sanctuaries in the region and said that he had made absolutely clear that Pakistan's one aim was to assist Afghanistan.**[35bb]**

4.49 On 3 April 2002 the cabinet and National Security Council unanimously approved the holding of a referendum to extend President Musharraf's rule for a term of five years. The present term expired after the proposed October 2002 elections.**[35bh]** The opposition Alliance Party for the Restoration of Democracy said it considered the initiative unconstitutional and would hold peaceful rallies to oppose it. The plan was also criticised by Islamist parties and the Human Rights Commission of Pakistan(HRCP).**[33y]** Speaking on 16 April 2002 President Musharraf defended the referendum, due to take place on 30 April 2002, as constitutional, expressed his confidence about being elected, and said he would not leave the office of army chief of staff. He said that the National Security Council would be created to work as a watchdog and make sure that the reforms process was not reversed and that there was real democracy in Pakistan.**[33z]** In late April 2002 the Supreme Court rejected eight petitions brought by opposition parties and lawyers groups arguing that the referendum was unconstitutional.**[35am]**

4.50 Preliminary referendum results on 1 May 2002 indicated a runaway victory for President Musharraf. The HRCP said the poll was marred by irregularities and reported people being hustled into voting and the abuse of election procedures.**[35av]** The Election Commission of Pakistan announced a voter turnout figure of 70% of whom 98% had voted yes, giving the President a further five years.**[33a]** Opposition parties continued to term the referendum "fraudulent". The Information Secretary of the ARD said the call for a boycott had been successful, and termed the statistics given out by the Government a "fraud".**[33aa]**

4.51 In mid May 2002 in Karachi, a suicide bomber drove his car into a bus carrying French technicians who were working with the Pakistan navy. The attack killed 15 people, mostly French nationals. Following the attack nearly 400 people were detained for questioning. President Musharraf also announced a new series of anti-terrorism measures including setting up a new investigation cell and enhancing security on the western border with Afghanistan.**[35aw]** On 14 June 2002 a car bomb exploded near the US consulate in Karachi killing at least eight people and injuring many others. No foreigners or embassy staff were amongst those injured, and the consulate suffered no major damage.**[35bm]** At the end of June 2002 the Pakistani police disclosed that members of the banned Islamic group Lashkar-e-Jhangvi were the prime suspects in both bomb attacks in Karachi.**[35bn]**

4.52 In May 2002 it was reported that a steady exodus of US, Canadian and other foreign diplomats, which had commenced following the abduction of US journalist Daniel Pearl in January 2002 and the bombing of a church in the diplomatic quarter in March 2002, accelerated following the bomb attack in Karachi.**[24e]** On 22 May 2002 UK Foreign Secretary Jack Straw announced a reduction in the UK Government's diplomatic representation in Pakistan on account of the "security threat to British interests in Pakistan".**[48]**

4.53 The tension between India and Pakistan over Kashmir increased again following an attack on an army camp in Kaluchak near Jammu on 14 May 2002. India positively identified three gunmen involved as Pakistani, and on 18 May 2002 requested the withdrawal of Pakistan's High Commissioner to India. Across the Kashmir LoC exchanges of artillery and small arms fire intensified causing deaths of mainly civilians

in the border villages. Thousands of villagers fled their homes. Towards the end of May 2002 Pakistan conducted a series of ballistic missile test launches, officials insisted that these tests were routine and unconnected with the Kashmir crisis.**[24e]** During June 2002 tension on the border lowered, largely as a result of international pressure. It was reported that shelling across the LoC was reduced although there continued to be civilian casualties on both sides.**[24d]**

4.54 On 26 June 2002 President Musharraf put forward for debate constitutional amendments which it was reported would increase his powers. The amendments included enabling the President to name and dismiss the Prime Minister, provisions to reduce the term of the parliament and Prime Minister to four years, and proposals for a permanent ten member National Security Council that would be headed by President Musharraf.**[35bo]**

4.55 On 6 July 2002 President Musharraf issued a decree preventing people who have held the office of Prime Minister twice in the past being given a third term. This effectively banned two former Prime Ministers, Nawaz Sharif and Benazir Bhutto. A spokesman for Sharif's Pakistan Muslim League said it was aimed at ousting two big leaders from politics and Bhutto's Pakistan People's Party called it unconstitutional.**[35bp]** The decree also required all candidates to be university graduates which the opposition claimed ruled 98% of the population out of candidacy. On 10 July 2002 it was announced that voting for the lower house of parliament would take place on 10 October 2002.**[35bq]** At a convention held in July 2002 Pakistan's religious minorities formed the All Pakistan Minorities Alliance the first formal grouping between Sikhs, Christians and Hindus. The head of the Christian Organisation for Social Change said that the alliance is not a political party but can come to an understanding about which candidates it can support.**[35br]**

4.56 On 13 July 2002, in Kashmir, an attack by gunmen who killed at least 27 Hindu civilians, was blamed on Islamic militants. India claimed the attack was inspired by Pakistan, although the Pakistan Foreign Ministry condemned it.**[35cl]**

4.57 In July 2002, former Prime Minister Benazir Bhutto, was sentenced to three years hard labour in her absence, for failing to answer corruption charges. The Rawalpindi accountability court judge also ordered the confiscation of all her immovable property such as land and houses.**[35bs]** In early August a further change to the country's election laws, barring anyone convicted by a court for failure to appear before it in a corruption charge from contesting the October elections, seemed to be aimed mainly at keeping Benazir Bhutto out of the electoral process.**[35bt]** By early August 2002 over 30 political parties had submitted papers to the Election Commission for registration prior to the deadline of 12 August 2002.**[33ab]** The documents were required to comply with the Political Parties Rules 2002 issued by the Election Commission on 23 July 2002.**[47a]** On 5 August 2002 the PPP formed a new political wing called the PPP Parliamentarians in a bid to avert an imminent threat of losing the chance to contest the elections.**[33ah]**

4.58 On 5 August 2002 six people were killed when gunmen entered the Murree Christian School north-east of Islamabad. It appeared that the attack was aimed at Western interests rather than the Christian minority in Pakistan.**[35bu]** On 9 August

2002, a missionary hospital in the town of Taxila was the subject of a grenade attack. At least four people were killed and 23 wounded.**[41g]** Later in the month a number of supporters of banned militant groups Jaish-e-Mohammad and Lashkar-e-Jhangvi, suspected on involvement in the attacks were arrested. President Musharraf condemned the attacks on foreigners and Christians, which he said were despicable, and shameful.**[35bv]**

4.59 On 25 September 2002 a further attack on Christians in Karachi was reported. Gunmen entered the premises of the Church of Pakistan funded Idara-e-Aman-o-Insaf (Committee for Justice and Peace) and shot dead six Pakistani Christians. A seventh died later in hospital and in addition four others were wounded. The attack followed increased security for Christians following local and international pressure. **[41l][33aj]** A few days later it was reported that tens of thousands of Christians gathered outside a Karachi cathedral to demand better protection for their community. Although police in Karachi had arrested dozens of alleged Muslim extremists in connection with the recent attacks on Christian targets they said that there was no evidence that Islamic militants were responsible for the most recent attack. **[35co]**
4.60 On December 25, 3 children were killed and 14 were injured in a grenade attack on a Christian Church in Chianwala village in Sialkot. On December 27, police detained four men, including a radical Muslim cleric, on suspicion of carrying out the Christmas day attack. During the year, police made no arrests in connection with past sectarian killings. Numerous such killings remain unresolved. **[2c]**
In April 2003, the Church of Scotland withdrew its entire missionary presence in Pakistan due to fears of repeated terrorist attacks. **[35dj]**

4.61 In August 2002 the Election Commission allocated 38 parties a symbol to be used in contesting the October elections. A symbol is vital to help illiterate Pakistanis identify who to vote for. A number of parties were refused symbols on the grounds that they were part of existing political alliances or had not satisfied strict electoral requirements.**[35bw]** On 21 August 2002 President Musharraf announced that some constitutional changes proposed in June had now become law. The changes include the setting up of a National Security Council chaired by Musharraf with the power to overrule the democratically elected government and the reinstatement of the chief executive's power to choose army and navy chiefs. Despite strong opposition, from political parties and Pakistanis who are concerned about the President's consolidation of power, the changes were to come into force prior to the election on 10 October 2002.**[32e]**

4.62 The deadline for filing nominations for the parliamentary polls ended on 26 August 2002, two days later than originally planned. Former Prime Ministers, Nawaz Sharif and Benazir Bhutto, both filed nominations despite being barred under current regulations. There are four major political groupings taking part in the elections;-

The Grand National Alliance mainly comprises pro-Government parties including the Pakistan Muslim Leaque (Qaid-e-Azam) (PML(Q)) faction,

The Pakistan People's Party of former Prime Minister Benazir Bhutto,

The Pakistan Muslim League of former Prime Minister Nawaz Sharif

The Muttahida Majlis-e-Amal an alliance of six religious parties which opposed US led military operations in Afghanistan against the Taleban and has indicated it may enter into a deal with PPP or PML to ensure a majority parliament. **[35bx]**

The pro-Government PML(Q) is the larger faction of the PML, which split after Nawaz Sharif left.**[35ct]**

4.63 The election papers filed by Benazir Bhutto were rejected on 29 August 2002 and a few days later Nawaz Sharif whose nomination papers had been accepted withdrew from the elections. A statement from his PML party said that the decision was a protest against the military regime's "unethical and unconstitutional measures.**[35by]**

4.64 On 11 September 2002 it was reported that authorities in Pakistan took stringent security measures to coincide with the first anniversary of the 11 September 2001 attacks on the US. These measures followed a spate of attacks on Christian and Western targets, reportedly carried out by militants angered by Pakistan's support for the US led "war on terror". Extra guards were placed around government installations, foreign missions, and businesses and places of worship around the country.**[35cq]** Later in September 2002 it was reported that the authorities had further increased security around non-Muslim places of worship fearing further attacks by Islamic militants. This followed the arrest of a number of militants in Karachi some of whom allegedly had maps and plans showing places of worship and foreign establishments.**[35cp]** On 25 September 2002 seven people were killed when gunmen opened fire on a welfare organisation in Karachi. It was reported that two gunmen entered the offices of the Church of Pakistan funded charity Idara-e-Aman-o-Insaf (Committee for Peace and Justice), killing six Pakistani Christians, a seventh person dying in hospital later, and injuring four others.**[41l]**

4.65 At the end of September 2002 election observers from several international bodies including the European Union and the Commonwealth arrived in Pakistan to observe the parliamentary elections due to take place on 10 October 2002.**[35cr]** The National Assembly or lower house of parliament has 342 seats, 272 general seats, 60 seats reserved for women and ten for non-Muslims.**[33al][44e]** The four provincial assemblies of Punjab, Sindh, North West Frontier Province, and Baluchistan, have 728 seats.**[44e]** There were 73 parties registered to take part in the elections**[47b]** of which 12 formed two six-party alliances.**[33al]** The various electoral laws and constitutional changes made prior to the poll were reported to be widely resented and caused some to suggest that the elections would lead to the establishment of a "military controlled democracy".**[41m]** On 7 October 2002 President Musharraf stated that the future government would have all powers to legislate, including the power to amend constitutional provisions. He assured election observers that they could travel freely to observe the election process, the army having been instructed to provide them with full security and logistical support. He also said that all four provincial governors had been instructed to assist the Election Commission to achieve fairness and transparency in the election process.**[33ai]**

4.66 Two days prior to election day the Human Rights Commission of Pakistan (HRCP) issued a report saying it had documentary evidence of electoral malpractice and criticising the effects of the constitutional changes. The report accused the Government of using the state machinery to manipulate the election process.**[35cs]** The Human Rights Watch organisation also expressed concerns about the election campaign saying that the military government had employed a variety of legal and political tactics to control the process and outcome of the elections. HRW also accused the

government of offering overt support to the PML(Q) while working hard to sideline the PML(N) and the PPP.**[21c]** The campaign itself was widely characterised as being dull and lifeless due, it was reported, to the non-participation of the two former prime ministers and the restrictions on when and where public rallies could take place.**[35ct]**

4.67 Polling went ahead on 10 October 2002 amid tight security. Seven people were killed in clashes in eastern Punjab and southern Sindh.**[35cu]** In a preliminary report EU observers made several criticisms on the conduct of the elections, including the misuse of government resources to favour in particular the PML(Q), its bar on opposition candidates and moves to limit the power of the legislature. The US State Department however described the election as an important milestone in the transition to democracy.**[19c]**

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4.68 The position of the political parties in the National Assembly on 4 November 2002 were as follows:

Party	Seats
Pakistan Muslim League (Q)	117
Pakistan People's Party Parliamentarians	80
Muttahida Majlis-e-Amal Pakistan	60
Pakistan Muslim League (N)	19
Muttahida Qaumi Movement	17
National Alliance	16
Independents	15
Pakistan Muslim League (F)	5
Pakistan Muslim League (J)	3
Pakistan Peoples Party (Sherpao)	2
Balochistan National Party	1
Jamhoori Watan Party	1
Pakistan Awami Tehreek	1
Pakistan Muslim League (Z)	1
Pakistan Tehrik-i-Insaf	1
Muhajir Qaumi Movement Pakistan(H)	1
Pakistan Shia Political Party	1
Total	341

[58]

4.69 The Muttahida Majlis-e-Amal, a coalition of religious parties which criticised President Musharraf for backing the American military campaign in Afghanistan, did much better than had been expected. Traditionally the religious parties have difficulty in winning seats.**[35cv]**

4.70 Both the Human Rights Commission of Pakistan (HRCP) and EU observers expressed serious concern about electoral irregularities. The EU observers claimed that the Pakistani authorities interference with the electoral arrangements and democratic process had resulted in serious flaws in the electoral process. **[41o]** The Commonwealth observers on the other hand reported that the election had for the most part been transparent and well-organized. **[35db]**

4.71 On 14 November 2002, a group of ten members elect of the Pakistan Peoples Party Parliamentarians announced they would form a separate group, the Pakistan Peoples Party Parliamentarians Patriots (the forward block), within the party. They stated that this move had been made to break the political deadlock threatening the revival of the democratic system. **[33an]**

4.72 The first meeting of the National Assembly finally took place on 16 November 2002. 324 members of the National Assembly took the oath, which was administered under the 1973 constitution. The hall of the National Assembly was jampacked as more seats brought in to accommodate 125 additional members, including 60 women members and 10 representatives of minorities. **[33ao]**

4.73 On 23 November 2002 Prime Minister Jamali and his 21-member cabinet were sworn in by President Musharraf.**[33aq]** The 21 member cabinet includes PML(Q), National Alliance and PPP(S) politicians and six members of the PPPP forward bloc were also included.**[33ap]** The MQM which had supported Jamali for Prime Minister decided not to join the cabinet.**[33aq]** It was reported that the swearing in of the Cabinet completed the transition from a three year period of military rule to an elected democratic government.**[33aq]**

4.74 In the by-elections held in January 2003, the Islamist alliance Muttahida Majlis-I Amal (MMA), which comprises six parties including Jamaat-I-Islami and Jamiat-I-Ulama-I Islami, won three more seats in the National Assembly. **[42a][35dc]** MMA is in power in the North West Frontier Province and opposes the Government's US-led war on terror. **[35dc]**

4.75 The second and final phase of Pakistan's return to civilian rule took place with the elections to the Senate in February 2003. **[35dd][35de]** The ruling party PML-Q won 35 of 100 Senate seats whilst the alliance of Islamic parties gained control of 20 Senate seats. **[35de]**

4.76 Pakistan's reconstituted parliament is facing a crisis over the controversial amendments to the Constitution introduced by General Musharraf. Promulgated in August 2002, the amendments are known as the Legal Framework Order (LFO) that affirms General Musharraf's presidency and post as army chief until 2007 and sets up a military-dominated National Security Council to oversee the government. LFO also limited candidates for election to the National Assembly or Senate to persons who have attained a bachelor's degree and disqualifies criminal convicts, defaulters on loans and utility bills, and absconders from court proceedings from candidacy. **[21d]**

4.77 The deputies protested at the decision to adopt these constitutional changes introduced by President Musharraf, in March 2003, without placing them before the parliament. **[35df]** Of the 29 amendments, which have been purportedly introduced in the Constitution through the FLO, there is opposition to four - election of the president as consequence of referendum, his Charge of Army Staff Post (COAS), 58(2)B or the President's power to dissolve the Government and the National Assembly, and the National Security Council. In response to pressure to relinquish his military role, the Government has hinted that the President needed "substantial

period" before retiring as Chief of Army Staff. **[33ar]** According to the same source, the Government is ready to accept the National Security Council as a body established by an act of parliament for a certain period, and not permanently. **[33ar]**

5 State Structures

The Constitution

5.1 The Constitution was promulgated on 10 April 1973 and has been amended on a number of subsequent occasions.**[1]** The Constitution incorporates the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam. It also aims to guarantee fundamental rights such as equal status for men and women, freedom of thought, speech, worship, the press, freedom of assembly and association as well as the rights of religious and other minorities. Institutionally it provides for a federal democratic structure.**[20a]** Several provisions of the Constitution were suspended following the imposition of martial law in 1977. The (amended) Constitution was restored in December 1985.
Following the military coup on 12 October 1999 the Constitution was placed in abeyance on 15 October 1999 and a Provisional Constitutional Order was promulgated, according to which executive power was transferred to a National Security Council under the leadership of a Chief Executive. In July 2000 the Chief Executive issued a decree to revive the Islamic principles of the suspended Constitution and incorporate them in the Provisional Constitutional Order. On 20 June 2001 the Proclamation of Emergency (Amendment) Order 2001 was promulgated, according to which the Chief Executive assumed the office of President of Pakistan and the National Assembly, Senate and the Provincial Assemblies were dissolved with immediate effect. **[1]**

5.2 In a press conference on 21 August 2002 President Musharraf announced a series of constitutional amendments. It was stated that a National Security Council (NSC) would be set up as a mechanism of checks and balances for achieving a sustainable democratic order. The NSC would include, amongst others, the President, the Prime Minister, and the leader of the opposition. In addition Musharraf announced that the 13th amendment to the Constitution had been scrapped, and as a result the President would now be empowered to dissolve assemblies and appoint services chiefs at his discretion. He also confirmed that he would continue to hold the offices of President and Army Chief of Staff for the next five years, to ensure continuity of the reforms package after the 10 October 2002 elections. **[44d]**
5.3 The announcement of these constitutional changes was followed by the publication, on 21 August 2002, of the text of Legal Framework Order (LFO), 2002. LFO amended the 1973 constitution, empowered the Chief Executive to make further constitutional amendments and, and stipulated that the validity of any provisions or Orders will not be called in question in any court on any ground whatsoever. LFO was recognized to override the Constitution or any other Order or law for the time being in force. **[44e]**

5.4 In December 2002, the Government published the new version of the 1973 Constitution that includes the controversial Legal Framework Order (LFO). Sources said that instead of separately publishing the LFO or introducing it as an "independent chapter", authorities in Law and Parliamentary Division have added all 29 amendments that shape the LFO, to the relevant clauses of the constitution. **[35dg]**
On 10 April 2003, a high court in Pakistan dismissed a petition, presented by a lawyers group in the Lahore High Court, which sought the Court to declare the LFO unconstitutional and without legal effect. **[61a]**

Citizenship and Nationality

5.5 Citizenship can be acquired in specified circumstances including by, foreign ladies married to Pakistani nationals, and the minor children of Pakistani ladies married to foreigners. Children born to a Pakistani mother and foreign national father after 18 April 2000 are to be treated automatically as citizens of Pakistan. The Government of Pakistan has dual nationality agreements with 13 countries including the UK. Pakistani citizens acquiring nationality of a country with whom there are no dual nationality arrangements are required to renounce Pakistani nationality.**[44b]**

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Political System

Introduction

5.6 On 12 October 1999 the elected Government of former Prime Minister Nawaz Sharif was overthrown in a bloodless coup led by Army Chief of Staff General Pervez Musharraf. General Musharraf designated himself Chief Executive and suspended the Constitution, the Parliament and the provincial assemblies. The office of the President (which was mainly ceremonial) was retained. General Musharraf appointed an advisory National Security Council, which included both military and civilian advisers, a civilian cabinet, and new governors to all four provinces. The government bureaucracy continued to function; however, at all levels the functioning of the Government after the coup was "monitored" by military commanders. On 20 June 2001, General Musharraf issued an amendment to the existing Provisional Constitutional Order that allowed him to become President and formally dissolved the National Assembly, the Senate, and the provincial assemblies. The same day, Musharraf was sworn in as President.**[2b]** The move was viewed as an indication that General Musharraf intends to stay in power for some years to come.**[42]**

5.7 Prior to the coup 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. The Chief Minister of each provincial government was appointed by the Governor.**[1]** After the coup however the provincial assemblies were suspended and General Musharraf appointed governors for the four provinces.**[2b]** "Azad" Kashmir nonetheless remains broadly responsible for its own internal administration.**[9b]**

5.8 In August 2000 General Musharraf unveiled a comprehensive devolution plan, aimed at transferring substantial power to hundreds of elected district and town

committees. Elections for these local bodies were to be held from December 2000 to August 2001 on a non-party basis. The General stated that this was to discourage petty political rivalries at the district level and subsequently drew criticism from the prominent political parties. The demands of religious minorities to abolish separate electorates for them were also ignored, as he argued that only the current system could guarantee their representation in the councils. The minimum age to vote would be lowered from twenty-one to eighteen. At least a third of the seats in these local councils would be reserved for women.**[35p]**

5.9 In January 2002 the Government finally eliminated the separate electoral system, so that future political representation would be based on geographic constituencies representing all residents regardless of religious affiliation. The change eliminated parliamentary and assembly seats reserved for minorities. Minority group leaders believe this change may help officials to take notice of the concerns and rights of minority groups, because due to concentrated populations in some constituencies they could significantly affect the results. However some minority group leaders complained that the elimination of reserved parliamentary and assembly seats for minorities would mean that it was unlikely that any representatives from the minority groups would be elected.**[2a]** However the Legal Framework Order 2002 reinstated reserved seats for non-Muslims with 10 in the National Assembly and three each in Balochistan and NWFP provincial assemblies, eight in Punjab provincial assembly and nine in Sindh provincial assembly.**[44e]**

5.10 Between December 2000 and August 2001 elections for local government assemblies were held in the country's 97 districts. The elections were considered generally free and fair by local and international observers although some political parties accused the Government of intervening in several places to ensure pro-Musharraf candidates were elected. **[2c]**

5.11 The elections to the National Assembly in October 2002 and the Senate in February 2003 constituted Pakistan's return to civilian rule. **[58][35dd]**

Since October 2002, the Islamic Republic of Pakistan is a federal parliamentary democracy, although the military retains a major role. The Prime Minister, Mir Zafarullah Jamali, is the head of government and chief executive, but General Musharraf remains President and Chief of Army Staff **[42a]** and chairs the powerful National Security Council, which comprises military chiefs and cabinet members and is intended to oversee the cabinet. The lower house of parliament, the National Assembly, was installed in November 2002 for a five-year term. An election to the upper house, the Senate, where all four provinces have equal representation, was held in February 2003. Provinces are represented in the National Assembly according to their population. **[42b]**

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Main Political Parties Following the Coup

5.12 The Musharraf regime did not ban political parties, and the parties active prior to the 1999 coup, including the Pakistan Muslim League, which was led by former Prime Minister Nawaz Sharif, continued some activities.**[2c]**

5.13 In July 2000 police arrested a large number of PML supporters and leaders in Lahore. Police stated that they were acting on Punjab provincial government orders, which had vowed to prevent ousted Prime Minister Nawaz Sharif's wife from leading a procession from Lahore to Peshawar.**[35j]** The arrest of Sharif's wife resulted in further protests at the biggest crackdown on the PML since they were ousted from power and further detentions of Nawaz Sharif supporters.**[35k]**

5.14 In July 2000 the Cabinet endorsed General Musharraf's initiative to meet politicians to brief them on various national and international issues and consider their suggestions. The General was quoted as saying that he was not opposed to politicians, as had been the impression of some quarters.**[33i]** In the same month he also met Raja Zaffar ul Haq, a former senate leader from the ousted PML, amid claims that the military was open to dialogue with clean politicians.**[35i]** General Musharraf also met the Secretary General of the PPP (following prior approval to do so by PPP Chairperson Benazir Bhutto), who subsequently stated that he believed the military's meetings with politicians were aimed at reviving the political process.**[33h]**

5.15 On 6 August 2000 almost all of the prominent opposition parties met in Lahore to discuss the actions of the military administration. PML and PPP representatives sat together with several other groups to denounce military rule and the corruption drive against politicians. By allowing this meeting to take place, the military were not threatened by such developments according to observers.**[35n]** There were nonetheless mass arrests of PML leaders and activists ahead of the party's plan to observe a "black day" on the first anniversary of the October 1999 coup. The police also occupied their offices and officials stated that the action was to maintain law and order.**[33m]**

5.16 In November 2000 the PML announced that it had joined the opposition Alliance for the Restoration of Democracy (ARD) against military rule - in which the PPP play a central role. This signalled the first time that the two parties had worked together for fifteen years. There was nonetheless widespread dissent amongst some sections of the PML at this particular manoeuvre.**[35r]** In March 2001 - following the exile of Nawaz Sharif to Saudi Arabia - the PML elected a new President, Mian Mohammad Azhar. A former governor of Lahore, he had been openly critical of Nawaz Sharif's government.**[35u]** In the same month, prior to a rally planned by the Alliance for the Restoration of Democracy, over 300 political activists (PML and PPP workers and leaders alike) were arrested in Lahore.**[33o]** In Karachi hundreds of political activists, mainly from the PPP and PML were detained prior to a banned pro-democracy rally planned for 1 May 2001. Police in the city claimed 300 had been detained, although opposition sources put the figure closer to 500.**[35x]**

5.17 The ARD appeared to have made little impact with its campaign for a return to civilian rule, with many Pakistanis having lost faith in the two previous leaders of the country amid a faltering economy and allegations of corruption. The main parties nonetheless proved to be resilient in terms of their grassroots networks.**[42]**

5.18 Following the 11 September 2001 terrorist attacks on New York and Washington the main political parties, including the PPP and the PML, indicated that they supported

President Musharraf's pledge to co-operate with the United States in their pursuit of prime suspect Usama bin Laden. **[35ab]**

5.19 The Political Parties Order of June 2002 set various conditions for participation in the electoral process by political parties. To obtain an election symbol for contesting elections for Majlis-e Shora (Parliament) and Provincial Assemblies, 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. **[47a][57e]**

5.20 The Human Rights Commission of Pakistan has reported that to fulfil these requirements the political parties have undertaken a largely cosmetic process. Of all the major parties in the country, only the right wing fundamentalist Jamaat-I Islami (JI) has been able to conduct regular internal elections. Within most parties, leadership has remained limited to a particular coterie, sometimes based on kinship networks, articulating only a narrow range of interests. **[57d]**

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Federal Legislature

5.21 Prior to the coup the Federal Legislature consisted of the President, a Lower House and an Upper House. The Lower House (called the National Assembly) had 207 members elected directly for a term of five years on the basis of universal suffrage (for adults over the age of 21 years). There were ten members representing minorities:**[1]** Four seats for Christians, four seats for Hindus, one seat for Ahmadis and one seat for Sikhs, Buddhists and Parsis.**[11]**

5.22 The Upper House (called the Senate) had 87 members who served for six years, with one-third retiring every two years. Each Provincial Assembly elected nineteen senators. The tribal areas were to return eight, with the remaining three elected from the Federal Capital Territory by members of the Provincial Assemblies.**[1]**

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October 2002 Elections

5.23 President Musharraf pledged to abide by a May 2000 Supreme Court ruling mandating that national elections be held no later than 90 days after 12 October 2002.**[2b]** In July 2002 President Musharraf set the date for elections to the National Assembly as 10 October 2002.**[35bq]** The Conduct of General Elections Order No 3 2002 sets out rules for the conduct of the forthcoming elections.**[44c]** This was amended in part by the Legal Framework Order 2002. There will be 342 seats for members in the National Assembly divided between the four provinces, the Federal Capital, and the Federally Administered Tribal Areas. In the National Assembly 60 seats are reserved for women and 10 for non-Muslims. **[44e]** In August 2002 President Musharraf announced sweeping constitutional changes seen to boost the power of his presidency. **[32e]**

5.24 In September 2002 the Government relaxed restrictions on political meetings in public places, **[35cd]** which it had promised to lift 90 days prior to the election date.**[2b]** Rallies on main roads and at railway stations remained banned.**[35cd]**

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Judiciary

5.25 Pakistan's legal system is based on English common law with provisions to accommodate Pakistan's status as an Islamic state. ICJ jurisdiction is accepted with reservations. **[34]**

5.26 The Constitution provides for an independent judiciary; however, in practice, the judiciary remains subject to executive branch and other outside influences. **[57b]** Despite the Government's pledge to respect the independence of the judicial system, it has taken steps to control the judiciary and to remove the Government from judicial oversight. Provisional Constitution Order (PCO) Number 1, issued in October 1999, provided that all courts functioning at the time of the coup would continue to operate, but that no court would have the power to issue orders against General Musharraf or any person exercising powers or jurisdiction under his authority. The decree effectively removed the actions of the Musharraf Government from judicial oversight. As a result of this decree, government directives and ordinances under the PCO no longer are subject to judicial review, including the Legal Framework Order (LFO) which brought about fundamental changes to the Constitution. **[2c]**

5.27 President Musharraf further undermined the independence of the judiciary when he ordered that all Supreme Court, Shari'a Court, and Provincial High Court justices take an oath to uphold the PCO that brought the military into power. Low salaries, inadequate resources, heavy workloads, corruption, and intimidation by political and religious pressure groups contributed to judicial inefficiency, particularly in the lower courts. **[2c]**

5.28 The judicial process continues to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. Unfilled judgeships and inefficient court procedures cause severe delays. The higher level judiciary is considered competent and generally honest, but there were widespread reports of corruption among lower level magistrates and minor court officials. **[2c]**

5.29 The Musharraf regime controversially dismissed the Chief Justice and five Supreme Court judges on the 26 January 2000 after they refused to swear a fresh oath to the new constitutional order enforced by the military following the coup. Several High Court Judges also refused to sign the oath. **[30b]** The government however claims that the independence of the judiciary remains intact. In a statement they said that the newly appointed Chief Justice and his fellow judges who did take the oath had already served the country for many years. They also insisted that all legal proceedings since the coup have remained open to the media and totally transparent. International observers were also invited to visit and observe the 'free and fair manner' in which all court proceedings took place. **[35c]**

5.30 The judiciary demonstrated its capacity to act independently in April 2001, when the Supreme Court ordered certain amendments to be made to the National Accountability Bureau Ordinance as certain provisions were deemed to be unlawful and unconstitutional.**[33u]** This followed two separate rulings the previous month, whereby ten activists of the MQM (Muttahida Qaumi Movement) were acquitted on charges of murder and arson, including the murder of a policeman.**[33q][33r]** Judicial

independence was also evident in May 2001 after an accountability court in Lahore acquitted a former Inspector General of Police in Sindh of corruption charges. He had earlier also been acquitted by an anti-terrorism court of involvement in the Karachi plane case - the catalyst resulting in the military coup of October 1999. A full bench of the Sindh High Court dismissed the government's appeal against the acquittal.**[43]**

5.31 In August 2001 Amnesty International reported that the separation of the judiciary from the executive was completed when the office of district commissioner/district magistrate was eliminated. Its judicial functions were transferred to judicial magistrates working under the supervision of district judges.**[4n]**

5.32 In February 2002 new legislation was introduced to establish anti-terrorism courts headed by a panel of three made up of a High Court or Sessions Court judge, a magistrate and a high-ranking military officer.**[35ao]** A spokesman for the Human Rights Commission of Pakistan criticised the move saying that the inclusion of a military officer will dilute the strength of the judiciary.**[41b]**

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Legal Rights/Detention

Court System

5.33 The judicial system involves several court systems with overlapping and sometimes competing jurisdictions. There are civil and criminal systems with special courts for banking, anti-narcotics and anti-terrorist cases, as well as the federal Shariat court for certain Hudood offenses. The appeals process in the civil system is as follows: civil court, district court, High Court and the Supreme Court. In the criminal system the progression is magistrate, sessions court, High Court and the Supreme Court. **[2c]**

5.34 The civil judicial system provides for an open trial, the presumption of innocence, cross-examination by an attorney and appeal of sentences. Attorneys are appointed for the poor only in capital cases. There are no jury trials. Due to the limited number of judges, the heavy backlog of cases and lengthy court procedures cases routinely take years and defendants must make frequent court appearances. Cases start over when an attorney changes.**[2c]**

5.35 Under both the Hudood and standard criminal codes there are bailable and non-bailable offences. According to the Criminal Procedures Code the accused in bailable offences must be granted bail and those charged with non-bailable offences should be granted bail if the alleged crime carries a sentence of less than 10 years. Many accused, especially well-connected persons who are made aware of impending warrants against them, are able to obtain pre-arrest bail and are thus spared arrest and incarceration. **[2c]**
Double jeopardy applies to those convicted of possessing narcotics because of a federal Shariat court ruling that customs and narcotics cases be initiated separately. **[2c]**

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Anti Terrorism Act and Courts

5.36 The judiciary has argued that it failed to convict terrorist suspects due to poor police work, prosecutorial negligence and lack of evidence. In response an Anti-Terrorist Act (ATA) was passed and in 1997 special anti-terrorist courts came into operation. In November (2002), the Government approved an amendment to the anti-terrorism law that has not yet been ratified by the Parliament. The new amendment gives the Government the authority to restrict the activities of suspected terrorists, probe their assets, and hold them up to a year, without charges filed against them. **[2c]**

5.37 Under the act terrorist killings are punishable by death and any act (including speech) intended to stir up religious hatred is punishable by up to seven years rigorous imprisonment. Additional offences that can be tried under the ATA include acts to stir up religious feelings, efforts to "wage war against the State", conspiracy, acts committed in abetting an offence, and kidnapping of or abduction to confine a person. **[2c]**

5.38 The anti-terrorist courts - designed for the speedy punishment of terrorist suspects - have special streamlined procedures. Due to the continued intimidation of witnesses, police, and judges the courts produced only a handful of convictions. Cases are to be decided within seven working days, although judges are free to extend the period of time as required. Appeals to an appellate tribunal were also required to take no more than seven days, but appellate authority has since been restored to the High and Supreme Courts under which these time limits do not apply. Under the Anti-Terrorist Act, bail is not to be granted if the court has reasonable grounds to believe that the accused is guilty. Trials in absentia initially were permitted but later were prohibited. **[2c]**

5.39 Leading members of the judiciary, human rights groups, the press and politicians from a number of parties expressed strong reservations about the antiterrorist courts, charging that they constitute a parallel judicial system and could be used as tools of political repression. Government officials and police believed that the deterrent effect of the act's death penalty provisions contributed to the reduction in sectarian violence after its passage. The antiterrorist courts are also empowered to try persons accused of particularly 'heinous' crimes such as gang rape and child killings, and several persons have been tried, convicted and executed under these provisions. **[2c]**

5.40 By ordinance the Musharraf regime created a special anti terrorist court in Sindh presided over by a High Court justice rather than a lower level judge, as is usually the case. The amended provision permits the High Court justice to "transfer...any case pending before any other special court...and try the case" in his court.**[2c]**

5.41 In February 2002 Musharraf introduced legislation allowing for the establishment of special anti-terrorist courts headed by a panel of three members of which one will be a

high-ranking military officer. The courts will hear cases of alleged terrorism, murder and other serious crimes.**[35ao]** The inclusion of a military officer was criticised as diluting the strength of the judiciary.**[41b]**

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Federal Administered Tribal Areas

5.42 The Federal Administered Tribal Areas (FATA) operates a separate legal system.**[20c]** Administration of justice in FATA is normally the responsibility of tribal elders and maliks, or leaders. They may conduct hearings according to Islamic law and tribal custom, where the accused have no right to legal representation, bail or appeal. The usual penalties are fines even for murder. The Government's political agents who are federal civil servants assigned to tribal agencies oversee the proceedings and may impose prison sentences of up to 14 years.**[2b]** The Frontier Crime Regulation recognises the doctrine of 'collective responsibility'. This gives authorities the power to detain fellow members of a fugitive's tribe whilst awaiting his surrender, or punishment by his own tribe in accordance with local tradition.**[20c]** In May 2002 a package of reforms was announced for FATA which included plans for the establishment of a new judicial system and a new administrative structure.**[41i]**

Tribal Justice System

5.43 In a paper dated August 2002 Amnesty International reported on a system of tribal justice rooted in tradition. This system has no formal legal recognition in Pakistan outside the specifically designated tribal areas. This system is administered by tribal sardars (heads of tribes) and is ruled out by the Constitution and the System of Sadari (Abolition) Act 1976. The system still exists and operates without legal authority. Tribal jirgas (meetings) consisting of tribal elders lead by the sardar take place and deal with a range of issues including land and water disputes, inheritance and honour cases and killings within or between tribes.**[4q]** In particular in July 2002 the gang-rape of a girl in a remote region of Jatoi in Punjab province attracted international attention. The rape was reported to have been ordered by a tribal jirga (village council) as a means of punishing her brother. It was only after a public outcry that the police took note of the incident and arrested and tried the perpetrators.**[4q]**

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Sharia Law

5.44 The Constitution of Pakistan requires all laws to be consistent with Islam. Islamic law (or Sharia) is derived from the Koran (the holy book of Islam) and the Sunnah (the sayings and practices of Mohammed).**[3]** The federal Shariat court and the Sharia bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood(Hadood) ordinances. The federal Shariat court may also overturn any legislation judged to be inconsistent with the tenets of Islam. These cases may however be appealed to the Sharia bench of the Supreme Court.**[2b]**

5.45 Appeals of certain Hudood convictions involving penalties in excess of two

years imprisonment are referred exclusively to the Shariat courts and are heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and must be familiar with Islamic law. Within these limits defendants in a Sharia court are entitled to the lawyer of their choice. There is a system of bail.**[2b]**

5.46 In March 2000 the sentence given to a serial killer found guilty of the murder of a hundred children caused a global media sensation. The Lahore High Court judge involved ordered Javed Iqbal and an accomplice to be executed in the same way he had killed the children. This was to involve public strangulation, their bodies to be cut into a hundred pieces and then dissolved in vats of acid. The Islamic Ideology Council (Pakistan's leading religious affairs advisory body) however declared the sentence un-Islamic, as death by mutilation is not allowed in Islam. The Council also stated that the sentence could give rise to misunderstandings about Sharia Law. The Interior Ministry swiftly acted by announcing that the sentence would not be implemented in the manner the judge had ordered.**[35d]**

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Hudood Ordinances

5.47 The Hudood Ordinances, promulgated by the Government in 1979 and which came into effect in 1980, were an attempt to make the Penal Code more Islamic. These laws are applied to Muslims and non-Muslims alike. The Ordinances bring together five Islamic laws applying to:

- theft (Offences Against Property Ordinance);
- prohibition of alcohol and narcotics (Prohibition Order);
- zina, i.e. to rape, abduction adultery and fornication (Offence of Zina Ordinance);
- qazf, i.e. false accusation of zina (Offence of Qazf Ordinance); and
- the type of flogging inflicted for infractions of any of these laws (Execution of the Punishment of Whipping Ordinance).

[3][12c]

5.48 Offences are distinguished according to punishment, with some offences liable to Hadd (Koranic punishment) and others to Tazir (secular punishment). Punishment is usually imprisonment, but it can include flogging or other punishments, which are considered to violate international human rights standards. Hadd punishments require a high standard of evidence. In effect, four adult male Muslims of good character must witness an act for a Hadd punishment to apply. Ordinary punishments such as jail terms or fines may be imposed on the basis of lesser evidence.**[3][12c]** Since it is difficult to obtain sufficient evidence to support the Hadd punishments, most rape cases are tried at Tazir level, under which sentences may be imposed of up to 25 years in prison and 30 lashes. **[2c]**

In twenty years not a single Hadd punishment has been carried out since the Hudood ordinances have been in force.**[2c]**

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Qisas and Diyat Ordinances

5.49 The Qisas and Diyat Ordinances were promulgated after a 1990 Federal Sharia Court ruling.**[3]** The Penal Code incorporates the doctrines of Qisas (roughly, an eye for an eye) and Diyat (blood money). Qisas is not known to have been invoked, although Diyat - particularly in the NWFP - is occasionally applied in place of judicial punishment of the wrongdoer. Only the family of the victim (not the State) may pardon the defendant.**[2c]**

5.50 The Hudood, Qisas and Diyat ordinances apply to ordinary criminal courts and Shariat courts. Failure to pay Diyat in non-capital cases can result in indefinitely extended incarceration. Some persons remain in prison after completion of their terms for failure to pay Diyat.**[2c]**

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Blasphemy Law

5.51 Section 295(a) - the blasphemy provision of the Penal Code - originally stipulated a maximum of 2-year sentence for insulting the religion of any class of citizens. This sentence was increased to 10 years in 1991. 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 struck down the option of life imprisonment. No one has been executed by the State under any of these provisions, although religious extremists have killed some people accused under them.**[2b]**

5.52 During 2002, the number of cases filed under the blasphemy laws continued to be significant. A Christian NGO reported that 58 cases were registered during 2000 and 2001 compared to 53 cases during 1999-2000. **[2c]** These laws - especially Section 295(c) - have been used to threaten, punish or intimidate Ahmadis and Christians.**[2b]** Following the arrest of peaceful demonstrators against the blasphemy laws in January 2001, the Human Rights Commission of Pakistan (HRCP) stated that disputes over property or other family matters were the reasons behind a number of cases. The HRCP also stated that difficulties experienced by those victimised under the law would continue to increase unless steps were taken to remove the law.**[33n]** HRCP has highlighted the growing threat victims of blasphemy laws face. On 7 February 2003, in Lahore, Mushtaq Zafar, on bail granted by Lahore High Court, was gunned down before the courts could deliver a verdict. He was the second blasphemy accused to be murdered during the year (2002-2003). **[57c]**

4.53 Police also arrest Muslims under the blasphemy laws and government officials maintain that about two-thirds of the total blasphemy cases that have been brought to trial have affected Muslims. In 1998 Ghulam Akbar, a Shia Muslim, was convicted of blasphemy and became the first Muslim to be sentenced to death. The case remained under appeal at the end of 2002. **[2c]**

5.54 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. As a result judges and magistrates often continue trials indefinitely and the

accused is burdened with further legal costs and court appearances. Many judges also try to pass such cases to other jurists. **[2c]** In February 2001 a group of religious political parties threatened to carry out their own punishment if those responsible for the publication of a letter deemed to be blasphemous were not severely punished. The letter had appeared in the daily *Frontier Post* publication. **[39]**

5.55 Administrative changes have nonetheless been made to the procedure for filing blasphemy charges so that there must be a judicial review of evidence before charges are laid. Also if a blasphemy charge is found to be baseless, counter-charges will be laid against the complainant who would face a penalty of up to ten years in prison.**[12d]** The current regime abandoned initial plans to change the way blasphemy cases are registered after a number of Islamic organisations threatened to hold protest demonstrations. Pakistan's Human Rights Commission reacted strongly to the climb-down by the military. The Christian Liberation Front also believed that this was evidence of the incapability of the military regime to introduce a relatively minor measure (which they considered inadequate) concerning the blasphemy law.**[35g]**

5.56 According to Amnesty International the Blasphemy Law has been used over the years to harass, intimidate and punish mostly members of religious minorities such as Ahmadis and Christians as well as Muslims who advocate novel ideas. Ahmadis can be charged under this law for calling themselves Muslims; Christians complain that the legislation is abused and lays them open to false charges aimed at extortion or stealing land.**[20a]** According to an Asian Human Rights Commission publication the judgements of the superior courts have proved that the blasphemy law is being abused and used as a tool to settle personal scores as well as for religious persecution.**[36]**

5.57 Dr. Attiya Inayatullah, a female member of the Musharraf regime's National Security Council, stated that Pakistan wanted to harmonise Islam with other religions of the world. She told a US delegation that the blasphemy law was non-discriminatory and that out of 102 cases registered under this law in the last four years, 69 were registered by Muslims against Muslims. She also said that all decisions of the lower courts were struck down by superior courts.**[33d]** General Musharraf insists that as part of Pakistan's constitution the blasphemy law could not be removed. He nonetheless pledged to work against victimisation and misuse of this law.**[33f]** Further controversy ensued however in August 2001, with the death sentence imposed on Dr. Mohammad Younus - a teacher accused of blasphemy following allegations from students that he made derogatory remarks about Islam's prophet. It was reported that the judge involved in the case was fearful of a violent reaction by religious extremists.**[41a]**

5.58 In July and August 2002 Amnesty International again called for the amendment of the blasphemy law commenting that it is frequently misused and abused, to imprison people on the grounds of religious enmity. Amnesty also reported that the law is an easy tool to use to imprison people when the real motives are business rivalry or land issues.**[4p][4r]**

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Accountability Commission

5.59 The National Assembly passed the Accountability (Ehtesab) Bill on 29 May 1997. This applied to those who held public office since 6 November 1990, providing a mechanism for the trial of public officials accused of corrupt practices through an independent office of the Chief Accountability Commissioner.**[8a]**

5.60 On 1 January 1998 the Sharif Government filed twelve corruption cases with the Accountability Commission against Benazir Bhutto, her husband Asif Ali Zardari and her mother Nusrat Bhutto. The investigation was widened when it was announced that the UK government had agreed to assist in the seizure of documents (held in the UK) pertaining to Zardari's assets and bank accounts.**[24a]**

5.61 Benazir was convicted in absentia of corruption on 15 April 1999. She was sentenced to five years imprisonment and disqualified from holding public office for up to ten years. Zardari was also convicted and received the same sentence. They were also fined US$8.6 million and the court ordered the confiscation of all of their property. Benazir, who was in London at the time of the verdict, flew to Dubai on 28 April 1999 with the professed intention of consulting her lawyers to prepare an appeal.**[24b]** Zardari appealed to the Supreme Court on 10 May 1999. The Supreme Court ruled on 13 May 1999 that it would not hear an appeal by Benazir against her conviction until she returned to Pakistan.**[24c]** On 27 May 1999 however the Supreme Court ruled that Benazir's presence in Pakistan was not necessary, allowing her lawyers to appeal.**[6k]**

5.62 In April 2001 the Supreme Court suspended Benazir Bhutto's and her husband Asif Zardari's convictions for corruption and ordered a retrial.**[35v]** The Supreme Court went on to rule that the conviction of Benazir Bhutto was the result of bias on the part of the original presiding judge who had a close liaison with her political opponents.**[33t]** In December 2001, Zardari received bail but was not released; the NAB ordered his continued detention on suspicion of corruption.**[2b]**

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National Accountability Bureau (NAB)

5.63 In 1999, The Musharraf regime created the National Accountability Bureau (NAB) and special accountability courts to try corruption cases, those who owed large sums of money to the country's banks, all of which were state-owned at them time but some are now privatized. General Musharraf stated that it would not target genuine business failures or small defaulters. **[2c]**

5.64 The accountability courts were expected to try corruption cases within 30 days. As originally promulgated, the ordinance prohibited courts from granting bail and gave the NAB chairman sole power to decide if and when to release detainees. The ordinance also allowed those suspected by the State Bank of Pakistan of defaulting on government loans or of corrupt practices to be detained for 15 days without charge (renewable with judicial concurrence) and did not allow access to counsel. In accountability cases there is a presumption of guilt, and conviction under the ordinance can result in 14 years in prison, fines, and confiscation of property. Those convicted are barred from holding public office and during the general election of October 2002, certain candidates were prevented from entering the contest. **[2c]**

No active members of the military or the army have been charged by NAB. However, the former Chief of the Naval Staff Mansoor ul-Haq was charged with corruption. He pled guilty, agreed to repay the money and was released. **[2c]**

5.65 The Supreme Court when giving its verdict on changes to the NAB ordinance ruled that NAB performance was comparatively satisfactory.**[33u]**

5.66 In May 2000 the Finance minister announced that the NAB could initiate fresh proceedings against any bankers only after approval from the State Bank. The NAB would also only proceed against a businessman (or group) after a four-member Committee (comprising the Finance and Commerce ministers, the Chairman of the NAB and the staff officer of the Chief Executive) had processed the case. Those accused would be able to offer their version of events to the Committee.**[33g]** There were nonetheless concerns that in accountability cases the burden of proof tended to be on the accused. Only the NAB chairman was empowered to release a detainee or an under-trial prisoner. Other concerns were the establishment of a parallel chain of courts outside the normal judicial hierarchy that were not subject to the supervision of high courts (as envisaged by the constitution). The NAB Ordinance also prescribed a three-year jail term for any respondent who failed to appear and defend himself before an accountability court, although there was a 'plea bargain' provision also included.**[33s]**

5.67 By 1 August 2001 a total of 142 people were convicted by the national accountability courts according to official sources. Rs 65.74 billion had also been recovered in the form of bank loans, plea-bargains, court fines and through improvement in financial affairs in the public sector. Of the 42 politicians prosecuted, 35 had been convicted - eight of these being from the PML (N) and four from the PPP.**[33v]** In July 2002 former Prime Minister Benazir Bhutto was tried in absentia for receiving kickbacks for awarding contracts to a Dubai-based company to import gold. She was sentenced to three years hard labour for failing to answer the corruption charges.**[35bs]**

5.68 The Chairman of NAB is appointed by the President in consultation with the leader of the house and the leader of opposition in the National Assembly. Once the appointment is made the Chairman does not seek any direction from the President or Prime Minister in the discharge of his obligations. **[59a]** The National Security Council, which is represented by all political stakeholders, shall act as a non-intrusive watchdog of NAB. **[59a]**

5.69 NAB operates in Baluchistan, Sindh, Punjab, the North West Frontier, Rawalpindi and is organized as follows: **[59b]**

- Identification and Inquiry Wing is the feeding point of all operations. Once an offence cognizable under NAB Ordinance is established an inquiry is formally authorized at the Command level.
- Investigation Monitoring Wing monitors the process of investigation. All investigations are conducted by a team of Case Officer, Investigation Officer, a lawyer, and relevant expert.
- Prosecution Wing is headed by the Prosecutor General Accountability and

prepares the filing and pursuance of a case through to a court of law and the appeal stage.
- Financial Crime Investigation Wing investigates financial irregularities in bands and financial institutions.
- 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 people.
- Administration wing is responsible for logistics, budgets and central registry subjects. **[59b]**

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Arbitrary Arrest

5.70 The law prohibits arbitrary arrest and detention. The authorities however do not always comply with the law and the police arbitrarily arrest and detain citizens. The law permits a Deputy Commissioner (DC) of a local district to order detention without charge for 30 days of those suspected of threatening public order and safety. The DC may renew detention in 30-day increments up to a total of 90 days. Human rights monitors report instances in which prisoners jailed under the Maintenance of Public Order (MPO) Act have been imprisoned for up to six months without charge. For other criminal offences the police may hold a suspect for 24-hours without charge. After the prisoner appears before a magistrate the court can grant permission for continued detention for a maximum period of fourteen days if the police provide material proof that this is necessary for an investigation. **[2c]**

5.71 In practice the authorities do not observe fully the limits on detention. Police are not required to notify anyone when an arrest is made and often hold detainees without charge until a court challenges them. The police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Human rights monitors reported that a number of police stations have secret detention cells in which individuals are kept while police bargain for their release. There also were reports that the police move prisoners from one police station to another if they suspect a surprise visit by higher authorities. Some women continued to be detained arbitrarily and sexually abused. **[2c]**

5.72 Police are empowered to arrest individuals on the basis of a First Information Report (FIR) filed by a complainant, but they are said to be frequently filed without supporting evidence and used to harass or intimidate individuals. Individuals are sometimes detained arbitrarily without charges or on false charges in order to extort payment for their release. **[20a]** The 24-hour period between the arrest and the suspect's appearance before a judge is determined from the time of the deposition recorded in the preliminary report. In the absence of this report the accused may be detained indefinitely without the court being informed.**[12c]**

5.73 In June 2002 Amnesty International reported on the arbitrary arrest and detention of Pakistani and non-Pakistani people suspected of membership of Al Qa'ida and the

Taliban. Amnesty reported that unknown numbers had been arrested and detained, their whereabouts were unknown and they had apparently been denied their rights to be brought before a magistrate within 24 hours of arrest.**[4o]**

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Death Penalty

5.74 The Penal Code includes provisions for imposing the death penalty for numerous offences such as:
- murder (section 302)
- murder in the course of a robbery (section 17(4))
- offences against property (Hadood Ordinances)
- waging war or abetting the waging of war against the State (section 121)
- abetting mutiny (section 13)
- kidnapping for ransom (section 364)
- kidnapping a person under the age of ten with intent to murder or causing grievous bodily harm section 364(a))
- robbery (section 396)
- hijacking or harbouring a hijacker (sections 402(b) and 402(c))
- zina and rape (Hadood Ordinances)
- blasphemy (section 295(c))

[20a]

5.75 In September 1996 the death penalty was extended to drug trafficking, planning to or sabotaging the railway system and arms trading. It was further extended to gang rape in March 1997. **[20a]**

5.76 In 1998 some 433 people were sentenced to death and 21 were executed. The 1998 annual report of the Human Rights Commission of Pakistan stated that of the 3,480 children currently in prison, 49 children were under the sentence of death. **[4l]**

5.77 In 2000 Amnesty International reported that at least 52 people were sentenced to death, the majority for murder and many by special courts whose procedures do not fully conform to international standards for fair trial. In 2000, there were estimated to be 4,000 people on death row. In April 2000, Pakistan voted against a United Nations Commission on Human Rights resolution condemning the death penalty and calling for a reduction in executions. **[4e]** In 2001, Amnesty International reported that the death penalty continued to be imposed and at least 13 people were executed.**[4n]**

5.78 On 1 July 2000, the Government passed the Juvenile Justice System Ordinance, abolishing the death penalty for minors under 18 years of age.**[2b]** In December 2001 President Musharraf announced that he would commute to imprisonment the death sentences of around 100 young offenders.**[4i]**

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5.79 According to Amnesty International, there are no accurate figures available for the number of people currently under sentence of death in Pakistan but Amnesty has cause

to believe that over 5500 people are being held on death row. In 2003 (January-February), at least 8 people were executed and another 140 were given the death penalty. **[4s]**

Internal Security

General

5.80 The 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. Examples include Karachi and the frontier areas. Provincial governments control the police and the paramilitary forces when they are assisting in law and order operations. During some religious holidays the regular army is deployed in sensitive areas to help maintain public order. Following the coup the army played a role in enforcing exit control restrictions at airports and border crossings, reportedly as part of the anti-corruption campaign. Members of the security forces have committed numerous serious human rights abuses. **[2b]**

5.81 There are two levels within the Pakistan police force: one under federal jurisdiction - the Federal Investigation Agency and the other under provincial jurisdiction. Each province has its own police force under the authority of an inspector general named by the provincial government. Police stations are organised by district and are placed under the supervision of a district superintendent and his assistants who are also named by the provincial government. In large cities the police force is part of a municipal structure, also under the authority of the provincial inspector general.**[12c]**

5.82 The October 2001 US-led military action on Afghanistan in their pursuit of Usama bin Laden enraged the country's small but militant religious groups. Subsequent protests in certain parts of the country resulted in deaths following violent demonstrations. Musharraf insisted however that the vast majority of the population favoured his support for the US action. Indeed religious parties have never managed to win more than five percent of the vote in elections, although their strength is in their ability to mobilise supporters onto the streets.**[35ac][35ad]**

5.83 In January 2002 five extremist groups were banned and a sixth put on a watch list, this action was described by President Musharraf as being intended to cleanse the society of terrorism, sectarian violence and intolerance.**[33c]** During the first four days of a sweeping crackdown on extremist religious groups following the announcement some 1,900 activists were arrested.**[33k]**

Sindh

5.84 Since the late 1980s Pakistan has been faced with a situation of increasing violence which has been generated by a combination of criminal and terrorist activities, ethnic tensions, political rivalries and the misuse of police powers. The southern province of Sindh has been particularly affected. The violence there has been related to the conflict between factions of the MQM. The parties are well armed and their political rivalry has escalated into gun battles. In the early 1990s there was strong rivalry between the PPP and the MQM. Benazir Bhutto accused a militant wing of the

MQM of being responsible for hundreds of politically motivated killings of PPP members.**[3]** Between mid-1992 and late 1994 the army assisted the police in restoring law and order in Sindh.**[4a]**

5.85 It was estimated that about 2,000 people were killed in 1995 and 500 in 1996 as a result of ethnic, political and sectarian violence in Karachi. The levels of violence fell in 1997 but clashes between the MQM (Altaf) and MQM (Haqiqi) factions continued.**[6d]** Political, ethnic and sectarian violence took more than 800 lives in Karachi in 1998.**[6i]**

5.86 In August 2001, ongoing operations against Jihadi and sectarian organisations were set to continue. Sources in the Sindh Home Department stated that the proscription of religious groups involved in sectarian terrorism and the promulgation of the Anti-Terrorism Ordinance 2001 and other similar actions had been intended to improve sectarian harmony. The sources also added that the publication and distribution of material and banners and inflammatory speeches aimed at fanning sectarian hatred would also be effectively checked.**[33x]** In early September police arrested about fifty people suspected of sectarian violence in Karachi, allegedly belonging to the Lashkar-e-Jhangvi and Sipah-e-Mohammed militant groups.**[35aa]**

5.87 During 2001, fewer killings amongst rival political factions were reported than in previous years, however there was in increase in violence and killings between rival religious sects.**[2b]**

5.88 In May 2002 in Karachi, a bus carry French workers was attacked by a suicide bomber which resulted in the death of 15 people mostly French nationals.**[35aw]** In June 2002 a car bomb exploded near the US consulate in Karachi killing at least eight people.**[35bm]** At the end of June 2002 the Pakistani police disclosed that members of the banned Islamic group Lashkar-e-Jhangvi were the prime suspects in both bomb attacks in Karachi.**[35bn]**

Punjab

5.89 The province of Punjab has also been affected by sectarian violence. Armed militants have been active in many of Punjab's towns with large numbers of deaths as a result of clashes between Sunni and Shia extremist groups.**[5a]**

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Prisons and Prison Conditions

5.90 Prison conditions were extremely poor and life threatening. Overcrowding was widespread. According to the HRCP, SHARP, and International Human Rights Monitor (IHRM), there were 80,000 prisoners in jails that were built to hold a maximum of 35,833 persons. In Adiala Jail in Rawalpindi had prison population of 5,521 in a space designed for 1,800. The HCRP claimed that in a Punjab jail, built to house 17,637 prisoners, contained 56,599. An IHRM report claimed 24 prisoners died in Adiala Jail during the year due to improper health care, poor hygienic conditions and rotten food. IHRM estimated 1,700-2,500 deaths per year due to poor conditions nationwide. Some 80 percent of prisoners were awaiting trial, mostly for petty offenses. **[2c]**

5.91 There are three classes of cells: A, B, & C. Class "C" cells generally house common criminals and have dirt floors, no furnishings and poor quality food. Their prisoners suffer the most abuse, such as forcibly kneeling for long periods and beatings. Unsanitary conditions, malnutrition and access to medical care are also a problem. Conditions in "A" and "B" cells are markedly better. Class "A" cells are reserved for prominent prisoners who are permitted televisions, servants and special food. **[2c]** A study by the UK Medical Foundation for the Care of the Victims of Torture stated that individuals are generally badly treated in prison, although not necessarily tortured. This amounted to solitary confinement in a dark and wet cell, inadequate food and repeated interrogations. **[40]**

5.92 Human Rights Watch reports that children are frequently beaten and even tortured while in detention, usually to extract confessions but also to punish or intimidate child detainees or to extort payment from their families for their release. **[2c]**

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Military Service

5.93 Conscription does not exist and has never existed in Pakistan. The 1952 Pakistan Army Act does provide for the possible introduction of compulsory military service but this provision has never been employed as sufficient volunteers have been enlisted.**[16][17]**

Medical Services

5.94 The HRCP report for 2001 reported that there were 91,823 doctors in the country, which equates to one doctor for every 1,590 people, although HRCP also reported that absenteeism of doctors from work reduced this ratio. HRCP also reported that the network of healthcare centres consists of 876 major hospitals in larger towns, 5,171 basic health units, 531 rural health centres, 856 maternity and child health centres and 4,635 dispensaries. There is on average one hospital bed for every 1,495 people.**[57a]**

5.95 In the larger cities in Pakistan there are well-reputed hospitals with excellent facilities and well-respected, internationally experienced, medical specialists. In these hospitals most of the doctors have post graduate qualifications from either the UK or US. The Aga Khan hospital in Karachi and the Shifa Hospital in Islamabad are good examples, these are private hospitals where the cost of care, although considerably below the cost in UK, is high for Pakistan.**[45]**

5.96 Health care services for children remained seriously inadequate for the nation's children who suffer a high rate of preventable childhood diseases. According to the National Institute of Child Health Care more than 70% of deaths between birth and five years are caused by easily preventable illnesses.**[2b]**

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Educational System

5.97 Universal free primary education is a constitutional right, but education is not compulsory. Primary education begins at the age of five and lasts for five years. Secondary education beginning at the age of ten is divided into two stages of three and four years.**[1]** There is no federal law on universal education and federal and provincial governments do not provide sufficient resources to assure universal education. Studies show that only 65-70% of children under 12 is enrolled in school. A survey found an enrolment rate for girls of 65% compared with 75% for boys, although these figures are in doubt as official figures for Karachi show 1.5 million children in public and private schools out of a total of 4 million children in Karachi.**[2b]** An official report, 2001 Economic Survey of Pakistan, issued in June 2001 commented that Pakistan's record on the education front has not been impressive, and blamed the low level of public expenditure as one of the contributing factors. According to official figures the literacy rate in Pakistan is estimated at 49% (male 61.3%, female 36.8%).**[41d]**

5.98 An estimated 8,000-12,000 madrassas (Islamic religious schools) operate throughout the country. When set up in the 11th century these were a progressive form of education however the curriculum has not kept pace with the changing times and the education they now provide is seen as archaic.**[41d]** In January 2002 President Musharraf said that these schools had become breeding grounds for intolerance and hatred, and announced plans to regulate the functioning of the schools and the reform of their curriculum.**[35as]** On 19 June 2002, the Government announced the Madrassah Registration Ordinance 2002. The ordinance requires the registration of all madrassas within 6 months and prohibits them from receiving grants or aid from foreign sources. Foreign teachers will need permission from the Pakistani authorities to teach in madrassahs. The ordinance was designed to regulate the madrassas and combat religious extremism.**[2a][33ak]** The Government of Pakistan reportedly lacks commitment to the reform of the madrasas. The Ordinance does not envisage any real intervention in the madrasa system because the clergy is opposed to it. Madrasas will instead be asked to submit to regulation voluntarily, and the law proposes no mechanism of enforcement or punishments for violations. **[63a]**

5.99 In 1999/2000 there was an estimated enrolment figure at middle and secondary schools of six and a half million. There are 26 universities **[1]** although those fortunate enough to pursue further education often face inordinate delays in receiving examination results. In March 2000 candidates for civil engineering degrees received results of the 1996 annual examinations.**[2b]**

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6 Human Rights Issues

Overview

6.1 The US State Department describes the current government's human rights record as poor, yet acknowledges that during 2002 there have been improvements in some areas. Unlike the previous year, police committed an increased number of extrajudicial killings. There were fewer killings between rival political factions and sectarian groups during the year, however, there was increased violence against Christians. Police raped and abused citizens. Some officers responsible for such

abuses were suspended or removed, no officer has been convicted and very few have been arrested. In Karachi there were signs of progress in redressing police excesses, however, in general, police continued to commit serious abuses with impunity. Prison conditions remained extremely poor and life threatening, and police arbitrarily arrested and detained citizens. **[2c]**

During the year (2002), the Government undertook a major effort to curb religious extremism. Five organisations responsible for sectarian killings were banned by year's end the Government accelerated a crackdown on members of several extremist groups. **[2c]**

6.2 The Government made some limited progress towards achieving the other human rights goals, after an April 2000 conference on human rights. In late April 2001 former President Tarar issued an amendment ordinance to the citizenship law to enable women married to foreigners to claim citizenship for their children (see Section 5). The Government inaugurated a National Commission on the Status of Women in September 2000. **[2c]**

6.3 The press was able to publish relatively freely; however, several journalists practiced self-censorship, especially on sensitive issues related to the military. Provincial and local governments occasionally arrested journalists and closed newspapers critical of the Government or allegedly accused of printing offensive material. **[2c]**

6.4 Significant numbers of women were subjected to violence, rape, and other forms of abuse by spouses and members of society. **[2c]**

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Human Rights Groups

6.5 A wide variety of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases, although they are required to be licensed. The government has provided protection to human rights lawyers defending those accused of blasphemy following threats and attacks on the lawyers by religious extremists. International human rights observers are permitted to visit the country and travel freely. **[2c]**

6.6 In March 2002 the Human Rights Commission of Pakistan published a report critical of the Government's lack of resolve in addressing human rights issues. **[41c]** In its report the government was accused of a reluctance to act against those promoting intolerance against religious minorities. The report also highlighted rising violence against women including honour killings, mutilation and burnings. The Government did not comment on the report. **[35ar]**

6.7 The Ministry of Human Rights, established in 1995, is a department in the Ministry of Law, Justice, Human Rights, and Parliamentary Affairs. The department has some

125 staff and is headquartered in Islamabad, with four regional offices. The department has set up funds for "women in distress and detention" and a " relief and revolving fund" for victims of human rights violations, but due to a limited budget operates mainly on a case by case basis with assistance from donor agencies. The department finalised and began limited implementation of a reform program for jails, and during 2001 it increased its capacity to collect and catalogue reports of human rights abuses. The Department is not viewed as effective by human rights observers.**[2b][2c]**

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Police

6.8 Police corruption is reported to be widespread. The US State Department reports that there was an increase in extra-judicial killings during the year (2002). The police and security forces were responsible for the deaths of a number of individuals associated with political or terrorist groups during the year. **[2c]**
The extrajudicial killing of criminal suspects, often while in police custody or in staged encounters was common. Police officials generally insisted that these deaths occurred during attempts to escape or to resist arrest; however, family members and the press insisted that many of these deaths were staged. Police personnel have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings. **[2c]**
Police also reportedly killed suspected criminals to circumvent or overcome insufficient evidence, to intimidate witnesses, judicial corruption, and, at times, political pressure. Police personnel continued to torture persons in custody throughout the country. **[2c]**

6.9 HRCP reported 169 extrajudicial killings in 2001 and 271 in 2000. **[33af]**
Police officers occasionally were transferred or briefly suspended for involvement in extrajudicial killings. However, rare court-ordered inquiries into these killings resulted in few trials and no convictions. In general police continued to commit such killings with impunity. In September, two policemen were charged with killing a fruit vendor in Lahore. The two policemen allegedly pushed him into oil when he would not meet their payment demands. **[2c]**

6.10 Police have also abused and raped citizens. While the officers responsible for such abuses were sometimes transferred or suspended for their actions, no officer has been convicted and very few have been arrested. In Karachi there were signs of progress in redressing police excesses, however in general police continue to commit serious abuses with impunity.**[2b]**

6.11 According to the Society for Human Rights and Prisoner's Aid (SHARP), a local NGO, 43 deaths due to police torture were reported during the 2001. Amnesty International estimates that at least 100 persons die from police torture each year. In addition to killing suspects to prevent them from implicating the police in court, police reportedly killed suspected criminals to circumvent or overcome insufficient evidence, witness intimidation, judicial corruption and sometimes, political pressure.**[2b][33af]**

6.12 Police professionalism is low.**[2c][33af]** The police view the killings of criminal suspects as appropriate given the lack of effective action by the judiciary against criminals. The judiciary in turn faults the police for presenting weak cases that do not stand up in court.**[2b]** In March 2001 for example an anti-terrorism court acquitted a former MQM politician and three other party activists who were accused of murdering a policeman during an ambush in July 1999. The judge also acquitted six accused who had absconded and cited improper investigation on the part of the police.**[33q]**

6.13 Police and prison officials frequently use the threat of abuse to extort money from prisoners and their families. Police accept money for registering cases on false charges and may torture innocent citizens. Certain individuals pay police to humiliate their opponents and to avenge their personal grievances. During 2000 the Government took some steps to reduce police corruption and transferred several senior police officers to other provinces to circumvent their local ties. The Government also deployed army officers to police stations.**[2b]**

6.14 Special women's police stations were established in 1994 in response to growing numbers of complaints of custodial abuse of women, including rape. These stations are staffed by female personnel, but receive even fewer material and human resources than regular police stations.**[2c]**

6.15 In August 2001, the Government introduced a comprehensive package of police reforms. Key changes included transferring oversight of district superintendents of police (DSP) (a rank roughly equivalent to a lieutenant colonel) from federally appointed district commissioners to elected district mayors; granting DSPs permission to order the use of live fire on their own authority; and the establishment of public safety commissions at the district level. Under this system, a police officer who believes that the district mayor is abusing his authority over local law enforcement will have a place to seek redress. By year's end, the new system had not fully been implemented, and many local officials complained that the new system had no real control over the police.

6.16 Some critics claim that the reforms will make it easier for politicians to order the police to intimidate and harass their political opponents. Senior government officials predict that it will take several years of sustained political and financial commitment before positive gains are achieved. Actions taken to redress police abuses often have mixed results. In urban Sindh, the CPLC committees helped to curb some excesses, but complaints of large-scale police abuses persist.**[2b]** Amnesty International reported that in October 2001 the Sindh Inspector General of Police issued standing orders not to use torture and stated that he would hold senior officers criminally responsible for torture and deaths in custody.**[4n]**

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6.17 There was greater scrutiny by NGOs and the media of police behavior, including prison inspections in the Punjab and Sindh. However, the Citizens Police Liaison Committee (CPLC) reported that no new cases had been filed against police officers during the year. CPLC officials believed that police reforms introduced during 2001 (including increased oversight by elected officials) were responsible for fewer abuses. During the year, 60 Punjab police officers reportedly were punished for various offenses. Cooperation between the CPLC and the police human rights

complaint unit resulted in the dismissal of 216 policemen and the demotion of or fines for 1,226 others between November 1998 and July 1999. **[2c]**
6.18 Impunity remained a problem. Despite some cases during the year in which police officers were investigated or charged in connection with abuse of detainees, the failure of the Government to prosecute and to punish abusers effectively was widely considered a great obstacle to ending or reducing police abuse. **[2c]**

Torture

6.19 The Constitution and the Penal Code expressly forbid torture and other cruel, inhuman or degrading treatment. Police personnel continued to torture persons in custody throughout the country. **[2c]** Human rights observers suggest that because of torture, suspects usually confess to crimes regardless of their actual culpability. The courts subsequently reject many such confessions. **[2b]** Amnesty International reported that in 2001 at least 40 people died in police custody or in prison as a result of torture.**[4n]** Amnesty International also estimates that at least 100 persons died from police torture every year. **[2c]**

6.20 Common methods of torture include beating, burning with cigarettes, whipping the soles of feet, sexual assault, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, forced spreading of the legs and public humiliation. Some magistrates reportedly help cover up the abuse by issuing investigation reports stating that victims died of natural causes. **[2c]**

6.21 It has been reported that the most frequent perpetrators of arbitrary detention and torture are the police. The Rangers and the national FIA (Federal Investigation Agency) have also reportedly engaged in such practices. To a lesser degree, non-state agents such as political parties or fundamentalists have also been reported as being responsible for torture. This may be for the purposes of intimidation or revenge attacks.**[40]**

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Freedom of Speech and Media

6.22 Citizens are generally free to discuss public issues, although some journalists practice a degree of self-censorship. The Musharraf government did not attempt to exercise direct control over views expressed in the print media. Newspaper editorials and commentators are increasingly critical of the government, although direct criticism of the military is rare. Following the 11 September 2001 terrorist attacks in the US the Ministry of Information directed the media to avoid direct criticism of the US or the Government's cooperation in combating terrorism. Foreign journalists were however permitted to broadcast stories without obtaining prior clearance from the Ministry of Information. Both governmental and non-governmental entities sometimes pay for favourable media coverage. **[2c]**

6.23 The competitive nature of politics helps to ensure press freedom since the media often serve as a forum for political parties, commercial, religious and various other interests to compete with and criticize each other publicly. Although the press rarely criticizes Islam as such, leaders of religious parties and movements are not

exempt from public scrutiny and criticism. The press traditionally has avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) has served to hold press coverage of military matters under close restraint. Officially the ISPR closely controls and coordinates the release of military news and access to military sources. After the 1999 coup, journalists reported no attempts by the ISPR agencies to influence editorial content. **[2c]**

6.24 Privately owned newspapers freely discuss public policy and criticize the government. They report remarks made by opposition politicians, and their editorials reflect a wide spectrum of views. The effort to ensure that newspapers carry their statements or press releases sometimes leads to undue pressure by local police, political parties, ethnic, sectarian, and religious groups, militant student organizations and occasionally commercial interests. Such pressure is a common feature of journalism, and violence against and intimidation of journalists is a nationwide problem. **[2c]**

6.25 The broadcast media are mainly government monopolies directed by the Pakistan Broadcasting Corporation and Pakistan Television. Domestic news coverage and public affairs programming are controlled closely by the Government and traditionally reflect its views. One private radio station, a private television broadcaster and a semi-private satellite station are licensed but not permitted to produce news and public affairs programming. The satellite station has occasionally been closed due to disputes with the Ministry of Information and financial difficulties. Satellite dishes are available locally and priced within the reach of almost everyone with a television set. South Asian channels, usually Indian, have become important sources of news and information. The MMA government in NWFP pledged to ban satellite and cable television in the province because of its unIslamic content. **[2c]**

6.26 During the year 2002, the Government established a 21-member Press Council, to oversee the quality of journalism in the country. The Council is made up of senior press editors, journalists, and the Secretary of Information. In September 2002, the Government promulgated the Defamation Ordinance, which required accused journalists to produce proof of their stories in court. If the proof was not produced, the journalists could be fined approximately $900 (PKR 50,000) or sent to prison for 3 months. The editors of the national press widely criticized this promulgation. **[2c][62a]**
The Reporters sans frontieres (RSF) has criticized the introduction of the Defamation Ordinance as a threat to press freedom. **[62a]** RSF has urged the Government of Pakistan to eliminate the imprisonment clauses and to ensure that all political parties got a fair share of air time on the state-owned media. **[62a]**

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Journalists

6.27 In the past reports of intimidation, heavy-handed surveillance, and legal action against reporters were common, but these have declined significantly since the 1999 coup, however during 2001 29 journalists were arrested.**[2b]** The Committee to Protect Journalists reported on some difficulties faced by journalists in Pakistan

during 2001 and detailed a number of cases of journalists being detained, or ill-treated, although it was not always clear who was responsible for these actions.**[22]** In January 2002 an American reporter Daniel Pearl was abducted as he tried to meet Islamic militants. He was later killed by his captors.**[35ap]** A British born Islamic militant was accused of master-minding the murder and his trial in jail with three other defendants commenced in April 2002.**[35aq]**

6.28 On 11 April 2003, Reporters sans frontieres reported two incidents of attacks on two journalists in South Waziristan tribal areas of northwest Pakistan. One incident was the bomb attack on the home of Awardeen Mehsood, correspondent of the Urdu language national daily Khabrian. Although no one has claimed responsibility, the attack is thought to be linked to his reports about the activities of the Youth Movement, which is pressing for a change in the status of the Tribal Areas. **[62b]**

6.29 The second incident concerned Hayatullah Khan, the correspondent of the national Urdu-language daily Ausaf in Mir Ali in North Waziristan. His family has been harassed by military officials as a result of his report about the misuse of army vehicles. **[62b]**

Freedom of Religion

Background and Demography

6.30 Pakistan is an Islamic republic in which approximately 96 percent of the population are Muslim. The majority are Sunni Muslim with an estimated 15 percent Shia.**[2b]** Figures based on a 1998 census indicate that 96% of the population are Muslim; 1.69% Christian; 2.02% Hindu and 0.35% "other" (including Ahmadis). Religious minority groups believe they are under represented in government census counts. The most recent census estimates numbers of Christians as 2.09 million and numbers of Ahmadis as 286,000. The communities themselves each claim membership of 4 million, estimates for the remaining communities are less contested. **[2a]** Christians live throughout the country although it is estimated that 90% of Christians reside in Punjab where they form the largest religious minority of the province. Approximately 60% of Punjab's Christians live in the villages. In Sindh and Baluchistan provinces Hindus constitute about 1% of the population. Ahmadis are concentrated in Sindh and Punjab. **[2a]**

6.31 Mohammed Ali Jinnah, the founder of Pakistan, wanted the country to be secular, tolerant of religious differences and exist in religious harmony. This however has not been fulfilled. The outbreak of sectarian violence dates back to the 1970s when the country was under the military rule of General Zia-ul-Haq, who wanted Pakistan to become a more conservative Islamic country. **[35f]**

6.32 Zia encouraged Islamic militancy - with Western backing - to fight a holy war in Afghanistan against communism. Pakistan became home to a number of predominantly Sunni groups that were funded, armed and trained by Zia's regime. At the same time the fervour of the Iranian Revolution resulted in the Iranian backing of a small number of Shia groups in Pakistan. Hard liners on both sides soon acquired arms and two rival militant groups emerged - the Shia Tehreek-i-Jafria and the Sunni Sipah-e-Sahaba. **[35f]** While Zia attempted to use Islam to achieve popular acceptance of his regime, the current military government has explicitly rejected the use of Islam for

political gains. It has nonetheless been criticised by liberal forces for its accommodation of Islamists' demands, whose interpretation of Islam is contrary to majority beliefs.**[4f]**

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Policies and Constitutional Provisions

6.33 The Constitution provides for freedom of religion and stated that adequate provisions shall be made for minorities to profess and practice their religions freely, however the Government limits freedom of religion.**[2c]** Islam is the state religion and is a core element of the country's national ideology. Religious freedom is subject to law, public order and morality, accordingly actions or speech deemed derogatory to Islam or to its prophet, for example, are not protected. The Constitution requires laws be consistent with Islam and imposes some elements of Koranic law on both Muslims and religious minorities.**[2a]**

6.34 In September 1999, the Government removed colonial-era entries for 'sect' from government job application forms to prevent discrimination in hiring. The faith of some however - particularly Christians - can often be ascertained from their names. **[2b]**

6.35 The government claims it is committed to protecting the rights of religious minorities. Religious minority communities have stated that the Musharraf administration consulted them for input into some decision-making and also offered cabinet positions to some of their members.**[2b]** General Musharraf himself is reported to be a liberal Muslim, who has little patience with Islamic militants or religious intolerance.**[28b]** There is also prohibition of the exploitation of religion for sectarian or political interests**[20c]**, although police have failed in some instances to protect members of religious minorities - particularly Ahmadis and Christians - from societal attacks.**[2b][2c]** Hostility of this kind may be exacerbated by professional rivalry or over land issues.**[4f]**

6.36 Dr. Attiya Inayatullah, a female member of the Musharraf Regime's National Security Council, told a US delegation that Pakistan wanted to harmonise Islam with other religions of the world. She also said that the Musharraf government was taking administrative measures to protect the rights of minorities.**[33d]** There is nonetheless still an atmosphere of impunity for acts of violence and intimidation committed against religious minorities.**[2a]** Amnesty International reported in May 2001 that the Musharraf regime has failed to deliver in terms of its professed agenda of protection and promotion of minority rights, accommodating the Islamist groups instead. These complex problems however are not of the current regime's own making, but stem from the continuous neglect from successive governments exhibiting more of a concern for power rather than principle. Institutions have been weakened in the process, with religion used for political ends, and the rule of law disregarded.**[4f]**

6.37 While there is no law establishing the Koranic death penalty for apostates (those who convert from Islam), social pressure against such an action is so powerful that most such conversions take place in secret. Reprisals and threats of reprisals against suspected converts are common. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or charge persons who commit them.**[2b][2c]** Missionaries are allowed to operate in the

country, and proselytising is permitted (except by Ahmadis).**[2a]**

6.38 'Islamiyyat' (Islamic studies) is compulsory for all Muslim students in state-run schools. Students of other faiths are not required to study Islam but are not provided with parallel studies in their own religion. In practice, many non-Muslim students are compelled by teachers to complete the Islamiyyat studies. The new education policy announced by the Government in 1998 included provisions for increased mandatory Islamic instruction in public schools.**[2b]**

6.39 Discriminatory religious legislation has encouraged an atmosphere of religious intolerance in some quarters, which has led to acts of violence directed against minority Muslim sects (such as Ahmadis and Zikris) as well as against Christians and Hindus. Whilst not encouraging sectarian violence there have been occasions when the Government failed to intervene in cases of societal violence directed at minority religious groups.**[2b]** Most victims of religious violence in the country are Shia Muslims. Wealthy religious minorities and those who belong to religious groups that do not seek converts report fewer instances of discrimination.**[2a]** President Zia ul-Haq introduced the Hadood (Punishment) Ordinances in 1984, which 'define crimes against Islam' and 'enforce punishment for those who commit such crimes'. In Hadood cases the testimony of a non-Muslim is considered to be worth half that of a Muslim.**[7]**

6.40 Pakistan has signed and ratified the following international instruments:

International Convention on the Elimination of All Forms of Racial Discrimination
International Convention on the Suppression and Punishment of the Crime of Apartheid
Convention on the Prevention and Punishment of the Crime of Genocide **[15]**

6.41 Pakistan is nonetheless yet to ratify the International Covenants on Civil Rights and Political Rights and on Economic, Social and Cultural Rights. It has also not ratified the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Failure to ratify these international agreements has lead to criticism regarding the safeguarding of human rights, in the sense that ratification of such instruments makes a country more accountable for its human rights practices than domestic constitutional provisions do.**[40]**

6.42 The Government has taken recent steps to curb religious extremism and address the intimidation of religious minorities. On 14 August 2001 the Government banned two groups the Shia Muslim Sipah-e-Mohammad Pakistan and the Sunni Muslim Laskhar-e-Jhagvi. These groups had claimed responsibility for acts of sectarian violence in the past. Later in August there were arrests of members of two larger sectarian organisations, Sipah-e-Sahaba Pakistan and Tehrik-e-Jafria Pakistan and the Sindh provincial government announced a ban on fundraising activities by certain militant religious groups. In Karachi over 250 people were detained temporarily in raids on offices, mosques and madrassahs in connection with the ban.**[2b]** In January 2002 a further five groups were banned, Jaish-i-Mohammad, LashkariI-Taiba, Sipah-i-Sahaba Pakistan, Tehrik-i-Jaferia and Tanzim Nifaz-i-Shariat-i-Mohammadi and Sunni Tehrik was put on the watch list. Announcing the ban President Musharraf said that an aim of the ban was cleansing society of sectarian violence and intolerance. He also

announced a forthcoming ordinance to regulate the functioning of madrassahs (madaris religious schools) some of which were involved in encouraging hatred, violence and terrorism.**[33c]** In the first four days of the crackdown on extremist religious groups, which followed the ban, over 1,900 religious activists were detained.**[33k]**

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Voting Rights

6.43 The 1973 Constitution guarantees religious minorities the right to vote in general elections as full citizens in a joint electorate. The 1974 Constitutional amendment, which declared Ahmadis to be non-Muslims, led to a change in their voting status. Article 106(3) of the 1973 Constitution, which provided for the special representation of religious minorities, was amended to include Ahmadis. Ahmadis do not accept the official designation of themselves as non-Muslims and so have refused to take up seats allocated to them in the National and Provincial elections.**[3]** Their leaders encourage their followers not to register as 'non-Muslims' so most Ahmadis are completely unrepresented.**[2b]**

6.44 In 1978 two separate electorates - one for Muslims and one for religious minorities - were created for the National and Provincial Assemblies.**[3]** Elections in 985, 1988, 1990, 1993 and 1997 were held under the separate electoral system. The minority groups were guaranteed a number of seats (Christians four; Hindus four; Ahmadis one;**[27a]** and other non-Muslims (Sikhs, Buddhists and Parsis) one.**[11]**

6.45 In January 2002 the Government eliminated the separate electoral system which had been a longstanding point of contention between religious minorities, human rights groups and the Government. Political representation is now based on geographic constituencies that represent all residents regardless of religious affiliation. Due to their concentrated populations minority groups could have significant influence as swing voting blocks in some constituencies. Few non-Muslims are active in the mainstream political parties as the previous separate electoral system limited their ability to run for effective office.**[2a]** In August 2002 following an announcement by President Musharraf**[44d]** the Legal Framework Order 2002 detailed that 10 National Assembly seats would be reserved for non-Muslims. In the Provincial Assemblies there would be three seats reserved for non-Muslims in Balochistan and NWFP, eight in Punjab and nine in Sindh.**[44e]** In October 2002 it was reported that no non-Muslim candidates were contesting the 272 general seats to the national legislature in the October 2002 elections. However some 50 Hindu and Christian candidates were running for office on general seats in the provincial legislatures in southern Sindh and eastern Punjab provinces.**[41n]**

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Ahmadis

Introduction

6.46 There are approximately 10 million Ahmadis world wide, of whom some 4 million live in Pakistan. There have been estimates which suggest that Ahmadis make up some 2.7% of Pakistan's population, though it is difficult to determine the actual size as

Ahmadis generally declare themselves to be Muslims.**[12d]** The most recent census estimates indicate that there are 286,000 Ahmadis in the country, however religious minority groups believe that they are underrepresented in government census counts. The Ahmadi community itself claims a membership of approximately four million. They are mainly concentrated in the Punjab and Sindh provinces.**[2a]**

6.47 Mirza Ghulam Ahmad (1835-1908) founded the Ahmadiyya, a religious sect that calls for the renewal of Islam, in Punjab in 1889. He announced that he was commanded by God to accept bai'at (homage or allegiance paid to a religious leader). He also claimed "under divine direction" that he was both the promised Mahdi (the rightly guided one) and the Promised Messiah in one person whose main function would be the renaissance of Islam.**[12a][12d]**

6.48 The Koran describes Muhammad as the "seal of the prophets" and thus he is regarded as the last prophet in Islam. However Ghulam Ahmad interpreted this reference in the Koran as meaning that Mohammed was the last law-giving prophet, and he proclaimed himself to be a prophet without a scripture or book of his own but with a mission to rejuvenate Islam.**[12a][12d]**

6.49 After Ghulam Ahmad's death in 1908, Nur al-Din was elected to succeed him, and after his death in 1914, Ghulam Ahmad's son Mahmud Ahmad was elected. The leadership has since remained within the founder's family, with Tahir Ahmad (a grandson) elected as Khalifatul Masih IV (fourth Successor of the Messiah) in 1982.**[12a][12d]**

Ahmadi Headquarters, Rabwah

6.50 Quadian became part of India after the 1947 Partition. Mahmud Ahmad, together with most of the Ahmadi residents of Quadian moved first to Lahore in Pakistan, then to a purpose built city 95 miles to the west, called Rabwah. The plan of the city reflects Ahmadi religious beliefs. In addition to the two central mosques, each of the sixteen quarters has a mosque at its centre, in which according to Islamic tradition all religious, social and cultural activities are held.**[12a]**

On 15 December 1989, the entire population of Rabwah, the Ahmadi headquarters in Pakistan, that number 35,000, was charged under Section 298-C of the Pakistan Penal Code. The FIR was prepared, lodged and filed by the Station House Officer, Rabwah. The 35,000-plus were collectively charged with the crime of having inscribed the Kalima Tayyab and other Quranic verses on their graves, buildings, offices of the community, places of worship and business centres. This crime is punishable with a term extending to three years in prison. **[33as]**

Legislative Restrictions

6.51 In 1974 the Constitution of Pakistan was amended to declare Ahmadis a non-Muslim minority group. This had the practical effect of allowing Ahmadis freedom to practise their religion among themselves, as do other religious minorities such as Christians and Hindus, providing they did not represent themselves as Muslims.**[3][13]**

6.52 Certain sections of the Penal Code have caused problems for Ahmadis, particularly the provision that forbids Ahmadis from "directly or indirectly" posing as Muslims. Armed with this vague wording, mullahs have brought charges against Ahmadis for using the standard Muslim greeting form and naming their children Mohammed.**[2b]**

6.53 Article 260 of the Constitution of Pakistan states that: "A person who does not believe in the absolute and unqualified finality of the Prophet-hood of Muhammad...is not a Muslim for the purposes of the Constitution or law." On 28 April 1984 President Zia promulgated Ordinance XX (incorporating this into the 1985 Constitution). This provided for prison terms of up to three years and fines for Ahmadis who called themselves Muslims and used Islamic terminology (inserted as sections 298(B) and 298(C) of the Pakistan Penal Code).**[3][13][7]**

6.54 In 1986 the Government inserted section 295(c) into the Penal Code, which stated that the penalties for blaspheming the Prophet Mohammed were death or life imprisonment and a fine: "Use of derogatory remarks etc, in respect of the Holy Prophet...shall be punished with death, or imprisonment for life, and shall also be liable to fine." Section 295(c) was amended in August 1991 to make the death penalty the only punishment for blasphemy. Also in 1991 section 295(a) of the Penal Code was amended to increase the maximum punishment for outraging the religious feelings of any group from two to ten years.**[3][12b]**

6.55 Many Ahmadis have been charged and imprisoned under sections 298(b) & (c) and 295(c). The laws have encouraged an atmosphere of religious sectarianism in which Ahmadis reportedly suffer intimidation, discrimination and harassment.**[12b]** Since 1984 Ahmadis have also been prohibited from holding conferences or gatherings.**[2b]** They are also not permitted to proselytise under Pakistani law.**[2a]** According to Ahmadi sources eight Ahmadis were charged under the blasphemy laws in 2001.**[2b]**

6.56 The enforcement of Ordinance XX has been uneven and in many cases has been the result of localised pressure being brought to bear on the police by fundamentalist Muslim clerics, particularly in rural areas, or personal bigotry on the part of the police. However, a number of Ahmadis occupy important positions in Pakistani society, particularly in business and the professions. While Ahmadis can be prosecuted for their normal daily behaviour, this is not always the case. Prosecution largely depends on whether a neighbour or colleague reports a violation of the law to the police. Hence the area where an Ahmadi lives and the circumstances in which they live can determine whether or not they are prosecuted.**[3][13]**

6.57 When joint electorates were restored in January 2002 a column on voter registration forms requiring Muslims to make an oath accepting absolute finality of Mohammed as the last prophet was removed. In May 2002 under pressure from fundamentalist leaders the Government reinstated the column. The Election Commission announced that it would accept objections from the public to Ahmadis who registered as Muslims and they would then be required to sign an oath accepting the finality of the Prophethood of Mohammad or register as non-Muslims.**[2a]** In October 2002 it was reported that some 2.5 million Ahmadis would boycott the elections on the

grounds that although they had been included in the joint electoral system they were retained on separate electoral lists.**[41n]**

Passport Declaration

6.58 To obtain a passport Pakistanis must declare their religious adherence on the passport application form. If they declare themselves to be Muslim they must sign the declaration for Muslims, part of which states that Mirza Ghulam Ahmad is an impostor and that his disciples are not Muslims.**[12b]**

6.59 There are conflicting reports about the consequences of this requirement. There have been claims that an Ahmadi who signs the passport declaration may be charged with making a false statement by claiming to be a Muslim. In turn if an Ahmadi ticks the box for religious minorities, he may be ostracised by the Ahmadi community for declaring himself to be a non-Muslim.**[12b]**

6.60 Most Ahmadis indicate that they are Muslims, signing the passport declaration because they do not want to draw attention to their Ahmadi faith, and also not considering the passport declaration to be religiously binding. These Ahmadis are neither ostracised by the Ahmadi community nor charged with falsely declaring themselves to be Muslims. There is however an alternative view that Ahmadis sign the passport declaration because they regard themselves to be true Muslims.**[3]**

Bai'at

6.61 Bai'at is an oath of allegiance, a pledge made by a person who is not an Ahmadi by birth to fulfil certain conditions and abide by the doctrines of Islam. A person born of Ahmadi parents is considered to be an Ahmadi by birth. That person is not required to go through bai'at - unless there has been a change in the Supreme Head of the community in which case all Ahmadis perform bai'at, thus renewing their allegiance to the new Head. Furthermore, there is no objection for an Ahmadi by birth to perform bai'at (however, he or she will not be issued with a Certificate of Bai'at).**[18a]**

Current Situation

6.62 Ahmadis continued to suffer from a variety of restrictions of religious freedom and widespread societal discrimination. This includes violation of their places of worship, being barred from burial in Muslim graveyards, denial of freedom of faith, speech and assembly, and restrictions on their press. Several Ahmadi mosques remained closed.**[2b][2c]**

6.63 Ahmadis are often targets of religious intolerance, much of which is instigated by organized religious extremists. Ahmadi leaders claim that militant Sunni mullahs and their followers sometimes stage marches through the streets of Rabwah. Backed by crowds of 100 to 200 persons, the mullahs purportedly denounce Ahmadis and their founder, a situation that sometimes leads to violence. The Ahmadis claim that police generally are present during these marches but do not intervene to prevent trouble.**[2b]**

6.64 Ahmadis may have limited choices for advancement in the public sector and may find it difficult, if not impossible, to advance to high ranks in the army and public administration.**[3]** The 1980s saw more examples of Ahmadis being dismissed than in recent times. Also being an Ahmadi is sufficient reason to be excluded from an institution of higher education.**[3]** Even the rumor that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Ahmadi students in public schools are subject to abuse by their non-Ahmadi classmates, and the quality of teachers assigned to predominantly Ahmadi schools by the Government is generally poor. Most Ahmadis are home-schooled or go to private Ahmadi-run schools.**[2b]**

6.65 From 1986 to 1993 over 200 Ahmadis were charged with blasphemy, although none were convicted.**[7]** According to Amnesty International, in 1996 some 120 members of the Ahmadi community were charged with religious offences, including blasphemy. Ahmadis charged with blasphemy were often denied bail.**[4b]**

6.66 In October 2000 two attackers opened fire on an Ahmadi mosque in Sialkot district, killing four Ahmadis and one Sunni muslim. Three suspects have been arrested, however no formal charges had been filed by the end of 2001.**[2b]** In November 2000 a clash between a group of Ahmadis and a Sunni Muslim cleric resulted in a mob of the clerics followers killing five Ahmadis in Sarghoda district. Although 25 people were detained and 13 others imprisoned no charges had been filed by the end of 2001.**[2b]** In August 2001 a mob attacked an Ahmadi place of worship in Sheikhupura, instead of intervening local police reportedly placed 25 Ahmadis in protective custody, they were later released but no action was taken against the perpetrators.**[2b]**

6.67 On 9 November 2002, two assailants shot Dr Rashid Ahmad, an Ahmadi Orthopaedic surgeon, in Rahim Yar Khan in Punjab, while he was attending to his patients at the clinic. He died in hospital six days later. The assailants, who were caught by the relatives of the victim, confessed to the police that they had assassinated Dr Ahmad for money on the orders of a local cleric. **[60]**
On 14 November 2002 in Faisal Abad (Punjab), Abdul Waheed, the General Secretary of the local Ahmadiyya Muslim Association, was stabbed to death as he waited in a shop to be served. The assailant is the Secretary of the Islamic Research Committee of Finality of the Prophethood and a well-known opponent of the Ahmadiyya community. **[60]**

6.68 In May (2002), the Government announced the restoration of a voter registration form designed to single out Ahmadis. The section, which required Muslims to swear they believe in the "finality of Mohammed's prophethood" singled out members of the Ahmadi sect who are less categorical about this tenet of Islam. The Government and anti-Ahmadi religious groups have used this provision extensively to harass Ahmadis. **[2c]**

Lahori Ahmadis

6.69 Internal conflict began to surface during Nur al-Din's khalifat, but the final split occurred over the election of Mahmud Ahmad as Khalifatul Masih II, following Nur al-Din's death in 1914. Leading members of the movement, Muhammad Ali and Kamal

ud-Din, left with their followers for Lahore where they established the Ahmadiyya Anjuman Ishaate Islam (Ahmadiyya Association for the Propagation of Islam), with Muhammad Ali as its head. They have since become known as the Lahori Branch and number only approximately 1,000 adherents (while the Ahmadis who follow Ghulam Ahmad's teachings are referred to as the Quadiani Branch), though they refer to themselves as Ahmadis.**[12a][12d]**

6.70 This major doctrinal split between the Lahoris and the Quadianis revolved around Ghulam Ahmad's claim to prophet-hood. The Lahoris' belief in his prophet-hood was increasingly abandoned until his religious status was likened to that of a partial prophet and mujaddid, who had been sent in the fourteenth century of the Islamic calendar to renew Islam. By denying full prophet-hood to Ghulam Ahmad, Lahoris reject another Ahmadi injunction, which stipulates that an Ahmadi is permitted to pray only under the leadership of Ahmadi Imams.**[12a]**

6.71 Unlike Quadianis, Lahoris do not prevent their women from marrying non-Ahmadi Muslims. They do however agree with the Quadianis that jihad should not be understood as war-like, but as a spiritual struggle to establish the truth of Islam. They insist that no Muslim can be called kafir (infidel), thus rejecting Ghulam Ahmad's declaration that all non-Ahmadis are kafirs.**[12a]**

Khatme Nabuwwat

6.72 During British rule the Majlis Tahaffuz Khatme Nabuwwat (Committee to Secure the Finality of Prophethood) was founded under the name Majlis-e-Ahrar. Originally a small Muslim political party, it was opposed to the creation of an independent Islamic state. In the 1970s the group changed its name, apparently to attract orthodox Muslims, and is now commonly known as the Khatme Nabuwwat.**[12b]**

6.73 Mullahs within the organisation have in the past called for the banning of Koranic expressions in Ahmadi places of worship and have reportedly collaborated in the destruction of Ahmadi mosques. The organisation has also gone as far as calling for the banning of the Ahmadi movement and the death of its members. There have been reports that the movement had Saudi Arabian support and expanded its activities beyond Pakistan - notably to the UK**[12b]** where it was nonetheless banned due to its radicalism. The organisation now directs most of its activities from Germany, such as the distribution of leaflets all over Europe telling expatriate Pakistanis and other Muslims that it is their duty to kill Ahmadis. In Pakistan the Khatme Nabuwwat has some very prominent members - including ex-President Rafiq Tarar and National Security Council member Dr Mahmood Ahmad Ghazi.**[20b]**

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Christians

Introduction

6.74 According to estimates by the Christian community in Pakistan there are currently an estimated 4 million Christians in Pakistan.**[2a]** One category of Christians are the Goan migrants who are entirely Roman Catholic, live in and around Karachi, are

generally well educated, fluent in English and are often members of the professions. The remainder are descendants of low caste Hindus who were converted by western Protestant missionaries. Among these are teachers and nurses and those who work in factories and service industries, but the majority are poorly educated and earn a meagre living. Christians are present in all main urban areas, but they are mainly concentrated in Punjab.**[9a][13]**

6.75 The situation of Christians is less dramatic than that of the Ahmadis. Although they may well face difficulties and resistance from local mullahs and blasphemy charges, the authorities are nonetheless willing and usually able to protect them from harassment, violence and intimidation. Some attacks however have not been prevented and Christians still face many legal and social restrictions.**[20b]** Discrimination in employment is believed to be common and many Christian parents express difficulty in gaining their children admission to government schools and colleges. Christians have difficulty finding jobs other than those of menial labour, although Christian activists say that the employment situation has improved somewhat in the private sector. They also find themselves disproportionately over represented in Pakistan's most oppressed social group - bonded labourers. Fears are also expressed of forced marriages between Muslim men and Christian women, although this is a relatively rare occurrence. Violent reprisals against converts to Christianity also occur.**[2c]**

6.76 Christian over representation in Pakistan's poorest socio-economic groups and the discrimination they face may be associated with ethnic and social factors rather than religion per se. In Karachi the majority of Roman Catholics are Goan migrants, or descendants from Eurasian marriages. They are often light-skinned, relatively well educated and prosperous. However, other darker-skinned Christians (such as members of evangelical denominations) are poorly educated. Many Christians remain in the professions of their low caste Hindu ancestors (some of whom were 'untouchables') who were converted to Christianity.**[2a]**

6.77 The government does not interfere in the practice of Christian worship. Some Christians nonetheless complain that they have been harassed by extremist Muslim groups who assert that proselytisation defames the Prophet Mohammed.**[13]** There is no law that makes conversion from Islam to Christianity a cognisable offence. However, those that do convert may encounter problems from some elements of society who do not accept the practice. According to an Asian Human Rights Commission publication, one such convert was subsequently implicated in false blasphemy charges in 1991, was denied bail and died of poisoning in jail.**[36]**

6.78 Section 295(c) of the Penal Code, which stipulates the death penalty upon conviction of having blasphemed the Prophet Mohammed, has been used to bring blasphemy charges against Christians as well as Ahmadis.**[13]**

6.79 On 6 February 1997 in Khanewal and the nearby village of Shantinagar in Punjab, Muslim mobs burnt down twelve Christian churches, injured 50 people and destroyed more than 250 houses, 80 shops and a school. This occurred after a rumour was broadcast on mosque loudspeakers that Christians had desecrated pages of the Koran. In August 1997 it was reported that the federal government had paid approximately US

$735,000 for repairs to damaged churches and buildings in Khanewal and Shantinagar, and also compensation to victims for the violence against Christians in the February 1997 disturbances.**[12g]**

6.80 On 6 May 1998 John Joseph, a Roman Catholic bishop and prominent human rights defender,**[7]** shot himself dead in front of a tribunal at Sahiwal, near Faisalabad. The Bishop had committed suicide in protest against the blasphemy laws, especially section 295(c) of the Pakistan Penal Code, under which Ayub Masih**[20a]** had been incarcerated in solitary confinement since 14 October 1996 and sentenced to death on 27 April 1998.**[7]** The sentence was for allegedly speaking favourably about Salman Rushdie.**[20a]** Ayub's family and 13 other landless Christian families were forced from their village in 1996 following the charges and he survived an attempt on his life in 1997 when he was shot at outside the courtroom while on trial. The case was pending appeal before the Lahore High Court at the end of 2001.**[2b]** In August 2002 the Supreme Court overturned the conviction of Ayub Masih and ordered his immediate release.**[35bz]**

Current Situation

6.81 According to the USSD report 2002, there was an increase in violence against Christians during the year. **[2c]** Governmental and societal discrimination against religious minorities, particularly Christians and Ahmadis, remained a problem, and the Government failed to take effective measures to counter prevalent public prejudices against religious minorities. Religious and ethnic-based rivalries resulted in numerous killings and civil disturbances. Terrorist attacks, particularly against Western and Christian targets, increased significantly in 2002. **[2c]**

6.82 Christians have been victims of violence. For example, in March an attack on a church in Islamabad left five persons dead, including two foreign nationals. In August gunmen attacked the Murree Christian School and killed four persons. Three days later, militants threw grenades at worshippers at a Christian hospital in Taxila and left three persons dead. On December 25, 3 children were killed and 14 were injured in a grenade attack on a Christian Church in Chianwala village in Sialkot. On December 27, police detained four men, including a radical Muslim cleric, on suspicion of carrying out the Christmas day attack. During the year, police made no arrests in connection with past sectarian killings. Numerous such killings remain unresolved. **[2c]**
In April 2003, the Church of Scotland withdrew its entire missionary presence in Pakistan due to fears of repeated terrorist attacks. **[35dj]**

6.83 On 25 September 2002 a further attack on Christians in Karachi was reported. Gunmen entered the premises of the Church of Pakistan funded Idara-e-Aman-o-Insaf (Committee for Justice and Peace) and shot dead six Pakistani Christians. A seventh died later in hospital and in addition four others were wounded. The attack followed increased security for Christians following local and international pressure. **[41l][33aj]**
A few days later it was reported that tens of thousands of Christians gathered outside a Karachi cathedral to demand better protection for their community. Although police in Karachi had arrested dozens of alleged Muslim extremists in connection with the recent

attacks on Christian targets they said that there was no evidence that Islamic militants were responsible for the most recent attack.**[35co]**

6.84 On 5 August 2002 at least six people were killed when four gunmen entered the Murree Christian School which is about 70 kilometres north-east of Islamabad. The school has mainly foreign staff and students and it appeared that the attack was aimed at Western interests rather than the Christian minority in Pakistan. **[35bu]** On 9 August 2002 a missionary hospital in the town of Taxila was the subject of a grenade attack. At least four people were killed and 23 wounded. **[41g]** Later in the month a number of supporters of banned militant groups Jaish-e-Mohammad and Lashkar-e-Jhangvi, suspected of involvement in the Murree and Taxila, attacks were arrested by police in Punjab. In a speech President Musharraf condemned Islamic militants in the country and called the recent attacks on foreigners and Christians despicable and shameful. He said Pakistan's authorities had a long-term strategy to deal with militant groups.**[35bv]**

6.85 In July 2002 Bishop Samuel Azariah of the Roman Catholic Church of Pakistan called for the repeal of the death sentence for blasphemy, after Anwar Kenneth, a Pakistani Christian, was sentenced to hang for claiming to be Jesus Christ. His sentence has to be ratified by a higher court and there is no instance of a court upholding the death sentence for blasphemy and carrying it out. **[35cb]**

6.86 On 12 March 2000 assailants broke into the Lourdes Convent and attacked Sister Christine, a 78-year-old nun who died in a nearby hospital a few days later. According to the Christian Liberation Front (CLF) the perpetrators of the attack were Muslims who had previously accused Sister Christine of proselytizing. Police officials did not arrest anyone in connection with this attack. **[2b]**

6.87 In May 2000 five masked men stopped a factory bus in Ferozwala on which female factory employees were traveling and raped six to eight Christian girls who were passengers; the assailants reportedly spared the two Muslim passengers on the bus. Initially police officials urged the girls to report that they were robbed, and not raped. Following NGO-derived pressure however the cases were registered as rape cases. Three suspects were charged under the Hudood Ordinances. **[2b]** There have been observations that the police sought to mediate between the victims and the culprits, regarding an offer of compensation if the charges were dropped. Amnesty International nonetheless reported that the victims appeared set to pursue the matter to the end.**[4f]**

6.88 In May 2000 a lower court in Sialkot district, Punjab, sentenced two Christian brothers to 35 years' imprisonment each and fined them $1,500 (PRs 75,000) each. The brothers were convicted of desecrating the Koran and blaspheming the Prophet Mohammed. Both cases were registered by an ice cream vendor who had allegedly fought with the brothers, having asked them to use their own dishes and stating that his were reserved for Muslim customers. Lawyers for the brothers filed an appeal in the Lahore High Court. In the same month Augustine Ashiq Masih was charged with blaspheming the Prophet in Faisalabad. According to press reports Masih converted to Islam, married a Muslim woman and then converted back to Christianity which

angered local Muslims who brought the charges against him.**[2b]**

6.89 In June 2000 a prominent Christian-affiliated NGO that is active in defending those accused of violating the blasphemy laws received a series of death threats.**[2b]**

6.90 In January 2001 seven Christian evangelists and their pastor were arrested for distributing religious literature and showing a film in a largely Christian area in Jacobadad. In April 2001 a Christian teacher who owned a private school was arrested under section 295(c) of the Penal code after a case was registered against him under the blasphemy law. It was alleged that the case was filed at the behest of a Sunni Muslim educator who owned a rival private school in the village. The Christian teacher remained in jail at the end of 2001.**[2b]**

6.91 On 28 October 2001 three assailants shot and killed a police officer on guard outside St Dominic's church in Bahawalpur during Protestant services at the church. They then entered the church closed the doors and began firing into the congregation. Sixteen people were killed. Police arrested 18 members of the Jaish-I-Mohammad in connection with the massacre although by the end of 2001 none of them had been charged.**[2b]** In July 2002 four people allegedly involved in the attack were arrested, two of those arrested were reported to be members of the banned Sunni organisation Lashkar-e-Jhangvi.**[35ca]** On 17 March 2002 five people were killed and 40 injured in a grenade attack on the Protestant International Church in the diplomatic enclave in Islamabad. The worshippers included the families of diplomats and those killed included two Americans, two Pakistanis and an Afghan.**[33l]** Later in March some 30 people were detained in connection with the attack following overnight raids in Faisalbad.**[35an]**

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Shia and Sunni Muslims - Historical theological differences

6.92 Sunni Muslims regard the Koran (supplemented by the traditions or *'Sunna'* of Mohammed) as the sole source of faith. A Priesthood is not considered necessary to mediate the faith to believers, as the aforementioned interpretation is considered universal and infallible, belonging to the community as a whole. Interpretation of the Koran and Sunna has nonetheless been carried out by jurists and theologians historically. Sunnis consider community consensus based on the Koran and Sunna to be infallible and binding, and that following Mohammed's death in 632 the responsibility of 'Caliph' (or caretaker) for the community passed to members of specific Middle Eastern dynasties.**[37]**

6.93 The fundamental split in Islam occurred shortly after Mohammed's death, when a party (or *Shia*) claimed that Mohammed's cousin (and son-in-law) Ali should immediately have been appointed Caliph. Ali was not appointed Caliph until 656 - the fourth after Mohammed's death - and was subsequently killed in 661 during a struggle within the Muslim community. Shia supporters of Ali remained fervently devoted to their cause, and Ali's younger son Hussein tried to contest Ummayad (the ruling dynasty) supremacy. Hussein and his small party were massacred near Karbala in Southern

Iraq in 680, and his death became a powerful symbol of martyrdom and suffering for the Shia community. The Shia placed belief in a succession of imams, whose essential qualification was descent from Ali. The imams were interpreted as infallible in the interpretation of law and doctrine, and for whom Shias have an almost mystical devotion.**[37]** Every year Shias commemorate the massacre of Imam Hussain.**[31b]**

Pakistan's Shias

6.94 While the majority of the Muslim population belongs to the Sunni sect, some 20% are Shia.**[34]** Shias are generally protected by the government**[20b]** and are well integrated into Pakistani society, but there have been outbreaks of violence between the two sects.**[13]** Most Sunni Muslims live peacefully with Shia Muslims. However, militants belonging to small but heavily armed sects carry out attacks on each other's places of worship.**[32c]** Violence also often erupts over perceived slights that individual Shias and Sunnis believe they have experienced from members of the other group.**[13]**

6.95 Both Shias and Sunnis have their own social, political and cultural organisations; some of which have been involved in attacks on individuals of the other religious persuasion. Pre-emptive action has been taken by the Pakistani authorities on occasion to detain leaders of one group who they believed were contemplating violent action against members of the other group. The Pakistani Government has been quick to respond to outbursts of sectarian violence, although their action has not effectively curtailed sectarian murders.**[13]**

6.96 Shias are not systematically discriminated against by other elements in Pakistani society. They are not an economically disadvantaged group. They are found in all of the professions, in government and in the army. Where Shias have been the targets of Sunni violence, the perpetrators are generally members of extremist Sunni organisations such as Sipah-i-Sahaba-i-Pakistan. This group has been linked to bombings of Shia mosques and gunfire directed at its opponents. The military wing of the Sipah-i-Sahaba is the Lashkar-e-Jhangvi, which is accused of murder, looting and robbery.**[13][49b]**

6.97 At least seventeen people were killed, including three children, and several others wounded after gunmen opened fire on 4 January 1999 on a Shia mosque at Karam Dad Qureshi - a village twenty miles east of Multan, Punjab. The police said that the attack was part of the continuing sectarian violence between militant factions from the Sunni and Shia communities. No group claimed responsibility, and the Sunni extremist group Sipah-i-Sahaba-i-Pakistan denied any involvement.**[28a]**

6.98 According to the US State Department Report for 2002, the worst religious violence was directed against the country's Shi'a minority, who continued disproportionately to be victims of individual and mass killings. Despite the Government's ban on groups involved in sectarian killings, violence between rival Shi's and Sunni Muslim groups continued. Many of the victims were Shi'a professionals-doctors and lawyers - who were not politically active or involved with sectarian groups. During 2002, at least 53 cases of sectarian violence occurred in the country, most carried out by unidentified gunmen. **[2c]**

6.99 On 1 March 2001 sectarian rioting in Hangu a small city in North West Frontier Province resulted in ten deaths. Prior to the rioting the Sunni militant group SSP had arranged prayer gatherings throughout the province and SSP activists reportedly left a gathering proceeded to the main shopping area and shot and killed three Shia shopkeepers and a Sunni bystander. On 4 March 2001 12 to 16 people were killed when four men opened fire in a Shia mosque in Sheikhupura.**[2b]** SSP was one of the groups banned by General Musharraf in January 2002.**[33c]**

6.100 In April 2002 at least 12 women and children were killed and more than 20 injured in a bomb attack during a religious ceremony at a Shia mosque in Bakkar in Punjab province. The device had been planted inside the women's enclosure in the first example of women and children being specifically targeted. Subsequently rioting was reported in the town and a protest rally was held in Islamabad.**[35cc]** In August 2002 police reported the arrest of two members of the militant Sunni group LeJ in connection with this attack.**[35ch]**

6.101 Incidents of sectarian violence between Shia and Sunni Muslims typically occur during Muharram, when Shia Muslims mourn the death of the Prophet Mohammad's nephew. Government efforts to stem this including mass arrests of those suspected of participation and a public call for religious leaders to enforce a code of conduct resulted in fewer deaths in the 2001 Muharam period than in 2000 and no deaths in 2002. **[2b][2c]**

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Freedom of Assembly and Association

6.102 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'. While the government generally permitted peaceful assembly until March 2000, it later imposed significant restrictions on this right. Since 1984 Ahmadis have been prohibited from holding any conferences or gatherings. Throughout 2000 the Government occasionally interfered with large rallies held by all political parties. **[2b][2c]**

6.103 On 15 March 2000, the Musharraf regime imposed a countrywide ban on all political meetings at public places. Strikes were also outlawed with immediate effect. Indoor meetings however are still permitted, although they must not make use of loud speakers. Strict instructions for implementation were also issued to provinces. **[33e]** The government nonetheless pledged to lift the ban on political rallies 90 days prior to a party based general election, due in October 2002. **[33w]**
In September 2002 the Government relaxed restrictions on political meetings prior to the October elections, but rallies on main roads and at railway stations remain banned. **[35cd]** HRW reported that the lifting of the restrictions so close to the election left political parties with little opportunity to mount effective campaigns. In addition significant restrictions on the site of political meetings were maintained. Rallies and processions on streets, roads, and railway stations remained prohibited, with provincial and district administrations given the authority to determine the time and place of meetings. **[21c]** During the election campaign, the Government approved some public political gatherings, including pro-government and opposition candidates

rallies and outdoor meetings. During the year, the ban was enforced unevenly. **[2c]**

6.104 During 2001 the ban was enforced unevenly. The government approved some public political gatherings, including a meeting in March 2001 of PML leaders willing to reject former Prime Minister Nawaz Sharif as their leader. During the first half of April 2001 a 3 day conference organised by the JUI political party during which several speakers made anti-Western political declarations was permitted. **[2b]**

6.105 District magistrates occasionally exercised their power under the Criminal Procedures Code to ban meetings of more than four people where demonstrations seemed likely to end in violence. Police made preventative arrests of political party organisers prior to announced demonstrations, in March 2001 over 100 leaders and workers for ARD were arrested to prevent them attending a rally in Lahore. They were released after being held for a month. ARD supporters were also arrested to prevent a political rally in May 2001 in Karachi. In April 2001 the Government prevented several thousand members of an Islamist group from attending a rally to call for imposition of Sharia law in Malakand division. **[2b]**

6.106 During the year (2002), police made preventive arrests of political party organizers prior to announced demonstrations. For example, on April 21, the Government prevented a protest and arrested several party leaders by the Jamaat-i-Islami (JI) party in Lahore, even through the JI officials claimed they received prior permission for the protest. On July 12, police blocked roads leading to the city square and arrested nine local Alliance for the Restoration of Democracy (ARD) leaders after the party attempted to hold a rally against the draft constitutional amendments. The Government generally allowed all Islamist parties to hold rallies and campaign; however, the government denied rally permits to secular parties. **[2c]**

6.107 In March 2001 the government decided not to ban Jihadi groups, instead choosing to regulate them through a 'code of conduct'. The code would ask them not to raise funds in the name of Jihad.**[33p]** In October violent protests broke out following the U.S.-led air strikes on Afghanistan, resulting in deaths. In response President Musharraf stated that the government would not tolerate extremist activity. He outlined plans to deploy troops and instructed governors on how to deal with the protests. Musharraf insisted that the protesters were a vocal minority and were not representative of the people.**[32d]**

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Employment Rights

6.108 The Industrial Relations Ordinance (IRO) permits industrial workers to form trade unions subject to restrictions in some employment areas. The International Confederation of Free Trade Unions reports that the IRO only covers companies that employ 50 or more and some companies reportedly subdivide their workforce to avoid IRO. The Essential Services Maintenance Act (ESMA) covers state administration, government services and state enterprises, whose employees are allowed to form trade unions but sharply restricted by the ESMA, generally prohibiting the right to strike. The Government estimates union membership at ten per cent of industrial workforce and three per cent of total workforce but unions claim this is an underestimate.**[2b]**

6.109 Legally required conciliation proceedings and cooling-off periods limit the right to strike in addition to the Government's authority to ban any strike which may cause serious hardship to the community. The Constitution and the law prohibit slavery, however in remote areas of Sindh province bonded agricultural labour and debt slavery have a long history. The Government has adopted laws and promulgated policies to protect children from exploitation in the workplace, but enforcement is lax and child labour is a serious problem.**[2b]**

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People Trafficking

6.110 Trafficking in persons, especially women, is a significant problem. Trafficking in women is protected by powerful criminal interests and operates relatively openly. The government has done little to stem the flow of women trafficked into the country or to help victims of trafficking.**[2c]**

Freedom of Movement

Travel

6.111 Most citizens enjoy freedom of movement within the country and the freedom to travel abroad, although the government limits these rights. The authorities at times prevent political party leaders and religious leaders from traveling to certain parts of the country. The law prohibits travel to Israel. Government employees and students must obtain 'no objection' certificates before travelling abroad, although this requirement is rarely enforced against students.**[2c]** Passports for those over 18 years of age can be obtained via district passport offices without the signature of another adult. Proof of identity is provided by two copies of the National Identity card which must be provided by both men and women applying for a passport.**[44a]** All passport applications require Muslim applicants to sigh a declaration which has in particular caused problems for Ahmadis.**[12b]**

6.112 Citizens regularly exercise the right to emigrate. The Exit Control List (ECL) which is made public but is constantly revised is however used to prevent the departure of wanted criminals and individuals under investigation. At the end of 1999 the HRCP estimated that there were more than 5,000 entries on the ECL, including 400 PML leaders, all 45 MQM legislators and their family members, 20 journalists and as many as 3,000 alleged bank defaulters. The Musharraf government increased the use of the ECL reportedly to prevent those suspected of loan defaults or corruption from leaving the country. The focus was apparently on potential loan defaulters as part of the Musharraf Government's emphasis on accountability. According to the Government there were approximately 2,650 names on the ECL at the end of 2001. No judicial action is required to add a name to the ECL, although those named have the right to appeal to the Secretary of Interior, then if refused to the Advocate General of the senior judiciary. In practice courts have directed the government to lift restrictions on some politicians on the ECL.**[2b]**

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Internal Flight (Refuge within Pakistan)

6.113 Groups with a limited internal flight alternative are women and mixed (inter-religious and inter-caste) couples. Many flee from rural areas to the cities if their economic circumstances permit, but even there they may not be safe from their families or religious extremists. For Ahmadis and Christians (including converts) there is also a high likelihood that an internal flight alternative may also be ruled out. Political activists however usually do have the option of moving to another part of the country, unless they are of high prominence.**[20b]**

6 B Human Rights - Specific Groups

Ethnic Groups

Mohajirs

6.114 Mohajirs were the Urdu-speaking Muslims who had migrated to Pakistan from north-central India in the years immediately following the creation of Pakistan in 1947. The term also applies to their descendants. The urbanised Mohajirs were instrumental in the movement to create Pakistan and continued to have a significant impact on the early political development of the new country. While Mohajirs dominated the government and political institutions, the armed forces remained under the control of native Punjabis.**[3]**

6.115 Mohajirs were successful in Sindh's trade, commerce and banking industries and became the country's leading capitalists and industrialists in the early 1970s. This, together with government measures which had been designed to ease their settlement into Pakistan, alienated the region's other ethnic groups.**[3]**

6.116 As a result of the settlement of some 7 million Mohajirs, the province of Sindh experienced profound social and economic changes which created rivalry and clashes between the Mohajirs and the native Sindhis over political influence, employment opportunities and other questions involving socio-economic status.**[3]**

Formation of MQM

6.117 The All Pakistan Mohajir Student Organisation was founded in 1978**[4a]** to counter the rising ethnic militancy of Sindhi students against the Mohajirs.**[3]** The Mohajir Qaumi Movement (MQM) was formed in March 1984**[3]** through the union of Karachi University student groups, and began to dominate the political scene in urban Sindh after a huge rally on the Karachi University campus in August 1986.**[3]** It is a nationalist movement which seeks official recognition of Mohajirs as the fifth ethnic/national group of Pakistan (the others are Punjabis, Sindhis, Baluchis and Pathans).**[3]**

6.118 Altaf Hussain established the MQM in 1984 to promote the rights of Mohajirs. Elements of the group became involved in extortion and other forms of racketeering and the party split into the MQM (Altaf) - the original group headed by Altaf Hussain,

and a large breakaway group MQM (Haqiqi) and a few smaller factions. The MQM (Altaf) became the dominant political party in Karachi and Hyderabad.**[2b]**

6.119 The party won municipal elections in Karachi and Hyderabad in 1987, and repeated its success in national elections in 1988 and 1990.**[12e]** The MQM formed part of the national coalition government headed by the PPP, which was in power between December 1988 and August 1990.**[4a]** However the MQM broke away in October 1989, alleging that the PPP had not kept its electoral promises to improve the situation for Mohajirs**.[13]** It switched its support to the Islamic Democratic Alliance of Nawaz Sharif.**[4a]**

6.120 In the October 1990 elections, the MQM again emerged as the third strongest party in the country. It entered an alliance with the Pakistan Muslim League (Nawaz) both at the federal level and in Sindh.**[4a]** The party changed its name to the Muttahida Qaumi (National) Movement in July 1997, but kept the acronym MQM.**[12g]**

6.121 The MQM can now be described as an urban Sindh-based political party that in the past demonstrated a willingness to use violence to further its aims. The movement continues to claim that police specifically target its adherents for extra-judicial killings.**[2b]** In the past MQM activists may have faced persecution by the authorities, although quite often they were prosecuted for violent attacks on political opponents or were under serious criminal charges. They have nonetheless usually had the opportunity to flee to other parts of the country and pass unrecognised. **[20b]**

Violence in Sindh

6.122 During the late 1980s and early 1990s there was escalating crime and ethnic and political violence in Sindh. This included the MQM, which was frequently involved in confrontations with groups representing ethnic Sindhis. There was political violence between the MQM and the PPP, which reached a peak in early 1990. The Government responded with mass arrests, clean-up operations such as 'Operation Blue Fox' (also known as 'Operation Clean-up') launched in June 1992, and emergency legislative measures.**[3]**

6.123 The MQM alleged that it was being specifically targeted by the army operation. On 19 June 1992 police and army forces raided MQM offices in Karachi with the assistance of the dissident MQM Haqiqi group. The MQM faction under Altaf Hussain was regarded as a criminal organisation and this view was supported by the army's claims to have uncovered MQM torture cells and arms caches.**[12e]** Over the following months MQM (Altaf) activists were arrested and the top leadership went into exile. Altaf Hussain was already in the United Kingdom when "Operation Blue Fox" was launched. It is claimed that thousands of ordinary MQM supporters were subjected to arbitrary arrest and ill treatment.**[3][12e]**

6.124 The army withdrew from Sindh on 30 November 1994.**[13]** In Karachi there were frequent killings in clashes between armed ethnic, sectarian and criminal groups, as well as vendetta killings between the two MQM factions while the security forces attempted to restore law and order. The Human Rights Commission of Pakistan,

amongst others, expressed its concerns about the numbers of deaths in the custody of the police and other law enforcement personnel, and also about deliberate and arbitrary killings both by government agencies and militant groups. It is alleged that Prime Minister Benazir Bhutto authorised the police to use "ruthlessness" where necessary to eliminate lawlessness and that they failed to ensure adherence to lawful procedures.**[12e]**

6.125 In January 1995 the MQM (A) opened talks with the Sindh provincial government, who accepted two of the MQM's ten demands, including the ending of jail trials for imprisoned MQM members - trials would henceforth be held in open court.**[13]** However the situation continued to deteriorate in 1995 with violent clashes between both MQM factions and government forces, and between various militant Shia and Sunni groups. Following an escalation of killings in February 1995 and the killing of two American staff at the US Consulate on 8 March 1995, the security forces began a crackdown and hundreds of suspected militants were arrested. Violence diminished but erupted again in May 1995. It is reported that government control effectively collapsed in many areas of Karachi.**[12e]**

6.126 In June 1995, 10,000 to 12,000 paramilitary Rangers and 1,500 Frontier Constabulary personnel were posted to Karachi to reinforce the city's police force, which had been hard hit by the militants' attacks on police stations and targeted killings of police personnel. On this occasion arrests were targeted instead of the earlier mass arrests. However there were later reports that mass round-ups and military style siege-and-search operations were still being used. There were also reports that the rangers and the police were involved in human rights abuses.**[12e]**

6.127 Within weeks it was claimed that the inner circle of the MQM had been broken, key activists arrested and lines of communication shut down. The PPP government unleashed an anti-MQM propaganda campaign, alleging further discoveries of MQM torture chambers, execution sites and arms caches. Violence had declined by mid-August 1995 and the MQM entered into negotiations with the national government on 11 July 1995. The talks collapsed in late September without agreement on any issue. Nevertheless during early 1996 it was reported that the law and order situation was better than at any time during the previous two years.**[12e]**

6.128 Following the Provincial elections of February 1997, the MQM allied itself with the PML (Nawaz) and the two parties formed a coalition government in the province. The Haqiqi faction failed to win a single seat. After a few months of peace there was an escalation of violence between the two MQM factions, resulting in a police crackdown.**[6b]**

6.129 Nevertheless in May 1997 violence returned to Karachi with political and revenge killings, mostly involving battles between the MQM and the dissident Haqiqi faction. It was also claimed that scores of people had been murdered on suspicion of being police informers, allegedly by MQM militants who had emerged from hiding. This placed a strain on the Provincial government alliance between the MQM and the PML. An MQM leader denied that the party was involved in killings and accused the intelligence services of conspiring against the movement.**[5c]**

6.130 In June 1997, the Prime Minister set up a commission to investigate alleged extra-judicial killings of MQM activists by the police and security forces in Karachi under the government of Benazir Bhutto. The commission was to be headed by a senior Supreme Court judge. The announcement came after a meeting of MQM leaders with the Prime Minister.**[5b]** Amnesty International reported that the Senate Committee investigating the fate of 28 members of the MQM, who "disappeared" around 1995, submitted its report to the Senate in April 1998. In March of that year the Interior Minister had told the Committee that 30 MQM workers had been arrested and killed near Islamabad under the previous government. The Chief Justice of the Sindh High Court in April 1998 asked the Interior Ministry for clarification, but no further steps were known to have taken place.**[4j]**

6.131 Following numerous threats to pull out of the coalition, the MQM resigned on 26 August 1998 from its 19-month alliance with the PML in Sindh. The MQM accused Nawaz Sharif and his provincial government of failing to honour an agreement on which basis the alliance was originally formed. The party also claimed that some 215 MQM activists have been killed since February 1997 without any trace of the killers, and that none of the party's jailed workers had been released. They also alleged that fake cases registered against them by the previous government had not been withdrawn. The MQM also accused the country's intelligence agencies and paramilitary forces of the extra-judicial killing of its activists and backing its opponents.**[6g]**

Current Situation

6.132 In December 1999 the military established talks with exiled MQM leader Altaf Hussain. It was reported that the new Musharraf military administration (following the coup of October 1999) was taking long-term measures to remove the sense of deprivation in Sindh, and MQM members there were also contacted. Matters such as the MQM's position, reservations, demands made during previous governments and cases made against them were reportedly discussed.**[8b]**

6.133 In a 1999 report the MQM alleged that 10 people - mostly MQM activists - were killed extra-judicially by Karachi police between October 1998 and March 1999. Since the October 1999 coup however reports of extra-judicial killings of MQM activists have dropped sharply. In September 2000 two MQM activists were nonetheless killed, allegedly by government forces according to the US State Department. Hundreds of MQM activists and legislators were arrested in 1998 and remained in custody at the end of 2001. Some of these activists were being held without charge. According to MQM officials have arrested over 700 MQM officials in the last three years although some were released in 2001. On 19 April 2001 a MQM Senator was arrested.**[2b]**

6.134 In March 2001 an anti-terrorism court acquitted a former MQM politician and three other party activists who were accused of murdering a policeman during an ambush in July 1999. The judge also acquitted six accused who had absconded and cited improper investigation on the part of the police.**[33q]** In the same month five other leaders and workers of the MQM were also acquitted in a murder and arson case registered in 1994.**[33r]**

6.135 In the intra-Mohajir violence that continues in Karachi, victims are sometimes held and then tortured by opposing groups (or as the MQM (Altaf) alleges by security forces). The bodies of these victims - often mutilated - are generally dumped in the street soon after the victims are abducted. Incidence of such crimes nonetheless decreased greatly during 2000.**[2b]**

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Women

Legal Provisions

Background

6.136 Section 25 of Chapter I Part II of the Constitution states that all citizens are equal before the law and are entitled to equal protection of the law. The section also states that there shall be no discrimination on the basis of sex alone.**[46b]**

6.137 Pakistan has signed and ratified the following international instruments:

Convention of the Political Rights of Women
Slavery Convention of 1926 as amended
Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. **[15]**

6.138 Pakistan also ratified the United Nations' Convention on the Elimination of All Forms of Discrimination against Women in March 1996. However, according to Amnesty International, reservations were inserted whereby nothing in the Convention which came into conflict with the Constitution or Sharia Law would apply. **[4c]** Pakistan has also signed, but not ratified, the Convention on the Nationality of Married Women.**[15]**

6.139 In April 2000 an amendment to the Citizenship Act of 1951 was promulgated which enabled women of Pakistani descent to claim Pakistan nationality for their children born to foreign husbands. Previously only children whose fathers were Pakistani nationals could have Pakistani nationality. Some inequalities still persist: foreign women can acquire Pakistani citizenship through marriage with Pakistani men, but Pakistani nationality is not extended to foreign husbands of Pakistani women. **[4h]**

Discriminatory Legislation

6.140 During the late 1970's a series of discriminatory laws were introduced as part of a process of Islamization.**[50]** All consensual extramarital sexual relations are considered violations of the Hudood Ordinances, and carry Hadd (Koranic) or Tazir (secular) punishments. Accordingly, if a woman cannot prove the absence of consent, there is a risk that she may be charged with a violation of the Hudood ordinances for fornication or adultery. The Hadd or maximum punishment for this

offence is public flogging or stoning. For Hadd punishments to apply, especially stringent rules of evidence are followed. Hadd punishments are mandatory if evidentiary requirements are met; for sexual offences, four adult male Muslims must witness the act or the alleged perpetrator must confess. For non-Muslims or in cases where all of the 4 male witnesses are not Muslim, the punishment is less severe. The testimony of four female witnesses, or that of the victim alone, is insufficient to impose Hadd punishments; therefore, even if a man rapes a woman in the presence of several women, he cannot be subjected to the Hadd punishment. If Hadd punishment requirements are not met, the accused may be sentenced to a lesser class of penalties (Tazir); in practice most rape cases are tried at this level. Under Tazir a rapist may be sentenced to up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there is no distinction between Muslim and non-Muslim offenders. According to a police official, in most rape cases the victims are pressured to drop charges because of the threat of Hudood adultery or fornication charges against them if they cannot prove the absence of consent.**[2c]**

6.141 The Law of Evidence promulgated in 1984 denigrated women by reducing the value of the testimony of two women to equal one man in financial transactions.**[50]** In addition the code further states that in other matters the court "may" accept the testimony of one man or one woman. The inclusion of may whilst providing for the admissibility of women's evidence does not guarantee it will be admitted or given equal status to that of men.**[21a]**

6.142 Acts of domestic violence are not explicitly prohibited by law but will mainly fall under the Qisas and Diyat Ordinance of 1990. These are Islamic criminal laws dealing with murder, attempted murder and the crime of causing bodily hurt. Police and judges have tended to treat domestic violence as private or family matters, and were reluctant to take action in such cases. Thus it is difficult for women to obtain relief from the justice system in cases of domestic violence.**[2b][21a]** Domestic cases coming before criminal courts may be punished by Qisas (retribution) or Diyat (compensation). The victim or heir has the right to determine whether to exact retribution or compensation or to pardon the accused. If the victim or heir waives retribution or compensation Tazir or discretionary punishment in the form of imprisonment can be applied. This is determined by judges who decide whether to punish and the extent of the punishment.**[21a]** These laws are particularly damaging when applied to domestic violence as Qisas and Diyat cannot be invoked where the victim is a direct lineal descendant of the perpetrator.**[21a][2c]**

6.143 The Interior Minister, General (Rtrd.) Moinhuddin Haider, admitted the discriminatory nature of some laws in Pakistan in October 2000, when he said that all discriminatory laws against women should be repealed or amended to remove discrimination against women. In November 2000 Chief Justice Saeed uz Zaman Siddiqui told a convention of women lawyers in Islamabad that the laws and procedures in Pakistan were in need of urgent reform to halt the discrimination against women and said the Pakistan Law Commission was currently engaged in this task.**[4h]**

National Commission on the Status of Women

6.144 A National Commission on the Status of Women was set up by Ordinance on 17 July 2000, constituted on 16 August 2000, and finally began work at the beginning of September 2000. The Commission does not have enforcement powers with regard to its recommendations or judicial powers to stop violations. The Commission was headed by the North West Frontier Province Minister for Women, Development, and Population Welfare, Dr Shaheen Sardar Ali, who stated many times that operational plans were being developed to curb violence against women, including honour killings, domestic violence and sexual harassment. Criticism has been levelled at the Commission due to its lack of authority for enforcement or implementation of its recommendations.**[4h]** Despite its directive to safeguard and promote women's rights, the Commission had few powers to implement its mandate and in 2001 made little progress by way of setting forth concrete recommendations.**[21b]** In May 2002 the Commission announced that it had set up a special committee to review the controversial Hudood Ordinance. Justice Majida Rizvi, who became the Chairperson from 8 March 2002, said that the Commission had completed a review of the Citizenship Act and made recommendations to remove discriminatory language.**[33ac]**

Family Law

6.145 There is no uniform family law for all Pakistanis: for each religious community a separate set of laws apply. The legislation which applies to Muslim citizens is the Muslim Family Law Ordinance, 1961.**[51][23]** In addition to the Muslim Family Laws Ordinance of 1961, the Dissolution of Muslim Marriages Act 1929 lays down the grounds on which a woman may divorce her husband. The Muslim Family Law Ordinance of 1961 only applies to Muslim citizens of Pakistan; the Dissolution of Muslim Marriages Act 1929 applies to all Muslims in Pakistan, whether or not they are citizens of Pakistan.**[52][23]** By law the minimum age for marriage is 16 for girls and 18 for boys.**[4h]** According to the US Department of State Report civil marriages do not exist, marriages being performed and registered according to one's religion.**[2c]** However Amnesty International has reported that court marriages do take place, but inadequate records are kept of these.**[4h]** Polygamy is permitted but the Muslim Family Law Ordinance places some constraints on this, requiring a husband to apply to the local Union Council for permission and notify his existing wife of additional wives. These requirements are backed up by penal sanctions for contracting a polygamous marriage without prior permission.**[23][55a]** However difficulties in enforcing the application process and a reluctance of the judiciary to apply the penalties have been reported.**[55a]**

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The Position of Women In Society

Background

6.146 Significant barriers to the advancement of women begin at birth. In general female children are less valued and cared for than male children.**[2c]** It is estimated that 60% of the population is illiterate and that women form 60% of the illiterate population.**[50]** Figures for 1998 indicate a female literacy rate of 32.6% compared to 56.5% for males.**[50]** In some areas of rural Sindh and Baluchistan female literacy

rates are 2% or less.**[2c]** Although a small number of women study and teach in universities, postgraduate employment opportunities for women remain largely limited to teaching, medical services and the law. However an increasing number of women are entering the commercial and public sectors.**[2c]**

6.147 In 1999 Human Rights Watch reported that the situation of women in Pakistan varies considerably depending on geographical location and class. Women fare better in urban areas and middle and upper class sections of society, where there are greater opportunities for higher education and for paid and professional work, and women's social mobility is somewhat less restricted.**[21a]** These comments were echoed in a report dated July 2000 prepared for the Asian Development Bank which reported on the considerable diversity in the status of women across classes, regions and the rural/urban divide. This report attributed these differences to uneven socio-economic development and the impact of tribal, feudal, and capitalist social formations on women's lives. While recognising that generally women were subordinate to men in Pakistani society, the report also confirmed that women belonging to the upper and middle classes have increasingly greater access to education and employment opportunities and can assume greater control of their lives.**[50]**

6.148 In Baluchistan for example, it is traditional for women to stay at home. In the poorer villages they are unlikely to go out alone, or even vote without their husband's consent. These traditions are however by no means universal. In the large cosmopolitan cities such as Lahore, Karachi or Islamabad a woman wearing a burqa would be a rarity, with most women following Islamic custom by wearing a headscarf.**[28c]**

6.149 In a report, issued in April 2002, Amnesty International stated that whilst the Musharraf Government had acknowledged that women in Pakistan are disadvantaged and discriminated against, and made a range of commitments to ensure the adequate protection of women's rights, the record of achievements is uneven. Some improvements have been introduced largely at the state level, and some courts have made progressive rulings, however women's rights continue to be insufficiently protected.**[4h]**

6.150 In a report issued in August 2002, on the tribal justice system, Amnesty International reported that women do not as a rule have access to the tribal justice system. Women handed over as part of compensation agreements to settle revenge killings of "honour" crimes are not consulted, tribal leaders supporting this practice have argued that handing over women to settle a dispute produces blood bonds which make for lasting peace.**[4q]**

Domestic Violence

6.151 Domestic violence is a widespread and serious problem. Human rights groups estimate that anything from 70% to 90% of women are victims of domestic violence at the hands of their husbands, in-laws or other relatives. Husbands are known to have killed their wives for trivial offences. There are no specific laws pertaining to domestic violence except for the Qisas and Diyat ordinances, which are rarely invoked and may privatize the crime. Police and judges tend to see domestic

violence as a family problem and are reluctant to take action in such cases. Thus it is difficult for women to obtain relief from the justice system in cases of domestic violence.**[2c]** A study by the Punjab Women Development and Social Welfare Department released in October 2001 said that some 42% of women accepted violence as part of their fate, and over 50% of the perpetrators of the violence were male relatives.**[4h]**

6.152 During 2001 the press reported on hundreds of incidents of violence against women and drew attention to the killings of married women by relatives over dowry or other family-related disputes. Most of the victims were burned to death, allegedly in kitchen stove accidents; some women were reportedly burned with acid. During 2001 471 dowry deaths were reported, although according to one NGO only 60 to 70% of such cases are reported. During the year, 317 burn cases were reported to the Progressive Women's Association (PWA). **[2c]**

Honour Killings

6.153 The tradition of killing those suspected of illicit sexual relations in so-called "honour killings", in order to restore tribal or family honour, applies equally to offending men and women, however women are far more likely to be killed than men.**[4h]** Speaking in April 2000 General Musharraf condemned the practice of honour killings saying that, "killing in the name of honour is murder and will be treated as such".**[35ce]** However no immediate action took place to prove this commitment.**[4h]**

6.154 The HRCP estimated in 2001 that as many as 204 women were killed by husbands or family mostly as a result of honour killings or "Karo/Kari" (or adulterer/adulteress) in Sindh. Those suspected of illicit sexual relations are killed in order to restore tribal or family honour. The problem is believed to be even more extensive in rural Sindh. "Karo/kari" (or adulterer/adulteress) killings are common in rural Sindh and Baluchistan. Tribal custom among the Baluch and the Pathans also sanctions such killings. The Government has failed to take action in honour killing cases particularly when influential families have been involved. During 2001 it is estimated that more than 800 women were killed by family members in honour killings. **[2c]**

6.155 Amnesty International reported in April 2002 that the possibility of extracting compensation from a potential male victim has added another layer of fake "honour" crimes. In these cases husbands level charges of illicit relations between their wife and a rich man in the village, the killer then takes money to pardon the suspected man, gets rid of a wife or sister by killing her and additionally saves her share of property.**[4h]**

6.156 During the year, 317 burn cases were reported to the Progressive Women's Association. Human rights monitors assert that many cases are not reported by hospitals and even when they are the police are reluctant to investigate or file charges. Furthermore, human rights monitors agree that most 'stove deaths' are in fact killings based upon suspicion of illicit sexual relationship or upon dowry demands. Increased media coverage of cases of wife burnings, spousal abuse, spousal killing and rape has helped to raise awareness about violence against

women. The Government has failed to take action in honour killing cases, particularly when influential families are involved. **[2c]**

6.157 A spokesperson for the Progressive Women's Association, a women's NGO in Pakistan, stated in March 2002 that in 2000 the organisation had reported 295 cases of burning; of these 33% were pregnant, 68% under 18 and 60% killed in the name of honour by a family member. Conviction rates were however low at only 2%.**[41e]**

Rape

6.158 Marital rape is not a crime. The Hudood Ordinances abolished punishment for raping one's wife. However, the Commission of Inquiry for women has recommended reinstating penalties for marital rape. Marriage registration (nikah) sometimes occurs years before a marriage is consummated (rukh sati). The nikah marriage is regarded as formal marital relationship, and thus a woman or girl cannot be raped by a man to whom her marriage is registered, even if the marriage has not been entered into formally.
In addition, as the ordinance prohibits all extra marital relations, there is a risk that a woman who cannot prove her allegation of rape may herself be charged with a violation of the Hudood Ordinances for adultery or fornication.**[2c][21a]**

6.159 Rape is a pervasive problem. HRCP, in 2001, estimate that at least eight women, five of them minors, are raped every day, and two thirds of these are gang-raped. It has been estimated that less than a third of all rapes are reported to police, who rarely respond to complaints and may be implicated in these attacks. Judges, although on the whole reportedly reluctant to convict, have been known to convict the accused of the lesser offence of adultery or fornication (consensual sex). The law provides for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remain low. **[2c]** In July 2002 the gang-rape of a girl in a remote region of Jatoi in Punjab province was reported and attracted international attention. The rape was reported to have been ordered by a tribal jirga (village council) as a means of punishing her brother. The authorities acted on this matter arresting 13 people accused of the rape and providing police protection for the family of the victim.**[41k]** The case was referred to an anti-terrorism court which found six men guilty and sentenced them to death by hanging.**[35cm]**

6.160 Human Rights Watch in a report dated April 1999 noted that in the early years of the Zina Ordinance it was not uncommon for female victims in rape cases who had not proved their case to be prosecuted for adultery or fornication. However such cases were far less frequent in the late 1990's and some courts have specifically ruled that a woman's failure to prove an allegation of rape does not constitute prima facie evidence of her participation in illicit consensual sex.**[21a]**

6.161 Human Rights Watch report that women face problems in the collection of evidence. Doctors tasked to examine rape victims often believe that the victims are lying, and are trained insufficiently with inadequate facilities for the collection of forensic evidence pertaining to rape. Medical examiners and police personnel are sometimes physically or verbally abusive during examinations, especially in cases

where a woman is charged with adultery or fornication and does not wish to be examined. Such women, despite the fact that by law they should not be examined without their consent, have been examined and have even been beaten for their refusal. Women may also be harassed by police or alleged perpetrators into dropping cases.**[2c]**

6.162 In August 2002 Pakistan's highest Islamic court issued a key ruling that women forced into adultery should not face legal proceedings under Islamic Sharia law or the country's penal code.**[35cz]** The ruling was made in connection with the case of Zafran Bibi, who went to the police to register a case of rape but instead was charged with having an adulterous affair. A court in the conservative town of Kohat found her guilty of adultery and sentenced her to death by stoning. This sentence was set aside by the Federal Sharia court in June 2002 who ordered her immediate acquittal.**[35cy]** The ruling stated that no woman should be punished for the fact that she had been part of an act that had been carried out forcibly. It also ruled that pregnancy, in the absence of other evidence to show that adultery had taken place, did not provide grounds for punishment under Sharia law.**[35cz]**

Assistance Available to Women

6.163 Shelters for women at risk continue to be inadequate in number and the kind of support they offer.**[4h]** The organisation Lawyers for Human Rights and Legal Aid in conjunction with UNICEF has set up Madadgaar which can be contacted by a hotline and provides legal aid and advice and has links with shelters for women.**[53]**

6.164 A crisis centre for women in distress was opened in 1988 in Rawalpindi by the Progressive Women's Association. After several years of lobbying the Government, in 1997 the Government opened a centre in Islamabad with the assistance of the PWA and other local NGO's. The centre offers legal and medical referrals from volunteer doctors and lawyers, counselling from trained psychologists and a hotline for women in distress. During 2002 the crisis centre helped 89 women through legal and medical referrals, counseling from trained psychologists, and a hotline for women in distress. A second crisis centre in Vehari, southern Punjab, opened in 1998.**[2b][2c]** Six Women Crisis Centres were set up by the Government in late 1999 in different parts of the country in Islamabad, Vehari, Lahore, Sahiwal, Karachi and Peshawar. Within six months of their opening 780 women had approached them seeking legal aid, looking for shelter and medical help.**[4h]**

6.165 The state-run shelters (Darul Amans), some of which are severely overcrowded, have been described by women's groups as constituting virtual prisons where women are deprived of freedom of movement. Staff at these frequently advise women to accept reconciliation and return.**[4h]** A speaker at a seminar on "Legal and Shelter Facilities for Destitute Children and Women" in September 2001 said that in Karachi, a city of over 10 million people, there were only two shelters for destitute children and women, a Darul Aman and one run by the Edhi Foundation (a national and international NGO). In the country as a whole it was stated that there are 13 Darul Amans, three Edhi Centres and certain other privately-managed shelter houses not thought to be sufficient in number.**[33ad][54]**

Marriage

6.166 The class and caste system is a pervasive aspect of Pakistani society. Inter-caste marriages can cause problems, with mixed couples sometimes running a high risk of being killed. Although the legal system is designed to protect such individuals, police and the judiciary (particularly at the local level) may be unwilling or unable to offer effective protection from societal persecution.**[20b]**

6.167 According to a report by Amnesty International in 1998, several judgements over the last few years have stated that adult Muslim women have the right to marry men of their own choice, irrespective of their father's consent. There are nonetheless many instances of young women running away to marry men of their own choice, and subsequently living in fear of their male relatives' revenge for the woman's perceived disobedience and for "dishonouring" the family.**[4g]** On 6 April 1999, a woman seeking divorce was shot dead in her lawyer's office. The lawyer was also fired at but not injured, and a colleague was abducted by the perpetrators but eventually released.**[4k]** The issue gained widespread publicity following the killing.**[31a]** Amnesty International reported in April 2002 that women who chose to get married in court against the will of their parents may be charged with their husbands for extramarital relations. Court marriages can be difficult to prove as courts do not maintain mandatory records of marriages. **[4h]**
Civil marriages do not exist; marriages are performed and registered according to one's religion.**[2c]**

6.168 While the Government does not generally interfere with the right to marry, it has on occasion assisted influential families to prevent marriages that they opposed.**[2b]** In a significant ruling in January 2001 however, a Punjab court ruled in favour of a woman who claimed to have been forcibly married to her cousin three years previously. The woman stated that she feared for her life if she was sent back to her husband's house and court officials took her to a refuge for women. It was nonetheless unclear whether this ruling would set a precedent for similar cases.**[35s]**

6.169 There continue to be reports of the very early age at marriage of girls, despite the legal age being 16.**[4h]** In July 2002 it was reported that girls of 14 and 15 had been married to men of 77 and 55 years old as part of a compensation package to save four murder convicts on death row. It was reported that the Supreme Court had asked the local judiciary for details of the case.**[41j]** Other traditional practices also persist. A form of marriage specific to Pakistan takes place in rural Sindh where girls and women are married to the Koran.**[4h]** This practice, which keeps family wealth intact, prevents women married to the Koran from contact with males over 14, including those in their immediate family.**[2c]** The practice of watta-satta involves a brother and sister cross-marrying another pair of siblings. It involves a mutual exchange of property and does away with the need for a dowry. When relations of one couple encounter difficulties, the other couple is often negatively affected as well.**[4h]**

6.170 Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of their rights, and often laws are not observed. Few laws are printed in local languages. Some judicial reforms, aided by foreign funding, include plans to publish laws in Urdu, understood by the majority of citizens,

and by the end of 2001 some laws had been published in Urdu. The Commission of Inquiry for Women has recommended that marriage registration (nikahnama) be obligatory and that women, as well as men, have the right to initiate divorce proceedings. A husband is legally bound to maintain his wife until 3 months after divorce. A father is legally bound to maintain his children until they reach the age of 14 for males or 16 for females. The legal process is so complicated and lengthy it can take years for children to get maintenance.**[2c]**

Treatment of Women in Detention

6.171 Special women's police stations have been established in response to growing numbers of complaints of custodial abuse of women, including rape. These stations are staffed by female personnel, but receive even fewer material and human resources than regular police stations. According to the Government's own Commission of Inquiry for Women the stations do not function independently or fulfil their purpose. Despite court orders and regulations that only female officers may interrogate female suspects, women continued to be detained overnight at regular police stations and abused by male officers during. A Lahore newspaper alleged that of 80 confirmed cases in Lahore of police abuse, 3 were against women. **[2c]**

6.172 Female detainees and prisoners are held separately from male prisoners and detainees. According to the Progressive Women's Association, there were approximately 2,765 women in jail nationwide at year's end. Pretrial detainees often are not segregated from convicted criminals. **[2c]** Most jails in Pakistan, including special women's jails, are overcrowded with the vast majority of detainees awaiting or undergoing trial. Amnesty International reported in April 2002 that physical abuse continues to be rife in custodial institutions in Pakistan and women have been subjected to all the forms of torture and ill- treatment which men suffer in custody. These include beating, kicking, electric shock and hanging upside down; in addition women are subjected to gender-specific abuses including sexual harassment, public undressing and parading, and rape.**[4h]** Disciplinary action is known to have been taken in some cases, for example in October 2000 a district and sessions judge in Gujranwala recommended stern treatment against jail staff responsible for ill-treatment. **[4h]**

Political Representation

6.173 The Constitution of Pakistan places no restriction on women's participation in politics, however their presence in the political parties as well as in the political structure at the local, provincial and national levels remains insignificant due to cultural and structural barriers.**[50]**

6.174 The Musharraf Government announced in August 2000 that one-third of the seats in the forthcoming local council elections would be reserved for female candidates, although some political activists doubted that there would be enough female candidates in certain remote areas of the country to fulfil this requirement. Women participate in large numbers in elections, although some are dissuaded from voting by family, religious and social customs. One third of seats in the local elections were set aside for women, in some districts social and religious conservatives prevented women from becoming candidates, in other districts women

were elected unopposed. Human Rights Watch also reported cases of women being threatened and intimidated from voting in North West Frontier Province. **[2b][2c]**

6.175 At elections on 10 October 2002, 60 seats were reserved for women in the 342 seat National Assembly. **[35cf][2c]** There is one woman in the Cabinet and none in the Supreme Court. Prime Minister Jamali also has a female advisor. Provincial Governors appointed by General Musharraf also have named women to serve in provincial cabinets. **[2c]**

Property and Inheritance Rights

6.176 Despite women's legal rights to own and inherit property from their families, there are very few women who have access and control over their resources.**[50]** In inheritance cases women generally do not receive or are pressed to surrender the share of the inheritance they are legally due.**[2c]**

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Children

6.177 Pakistan has signed and ratified the following international instruments:

-Convention of the Rights of the Child
-Supplementary Convention on the Abolition of Slavery; the Slave Trade, and Institutions and Practices Similar to Slavery
-Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.**[15]**
-In September 2001 Pakistan signed but has not ratified Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
-Optional Protocol to the Convention on the Rights of the Child on the sale of children. child prostitution and child pornography**[29]**

6.178 The Government does not demonstrate a strong commitment to children's rights and welfare. There is no federal law on compulsory education and neither the federal or provincial governments provide sufficient resources to assure universal education. Only 65% to 70% of children under the age of 12 are enrolled in school, less than half of whom actually complete primary school. **[2c]**

6.179 The Constitution prohibited the employment of children aged 14 years and under in factories, mines and other hazardous occupations. Child labor is nonetheless common and results from a combination of severe poverty, greed and inadequate enforcement of relevant laws. In May 2000 the Government in conjunction with the International Labour Organisation issued a national policy and action plan to combat child labour. **[2c]** In April 2001 the Ministry of Labour received $1,700,000 to fund the national child labour action plan. **[2b]**

6.180 Violence against children, as well as child abuse and prostitution, remain serious problems. Child prostitution involving boys and girls is widely known to exist but is rarely discussed. In the aftermath of a September prison riot in Hyderabad,

military personnel discovered that adult prisoners sexually abused about fifty imprisoned minors. The Government had not taken any action against prison officials for permitting the abuse by the end of 2000. **[2b]** According to press reports there are several madrassahs (Islamic religious schools) where children are confined illegally and kept in unhealthy conditions. Sexual abuse of boys is widely believed to occur at some madrassahs. **[2c]**

6.181 Children are sometimes kidnapped to be used as forced labour, for ransom or to seek revenge against an enemy. In rural areas it is a traditional practice for poor parents to give children to rich landlords in exchange for money or land according to human rights advocates. These children are frequently abused by the landlords and held as bonded laborers. Landlords have also been known to pay impoverished parents for the 'virginity' of their daughters, whom they then rape. **[2c]**

6.182 There is only one jail in each province for convicted prisoners under 21 years of age, and children are frequently incarcerated along with the general prison population, sharing prison conditions that are extremely poor. Many children in prison are born to female inmates who were sexually abused by prison guards. Although Punjab and Sindh provinces have laws mandating special judicial procedures for child offenders, in practice children and adults are treated equally. According to a local NGO an estimated 4,200 children were held in the nation's prisons at the end of 2000 - some as young as 8 years old - compared to 4,000 in 1999. Imprisoned children often spend long periods of time in prison awaiting trial or a hearing before a magistrate, often in violation of the law. One child spent 3 years and 4 months awaiting trial. Children are subject to the same delays and inefficiencies in the justice system as adults. **[2b]**

6.183 Amnesty International reported that, in May 1999, 50 children were on death row in Pakistan. **[4m]** The most recent case in Pakistan was Shamun Masih - executed on 30 September 1997 for armed robbery and murder. He was 14 at the time of the offence. **[19b]** On 1 July 2000, the government passed the Juvenile Justice System Ordinance. The Ordinance, abolished the death penalty for minors under 18 years of age, guarantees that the government will provide children with legal assistance, prohibits children from being tried for crimes with adults, and prohibits the proceedings of juvenile courts from being published. **[2c]**

Child Care Arrangements

6.184 It was reported in September 2001 that in Karachi there are only two shelters for destitute children, one of these was the government run Darul Aman and the other run by the Edhi foundation. In the country as a whole there were 13 Darul Amans and three Edhi centres together with certain other privately-managed shelter houses.**[33ad]** In January 2002 the Ministry of Social Welfare and Women Development organised a workshop to formulate a national policy on orphan children. A research study funded by Unicef reported on the running of 55 institutions run by a number of organisations. **[33am]** SOS Children's Villages of Pakistan a private social welfare organisation runs a number of homes for orphaned, abandoned, and destitute children.**[56]** There are no state orphanages in Pakistan. Private ones tend to be linked to the madrassah system and there are also some Christian orphanages. The government has some facilities for

disabled children in the day care set up but there are no special orphanages for disabled children.**[9d]**

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Homosexuals

6.185 Homosexuality is widely practised in Pakistan although there are no statistics available to quantify this.**[9c]** Section 377 of the Penal Code makes criminal carnal knowledge of any man against the order of nature, with a penalty of two years to life imprisonment and the possibility of corporal punishment of 100 lashes.**[25]** Homosexuality is considered immoral**[20a]** but is tolerated in many parts of the country. It is disapproved of and would be considered unlawful and unIslamic by most Pakistanis.**[9c]** Known homosexuals are said to become social outcasts.**[20a]** Whilst it would be possible to have homosexual relations discretely it would be extremely difficult to live openly as a homosexual couple although much would depend on the social position of the couple and the attitude of the families.**[9c]**

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6 C Human Rights - Other Issues

Afghan Refugees

6.186 Pakistan has not signed the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol and has not adopted domestic legislation concerning the treatment of refugees. In December 1999, the office of the UN High Commissioner for Refugees (UNHCR) noted a change from the practice of granting 'prima facie' status to all Afghans in the country; under the current policy, all undocumented Afghan refugees are treated as aliens and potentially subject to deportation. In practice the vast majority who have entered the country are allowed to stay. **[2b]**

6.187 First asylum has been provided to refugees from Afghanistan since 1979, when several million Afghans fleeing Soviet occupation poured across the border. During 2001 UNHCR and the Government agreed a screening program of a limited number of Afghans at three camps in North West Frontier which gave temporary asylum to a number of refugees. This was suspended following the events of 11 September 2001 when the Government announced no new Afghan refugees would be accepted. On 3 November 2001 it was announced that limited numbers of vulnerable Afghan refugees would be allowed to enter. It is estimated that some 160,000 to 200,000 Afghan refugees entered the country between 11 September 2001 and the end of the year. At the end of 2001 there remained an estimated 1.5 million Afghan refugees in the country who have been granted first asylum and live in refugee camps. There were also an estimated 1.4 million unregistered Afghans in urban areas throughout the country. Many Afghan refugees are self-supporting and live and work outside refugee camps, which has resulted in some hostility among local communities whose residents resent the economic competition and believe that the refugees contribute to high crime rates. Several prominent Afghans were reportedly the targets of harassment and violence from Taliban supporters and conservatives in the refugee community. According to newspaper reports at least 10

Afghans were killed during 2000, reportedly for their political views.**[2b]**

6.188 Fears were growing about the safety of the refugee camps as aid agencies prepared for further movements of Afghan refugees following the US military action in Afghanistan in connection with the September terrorist attacks on Washington and New York. UNHCR expressed concern over the presence of angry mobs sympathetic to the Taliban. The UN requested greater security from the government and called for more suitable areas for refugee camps.**[35ae]**

6.189 After the events of 11 September 2001 an estimated 250,000 Afghans fled to Pakistan. Following the fall of the Taliban whilst refugees continued to flee mostly from food shortages, large numbers were returning home, an estimated 250,000 had returned since November.**[35bl]** In February 2002 UNHCR emphasised that peace within Afghanistan was the overriding factor in motivating refugees to return and estimated that in January 2002, 107,000 had returned from Pakistan.**[41f]** Assisted repatriation from Pakistan began in March 2002 with about 5,800 returning in the first three days.**[20d]** By early April a total of 160,000 had returned to Afghanistan from Pakistan under the assisted repatriation scheme.**[20e]**

6.190 In September 2002 the Pakistan government which had estimated the population of Afghan refugees as 3.4 million reported that this had fallen to only 1.8 million following the repatriation to Afghanistan. In Islamabad a population of Afghans estimated to have been 150,000 had fallen to a figure of just under 30,000. Other cities like Peshwar have seen their Afghan population similarly reduced.**[20f]**

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"Azad" Kashmir

Introduction

6.191 The princely state of Jammu and Kashmir was formed in 1846 when the British administration allowed the Hindu Chief of Jammu to purchase the Muslim territories of Kashmir and Gilgit. At independence in 1947 the Maharajah of Kashmir tried to preserve Kashmiri autonomy by opting for neither Pakistan nor India. A revolt among the Muslims of his western territories led the Maharajah to sign an instrument of accession to India on 26 October 1947.**[9b]**

6.192 Indian forces were immediately sent to the State. The Indian Prime Minister Nehru announced that once law and order had been established he was prepared to hold 'a referendum under international auspices like the United Nations' to determine the wishes of the Kashmiri people on their future. Pakistan army units became involved by May 1948.**[9b]**

6.193 The UN Security Council passed a number of resolutions calling for the withdrawal of Pakistani forces and most of the Indian forces, and for a plebiscite under UN auspices. A cease-fire came into effect on 1 January 1949 and in July India and Pakistan agreed a cease-fire line. A UN Military Observer Group has been in place monitoring this line (redefined as the "Line of Control" after the 1971 war) ever since.**[9b]**

6.194 Since 1989 there has been a growing and often violent separatist movement fighting for the independence of Kashmir. Both India and Pakistan however reject the so-called "Third Option" of Kashmiri independence.**[35a]** Pakistan argues that Kashmiris should be allowed to vote in a referendum on their future.**[35h]**

6.195 Relocation within Pakistan is a viable option for any Kashmiri having Pakistani citizenship. Nearly all residents of "Azad" Kashmir (meaning 'Free Kashmir') are Pakistani citizens and may live wherever they wish in Pakistan. The holding of Kashmiri political opinion would not normally cause any problems for a Pakistani Kashmiri in Pakistan.**[13]**

1965 and 1971 Wars

6.196 The status of Kashmir has remained a sensitive issue between India and Pakistan, with the majority of the population unreconciled to be part of India. The two countries went to war over the issue in 1965 and 1971. Under the peace agreement signed at Simla in July 1972, both sides agreed "to settle their differences by peaceful means through bilateral negotiations or by other peaceful means mutually agreed on between them", and they committed themselves to a final settlement of the problem.**[9b]**

6.197 The Indians have since held that by this agreement, Pakistan is precluded from invoking the United Nations resolutions in an effort to resolve problems with India. Pakistan does not accept this interpretation, and regularly calls for a peaceful settlement "on the basis of the UN resolutions and in the spirit of the Simla Agreement".**[9b]**

Line of Control

6.198 The princely state was divided into three. The Northern Areas and "Azad" Kashmir to the west of the Line of Control enjoy different degrees of autonomy from Pakistan. The area to the east of the Line of Control (Ladakh, the Kashmir valley and most of Jammu) became the Indian State of Jammu and Kashmir. On the Indian side Muslims form about 80% of the population in the Kashmir valley, while Hindus are in the majority in Jammu (about 65%).**[9b]**

6.199 The Line of Control runs over 700km of forested hills and inhospitable terrain. Villages are split and mountains bisected in some places. In some parts Pakistani and Indian troops face each other less than a hundred metres apart, whereas in others peaks of over 5,000 meters separate them.**[35b]**

Elections

6.200 Elections were held in "Azad" Kashmir for the legislative assembly on 30 June 1996. The "Azad" Jammu and Kashmir People's Party won a two-thirds majority of the 40 seats up for election. The "Azad" Jammu and Kashmir Muslim Conference, the PML and Independents each won a small number of seats. The Muslim Conference (AJKMC), who had controlled the state since the previous elections in June 1991, claimed that the polls had been rigged and refused to concede defeat. The People's

Party and the state election commission rejected these charges.**[6a]** In July 2001 however the AJKMC once again assumed power with the swearing in of Sardar Sikander Hayat as Prime Minister. **[35y]**

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Government

6.201 "Azad" Kashmir is broadly responsible for its own internal administration. The Ministry of Kashmir Affairs and Northern Affairs in Islamabad provides a linkage between the Government of Pakistan and that of "Azad" Kashmir. Pakistan is responsible for defence, external affairs, foreign trade, aid and currency.**[9b]** The territory also has a President.**[33j]**

6.202 Overall control of "Azad" Kashmir lies with the Pakistani Government in Islamabad, but there is considerable local control vested in the Kashmiri authorities in Muzaffarabad, the capital of "Azad" Kashmir.**[9b]**

6.203 "Azad" Kashmir has five administrative districts: Muzaffarabad, Poonch, Bagh, Mirpur and Kotli. It has a parliamentary form of government with a President as Head of State, a legislature consisting of the "Azad" Jammu and Kashmir Council (upper house) and the Legislative Assembly (lower house), an executive represented by a Prime Minister and a Council of Ministers. "Azad" Kashmir also has its own Supreme Court and High Court. The political parties operating in "Azad" Kashmir are separate from, but allied to, the parties in Pakistan.**[9b]**

6.204 According to a Jammu and Kashmir Liberation Front source, fair treatment in "Azad" Kashmir courts depends on the situation. However, the same source states that in general one has a better chance of finding fair judicial recourse in "Azad" Kashmir than in most areas of Pakistan - except when the charges relate to national security issues.**[12f]**

6.205 Following Pakistan's military coup of October 12 1999, "Azad" Kashmir's government continued to function - in contrast to the other four provinces of Pakistan which had small-scale administrations appointed by the new military regime. The former "Azad" Kashmir Prime Minister, Sultan Mahmood dissolved his Cabinet in January 2000, offering no explanation for this. Unnamed Kashmiri officials however claimed that the military rulers had pressed Mahmood to reduce the size of his Cabinet, which included sixteen ministers.**[32b]** In July 2000 the speaker of the legislative assembly for "Azad" Kashmir expressed his view that the National Accountability Bureau's jurisdiction should be extended to the territory, and that this would not clash with the constitution. Sultan Mahmood nonetheless dismissed reports that the NAB's jurisdiction was being extended to "Azad" Kashmir. He stated that the AJK government had plans to introduce its own law on the pattern of the NAB ordinance.**[33j]**

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1998 - 2000

6.206 Tensions increased in 1998 when India conducted five underground nuclear tests on the Pakistani border in May 1998, escalating a strategic arms race in the region.**[20a]** However, on 21 February 1999 the Pakistani and Indian Prime Ministers met at the "Lahore Declaration", and vowed to take steps to reduce "the risk of accidental or unauthorized use of nuclear weapons".**[19a]**

6.207 On 11 April 1999 India test-fired a long-range version of its nuclear-capable Agni missile. Pakistan responded by test-firing its Ghauri-II long–range missile on 14 April 1999.**[6j]** In early May 1999 independent observers claimed that an unusually large number of armed fighters moved from Pakistan into the high altitude passes on the Indian side of the Line of Control in Kashmir. On 26 May 1999 India launched two waves of air-strikes in Kashmir to dislodge the 400 reportedly Pakistani-backed Muslim guerrillas (who because of their commanding position were able to cut off the vital Srinagar-Kargil Leh highway).**[30a]** Following two months of bitter hostilities, Pakistan announced on 11 July 1999 that it had agreed with India on a plan for the infiltrators to withdraw. The agreement came exactly one week after Nawaz Sharif had travelled to Washington to talk with the US President Bill Clinton, and agreed to take “concrete steps” to end the fighting.**[6l]**

6.208 Tension along the Line of Control between Pakistan and Indian-held Kashmir was high during 2000, and there was shelling in several areas. A senior army official in "Azad" Kashmir estimated that approximately 143 civilians were killed on the Pakistani side of the Line of Control.**[2b]** Pakistan nonetheless signaled a shift in its Kashmir policy in February 2001. Instead of calling for a solution to the dispute with UN resolutions dating from 1948, the emphasis is leaning towards self-determination. This position connects with Pakistan's recognition of the All Parties Hurriyat Conference as the true representatives of the Kashmiri people and to agree with any solution that gained their support.**[35t]**

6.209 Tensions were also reportedly emerging between the Hurriyat Conference and the United Jihad Council - the umbrella group responsible for the militant organisations fighting in Kashmir. Militant leaders criticised Pakistan's recognition of the Hurriyat Conference, as the Hurriyat does not represent some militant groups. There were also signs that the Musharraf regime wanted to reduce the role of militant groups operating in Kashmir.**[35t]**

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Current Situation

6.210 Tensions rose sharply in October 2001 after India attacked 11 Pakistani positions along the LOC. A Pakistani spokesman said that one woman had been killed and 25 other civilians injured and called on India to put a stop to "state sponsored terrorism". The casualties were denied in Delhi where defence officials claimed the casualties were 11 Islamic guerillas.**[35ag]** A military build up on the border continued and was described as the biggest for 15 years, it was reported that the two countries were closer to war than they had been for 30 years. Tensions escalated further after an attack on the Indian parliament on 13 December 2001 which India blamed on Pakistan sponsored terrorists. Shelling continued in Kashmir and 19 Indian soldiers were killed accidentally when laying landmines.**[35aj]**

6.211 In late December India expressed satisfaction that Pakistan had started rounding up members of the more violent Kashmir groups. India gave Pakistan a list of its most wanted terrorists, the names were not made public but they included members of four groups involved in the struggle in Kashmir.**[35ak]** In January 2002 President Musharraf banned a number of groups including two, Lashkar-e-Toiba and Jaish-e-Mohammad who send fighters to Kashmir. The decision to ban the two militant groups met with mixed reaction in Pakistan; some arguing that Pakistan should continue to exert all possible pressure to force the Indians out, and others arguing that the Indians will never leave and Pakistan should look for compromise. These events had seen the mobilisation by India and Pakistan of thousands of troops in Kashmir and along their international borders but by the end of January 2002 there were indications that the risk of all out war had receded and tensions had been diffused.**[35al]**

6.212 On 14 May 2002 an attack on an army base at Kaluchak in Indian administered Kashmir left more than thirty people dead. No organisation claimed responsibility for this attack, but Indian officials suspected the Pakistan-based separatist militant groups LeT and JeM.**[35cn]** Following the attack tension between India and Pakistan increased and on 18 May 2002 India requested the return of Pakistan's High Commissioner to India.**[24e]** Also in May 2002 a leading moderate politician Abdul Ghani Lone was shot and killed while speaking at a rally in the city of Srinagar. An Indian Minister blamed the Pakistani Government, but they condemned the attack and described it as a setback to the peace process.**[35ci]** On 20 May 2002 Pakistan warned that any cross-border action by India would provoke retaliation.**[33ae]** Across the LoC exchanges of artillery and small arms intensified causing dozens of deaths mostly among civilians in border villages. In particular on 30 May 2002 at least 28 people, all but three of whom were civilians, were killed on either side of the LoC by heavy shelling.**[24e]**

6.213 International concerns over India's and Pakistan's capacities for waging nuclear war were higher than at any time since May 1998. International leaders from the UK, the US and Russia urged restraint on both sides and sent representatives to visit Islamabad and New Delhi in attempts to defuse the tension. At the end of May 2002 Pakistan conducted a series of three ballistic missile test launches, but officials insisted the tests were routine and had no connection with the Kashmir crisis.**[24e]**

6.214 During June 2002 tension on the border reduced, largely as a result of international pressure. Shelling across the LoC was reportedly reduced although there continued to be civilian casualties on both sides.**[24d]** On 13 July 2002 an attack took place in a shanty town near Jammu. It was reported that eight militants disguised as holy men entered the Qasim Nagar slum area, firstly throwing grenades and then firing. At least 27 Hindu civilians were killed. Officials in Indian-administered Kashmir said they suspected the Pakistani-based LeT and JeM.**[35cl]** Attacks by militant Islamic groups were reported to have stepped up in July 2002 and a grenade attack on a crowded market in Rajouri killed one and injured at least 18 others.**[35da]** Attacks suspected to have been undertaken by Islamic militants continued in August and September 2002.**[35ck][35cg]**

6.215 In September 2002 a sudden increase in militant violence in Indian-administered Kashmir was reported prior to state legislative elections in Indian-administered Kashmir. Hindus were targeted although Muslims too were killed. It was reported that at least eight people had been killed.**[35cg]** On 17 October 2002 an easing of tension between India and Pakistan was reported as they both stated their intention to withdraw hundreds of thousands of troops from along both sides of the border. The move was welcomed by the international community but is unlikely to lead to immediate peace talks. **[35cx]**

6.216 Militant violence has intensified in Indian-administered Kashmir in 2003. In March 2003, twenty four Kashmiri Hindus were shot dead in Nadimarg village. In April the Police arrested a militant member of Lashkar-e Toiba, the banned Pakistani militant group, who is suspected of planning the massacre. **[35dk]**
On 25 April 2003, suspected Islamic militants carried out a suicide raid on a security camp in Bandipur in Indian-administered Kashmir which left four dead. The militants are said to belong to Al-Madina Regiment. **[35dl]**
On 29 April 2003, eleven militants and six army soldiers were killed in a four-hour gun battle in mountainous forest of Bharat in the east of Jammu. **[35dm]**
In an effort to make progress over Kashmir, on 29 April 2003, Pakistan's Prime Minister Jamali invited his Indian counterpart Atel Behari Vajpayee to Islamabad for negotiations. **[35dn]**

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Northern Areas

6.217 The Northern Areas comprise Hunza, Gilit and Baltistan,**[2b]** and are administered by Pakistan - although they are not legally part of it. Following the 1949 cease-fire with India, Pakistan retained control of one third of the state of Jammu and Kashmir and India two-thirds. Of Pakistan's third, one strip established a separate administration and became known as "Azad" (free) Kashmir. The larger strategically important area to the north however - through which the Indus River runs - was taken under the direct administration of the government of Pakistan. At the time of Pakistan's independence the region's princes were willing to join Pakistan but their accession has never been accepted, causing great disappointment to the one million Muslim inhabitants. **[35z]**

6.218 Unlike Pakistan's other four provinces, the Northern Areas population have therefore had no political representation or status under Pakistan's constitution. Their affairs are under the control of a non-elected minister for the Northern Areas who is selected by the federal government.**[35z]**

6.219 The Pakistani viewpoint is that India could interpret accession of the Northern Areas as validation of the current status quo. The fear is that India could view this as an indication that Pakistan was prepared to accept the cease-fire line as an international border and that the UN resolutions (requiring a plebiscite to be held throughout the state) would no longer be relevant. Resentment among the local population remains

and an independence movement for the Northern Areas has been gaining adherents.**[35z]**

Treatment of Non-Governmental Organisations (NGO's)

6.220 The Musharraf Government made some attempts to ease some of the previous government's restrictions on NGOs. General Musharraf appointed several people with prominent NGO backgrounds to his Cabinet and many NGO workers reported a smoother working relationship with the Government during 2001. The new government in Punjab lifted the previous ban on NGO registration. **[2b]**

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Annex A

Chronology Of Events[35cj]

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.

1948 - First war with India over disputed territory of Kashmir.

Military rule

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.

War and secession

1965 - Second war with India over Kashmir.

1969 - General Ayubb 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.

Zia takes charge

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.

Bhutto comeback

1988 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.

Politics and corruption

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.

1999 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.

2000 December - Nawaz Sharif goes into exile in Saudi Arabia after being pardoned

by military authorities.

2001 June - General Musharraf names himself President while remaining head of the army.

2001 July - First meeting between President Musharraf and Indian Prime Minister Vajpayee for two years ends without a breakthrough or joint statement due to differences on Kashmir.

2001 August - President Musharraf cracks down on religious extremists and outlaws two groups, Sipah-I-Mohammad and Lashkar-I-Jhangvi.**[35aa]**

2001 September - Pakistan swings behind U.S in its fight against terrorism supporting attacks on Afghanistan. Some U.S. sanctions lifted.

Kashmir Tensions

2001 October - India fires on Pakistani posts in heaviest firing along the line of control for almost a year.

2001 December - India imposes sanctions against Pakistan to force it to take action against two Kashmir militant groups. Pakistan retaliates with similar sanctions. Indian and Pakistani troops mass along the border amid mounting fears of a looming war.

2002 January - President Musharraf bans five militant groups (Jaish-e-Mohammad, Lashkar-e-Toiba, Sipah-e-Sahaba, Tehrik-I-Jafria-I-Pakistani, Tehrik-Nifaz-e-Shariat-e-Mohammadi) and takes steps to curb religious extremism.**[33c]** Controversial electoral law restricting voting right of minorities abolished. Musharraf announces that elections will be held in October 2002.

2002 April - Musharraf held a referendum for voters to vote for him as President for another five years. Official figures show a turnout of 70% with a 98% majority. The referendum is criticised as unconstitutional and fraught with irregularities.**[33a][35av]**

2002 May - Two suicide attacks in Karachi claim 26 lives including 11 French technicians. Tensions increase again between Indian and Pakistan over Kashmir following attack on Indian Army camp.**[24e]** Pakistan test fires missiles. Musharraf tells nation that Pakistan does not want war but is ready to respond with full force if attacked.

2002 June - Britain and America maintain diplomatic offensive to avert war, urge their citizens to leave India and Pakistan.

2002 July - Election date announced-elections for lower house of parliament to take place on 10 October 2002.**[35bq]**

2002 August - President Musharraf grants himself sweeping new powers, including the right to dismiss an elected parliament. Opposition forces accuse Musharraf of perpetuating dictatorship.

2002 September - Security stepped up to coincide with 11 September 2001 anniversary in the wake of a number of attacks on western and Christian targets.**[35cq]**

2002 October - In transition from Military to Civilian government, elections took place on 10 October 2002 to elect representatives to the National and Provincial assemblies.**[35cu]** Results showed that no one party had an overall majority although the PML(Q) allied to President Musharraf won most seats.**[35cw]** EU observers and HRW voiced criticism over the election process.**[21c][19c]**

2003 February - The elections to the Senate took place.

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Annex B

Political Parties and Militant Groups

AWAMI NATIONAL PARTY (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]**

BALUCHISTAN NATIONAL MOVEMENT
Based in Quetta, led by Abdul Hayee Baluch.**[1]**

HARKAT-UL-MUJAHIDEEN
Kashmiri militant group, and also an international Islamic brigade. Composed mainly of Afghans, Pakistanis and even some Arabs.**[35o][49a]**

HIZBUL MUJAHIDEEN (HM)
One of the most powerful Kashmiri militant groups set up in 1990 in Kashmir, favouring integration of Kashmir into Pakistan. Their supreme commander is Syed Salahuddin who lives in Pakistan.**[35l]** HM has strong links with the Jamiaat-I Islami (JI) of Pakistan and most of the members of the HM are from the "Islami Jamiaat Talabe", the student wing of the JI. **[55b]** In July 2000, the Commander Abdul Majid Dar announced a three-month ceasefire against the Indian security forces, a pronouncement that created divisions and controversy among the militants. Eighteen months after the announcement, the leader of HM Mr Salahuddin removed Mr Dar from his position. **[35dh]**
Tension has been rising between the two rival factions of HM. The leader of one faction, the former commander Abdul Majid Dar, was killed by unknown assailants in March 2003. His supporters have accused Syed Salahuddin, the head of another faction of the group, over the killing. **[35dh]** On 3 April 2003, Saif-ul-Islam, the Chief Commander of HM was killed in a gun-battle between militants and Indian forces in Kashmir. **[35di]**

HURRIYAT (FREEDOM) CONFERENCE
Umbrella organisation, campaigns peacefully for an end to India's presence in Kashmir. Made up of at least twenty-three constituent groups including trade unions and religious and political organisations.**[35o]**

IMAMIA
Organisation affiliated to the Tehreek-e-Jaferia (TJP) Shia organisation (see below). The Imamia Students Organisation and the Imamia Organisation are reported to play an active role in TJP activities.**[49d]**

JAMAAT-i-ISLAMI (JIP) (aka JAMAAT-i-ISLAMI PAKISTAN) (Islamic Assembly)
Founded 1941. Seeks establishment of Islamic (Sunni) order; rightwing, led by Amir Qazi Hussain Ahmad.**[1]** Qazi Hussain Ahmad detained in April 2002 apparently to prevent a march he was organising against the referendum to extend Musharraf's term as President.**[35bk]**

JAMIAT-i-ULEMA- i-ISLAM (JUI)
Founded 1950; advocates adoption of constitution in accordance with Sunni teachings. Led by Maulana Fazlur Rehman.**[1]** As a consequence of the USA's pursuit of Usama bin Laden and his Taliban hosts in Afghanistan, the party called on its 500,000 members for clashes with the security forces following government support for a U.S. military build up in the region. In a threat of all-out civil war, the secretary-general of the party threatened to fight the U.S. and its supporters if an attack on Afghanistan materialised.**[14b]** Despite a poor showing in the last general election (gaining only two seats in the senate and four in the national assembly) the JUI is still relatively powerful in the tribal areas that cover Pakistan's frontier with Afghanistan. Its structure has parallels with that of the Taliban, consisting of a loose grouping of Islamic scholars and religious figures.**[14b]** The JUI leader was charged with treason after calling on his followers to attack members of Pakistan's armed forces.**[35af]**

JAMIAT-i-ULEMA- i-PAKISTAN (JUP)
Founded 1948; advocates progressive Sunni Islamic principles and enforcement of Islamic laws in Pakistan. **[1]**

JAMMU AND KASHMIR LIBERATION FRONT (JKLF)
Was one of the most active militant groups, but today appears to have a dwindling membership and less military power.**[35o][49f]**

JEAY SINDH QAUMI MAHAZ (JSQM)
A partner of the MQM (A), the JSQM's interest is the inhabitants of the Sindh province.**[33t]**

KHATME NABUWWAT (Committee to Secure the Finality of Prophethood
Originally a small Muslim political party, adopted name in 1970's apparently to attract orthodox Muslims. Has called for the banning of the Ahmadi movement and the killing of its members.**[12b]**

MUTTAHIDA QAUMI MOVEMENT (MQM) (United National Movement)
Founded 1978 as the All Pakistan Mohajir Students Organisation; became Mohajir Qaumi Movement in 1984; renamed as Muttahida Qaumi Movement in 1997. Represents interests of Urdu-speaking Mohajir Muslims who migrated from India at partition in 1947. Seeks the designation of Mohajir as the fifth nationality (after Sindhi, Punjabi, Pathan and Balochi). Split into two factions in 1992: MQM (Altaf) headed by Altaf Hussain and the smaller MQM (Haqiqi)**[1][49g][49h]**

PAKISTAN MUSLIM LEAGUE (PML)
The PML was established in 1962 and has long been beset by factional rivalries and divisions. By 1995 the largest faction was the PML(Nawaz) or PML(N) lead by Nawaz Sharif. In 1993 elections the PML(N) won 73 seats in the National Assembly and formed the core of the opposition. The PML(J) Junejo group lead by Hamid Nasir Chatto won six seats and joined in coalition with the PPP-led government. Since Nwaz Sharif's trial, conviction and exile effective leadership of the PML(N) has passed to Javed Hashmi as acting president. Recently a PML(Q) (Quaid I Azam), leader Mian

Azhar, has emerged to offer broad support to President Musharraf's government.**[26]** In May 2001 Pir Pagara leader of the PML(Functional) was reported to have written to the heads of nine groups in an effort to unite the various factions of the party.**[33ag]** The PML student organisation is the **Muslim Student Federation** (MSF) **[20a]**

PAKISTAN PEOPLE'S PARTY (PPPP)
Founded 1967 by Zulfikar Ali Bhutto. Advocates Islamic socialism, democracy and non-aligned foreign policy. Chaired by Benazir Bhutto; main power base in Sindh. - the Bhutto's homeland. **People's Student Federation** is PPP student organization; **People's Youth Organization** is PPP youth organization. Party became an amalgamation of socialists and conservatives, to be dominated by the latter.**[20a]** PPP (Parliamentarians) set up in early August 2002 under leader Makhdoom Amin Fahim-a tactical move to aviod PPP disqualification from contesting October 2002 elections under one symbol, as leader Benazir Bhutto is not legally allowed to hold any office. Now called PPP Parliamentarians.**[33ah]**

TEHRIK-I-INSAAF (Movement for Justice)
Founded 1996, led by Imran Khan. Based in Lahore.**[1]**

UNITED JIHAD COUNCIL
Umbrella group of fourteen militant groups based in "Azad" Kashmir.**[35l]**

JAISH-E-MOHAMMAD
Meaning "Army of Mohammad". Formed recently by an Islamic cleric, Maulana Massod Azhar, who was released from an Indian jail in December 1999 following the hijack of an Indian airliner.**[35o]** One of five extremist groups banned by President Musharraf in January 2002.**[33c]**

LASHKAR-e-TOIBA (LASHKAR-E-TOYEBA)
Meaning "Army of the Pure". Armed and violent Kashmiri militant group, based in the Punjab and numbering approximately 300 activists. Advocates Islamic rule over all parts of India, and engages in suicide attacks. Has been linked with numerous killings.**[35m]** Made up predominantly of non-Kashmiri fighters, and is thought to embrace a rigid form of Sunni Islam**[35o]** One of five extremist groups banned by President Musharraf in January 2002.**[33c]**

LASHKAR-i-JHANGVI
Military wing of the Sipah-i-Sahaba-i-Pakistan.**[18b]** A Sunni-Deobandi terrorist outfit.**[49b]** One of the most violent religious groups in Pakistan, believed to be responsible for killing scores of Shia Muslims**[32c]** The group was outlawed by General Musharraf in August 2001, following a reported crackdown on religious extremists.**[35aa]** Members of the group were suspected of involvement in two bombs targeting foreigners in Karachi in May and June 2002. Founder/leader Riaz Basra was killed by police in Punjab in May 2002. Akram Lahori is believed to be the new head of the organisation.**[35bn][49b]** Reported to have links with Taliban in Afghanistan and Al Qaeda terrorist group.**[49b]**

SIPAH-I-MOHAMMAD
Shia militant organisation formed as a reaction to Sunni violence.**[20b]** General Musharraf outlawed the group in August 2001, following a reported crackdown on religious extremists.**[35aa]** Leader Ghulam Raza Naqvi currently in prison.**[49c]**

TEHRIK-NIFAZ-E-SHARIAT-E-MOHAMMADI(TNSM)
Militant Islamic movement which waged an armed struggle in the mid-1990's for the introduction of an orthodox Islamic system in Malakand NWFP.**[38]** Leader Maulana Sufi Mohammad led hundreds of tribal young men into Afghanistan in late 2001 to fight alongside the Taliban.**[35bj]** One of five extremist groups banned by President Musharraf in January 2002.**[33c]**

TEHRIK-I-JAFRIA-I-PAKISTAN (TJP)
Founded 1987 as political party. Shia extremist; leader Allama Sajid Ali Naqvi.**[1]** Prominent Shia terrorist group involved in anti-SSP campaigns, violence, and killings.**[49d]** One of five extremist groups banned by President Musharraf in January 2002.**[33c]**

SIPAH-I-SAHABA-I-PAKISTAN (SSP)
Founded in 1984 as the Anjuman Sipah-i-Sahaba-i-Pakistan at a time of growing anti-Ahmadi sentiment. Have always been strongly anti-Ahmadi, but more recently have turned to harassing and attacking Shia Muslims.**[20b]** Military wing is the Lashkar Jhangvi**.[18b]** One of five extremist groups banned by President Musharraf in January 2002.**[33c]** Maulana Azam Tariq current head, SSP is considered the most powerful extremist group in the country.**[49e]**

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Annex C

Prominent People

A. THE GOVERNMENT: [33ap]

• President	General Pervez Musharraf
• Prime Minister	Mir Zafarullah Khan Jamali
• Foreign Affairs (Law, Justice and Human Rights)	Mian Khursheed Mehmood Kasuri (PML-Q)
• Minister of Commerce	Humayoon Akhtar Khan (PML-Q)
• Education Minister	Zubaida Jalal (PML-Q)
• Health Minister	Mohammad Nasir Khan (PML-Q)
• Industries & Production	Liaqat Ali Jatoi (PML-Q)
• Information & media	Sheikh Rashid Ahamd (PML-Q)
• Labour, Manpower, Overseas Pakistanis	Abdul Sattar Laleka (PML-Q)
• Railways	Ghaus Bakhsh Khan Sherapo (PPP-S)
• Water and Power	Aftab Ahmad Khan Sherpao (PPP-S)
• Defence Minister	Rao Sidandar Iqbal (PPP forward bloc)
• Interior & Narcotic Control	Makhdoom Syed Faisal Saleh Hayat (PPP forward bloc)
• Petroleum and Natural Resources	Chaudhry Norez Shakoor Khan (PPP forward bloc)
• Information Technology & Tele-communication	Awais Ahmad Khan Leghari (National Alliance)
• Food, Agriculture	Sardar Yar Mohammad Rind (National Alliance)

The seven ministers of state are:
Khalid Ahmad Khan Lund, Rais Munir Ahmad, Hamid Hayat Khan Hiraj, Tahir Iqbal, Sikandar Hayat Khan Bosan, Habibullah Waraich and Raza Hyat Hiraj. **[33ap]**

B. Others:

AZHAR, Mian Mohammad
Newly elected leader of the PML following Nawaz Sharif's exile to Saudi Arabia. Had been openly critical of Nawaz Sharif's government.**[35u]**

BHUTTO, Benazir
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. 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. She 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 Zia's death in 1988, she became one of the first democratically elected female prime ministers in an Islamic country. 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. She has steadfastly denied the corruption charges against her, which she says are politically motivated and left Pakistan in 1999 to live abroad shortly after her conviction.**[35w]** In April 2001 the Supreme Court nonetheless set the corruption convictions for her and husband Asif Zardari aside, citing bias on the part of the original trial judge and ordered a retrial.**[33t]**

BHUTTO, Zulfikar Ali
Former leader of PPP. Won a majority of the National Assembly seats for West Pakistan in December 1970 elections. Following the 1971 civil war (culminating in the creation of Bangladesh from East Pakistan) Bhutto became president of Pakistan in December 1971. After new Constitution was adopted in August 1973, Bhutto became executive Prime Minister. Was re-elected in March 1977, but deposed in a military coup in July. Found guilty of instigating the murder of PPP dissident, and was executed in April 1979.**[1]**

JINNAH, Muhammad Ali
Leader of Muslim League and popularly known as Quaid-i-Azam ("Great Leader"). Became first Governor-General of Pakistan when country created in August 1947, but died the following year.**[1]**

HUSSAIN, Altaf
Founder member and leader of Muttahida Qaumi Movement (MQM). Has been in the UK since 1992 after he and other leaders were declared wanted criminals following violence within the MQM, and the imposition of a curfew on MQM controlled areas of Karachi. In 1994 he was sentenced in absentia to 27 years' imprisonment on charges of terrorism.**[1]**

MUSHARRAF, Pervez
Appointed Army Chief of Staff on October 1998 by Prime Minister Nawaz Sharif. Overthrew Sharif's government in the October 1999 military coup and became the country's 'Chief Executive'. Was born in New Delhi in 1943, and his family migrated to Pakistan in 1947 after the sub-continent was divided following British rule. Grew up in Karachi, and joined the army in 1964, fighting in the 1965 and 1971 wars with India.**[14a]**

SHARIF, Mohammad Nawaz
Groomed for power by late General Zia; led Islamic Democratic Alliance to victory in 1990 elections and appointed Prime Minister. Dismissed April 1993 following political crisis; accused by president of maladministration, nepotism and corruption. Sharif's government was restored to power after Supreme Court ruled president's order had been unconstitutional. Sharif's faction of Muslim League failed to win sufficient seats in 1993 elections, but party swept to power in 1997 elections, after which Sharif became prime minister once again. Had been a Punjab provincial minister in 1981; Chief

Minister in 1985.**[6f]** Overthrown in the military coup of 12th October 1999, and sentenced to life imprisonment on charges of hijacking and terrorism on 6th April 2000.**[35e]**

UL-HAQ, MOHAMMAD ZIA
General and Army Chief of Staff, appointed Chief Martial Law Administrator following July 1977 coup. Became president in 1978 and postponed indefinitely the expected elections. Zia pursued a policy of "Islamisation" of country's institutions, which was confirmed in the December 1984 referendum. Martial law repealed in December 1985 and Constitution restored. Zia remained president. Killed in air crash on 17 August 1988.**[1]**

ZARDARI, Asif Ali
Benazir Bhutto's husband. Arrested following dismissal of PPP government in 1990 on charges
of extortion, kidnapping and financial irregularities; later acquitted. In July 1996 appointed as Minister of Investment in Benazir's cabinet, which drew much criticism. Arrested following dismissal of government in 1996, and charged with the murder of his brother-in-law, Murtaza Bhutto, as well as illicit shipment of a container of antiques to the couple's Surrey mansion. Elected Senator as PPP nominee while in prison during 1997.**[6e]** Pleaded not guilty in October1998 to Ehtesab Commission's charges of corruption in October 1998.**[6h]** He and Benazir convicted of corruption on 15 April 1999 and sentenced to five years' imprisonment and disqualified from holding public office for up to ten years.**[24b]** Appealed to the Supreme Court on 10 May 1999. It was alleged by police on 18 May 1999 that Zardari attempted suicide by cutting his throat on glass. However, Zardari's lawyers claimed that t at was a fabrication to cover up the fact that he had been tortured. The following day he was taken to hospital. Nawaz Sharif reportedly ordered a judicial inquiry into Zardari's injuries.**[24c]** In April 2001 the Supreme Court set the corruption convictions for Zardari and Benazir Bhutto aside, citing bias on the part of the original trial judge and ordered a retrial.**[33t]**

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